

MINUTES

ARCHITECTS COMMITTEE OF THE UNIFIED BOARD OF THE DIVISION OF DESIGN PROFESSIONALS WITHIN THE DEPARTMENT OF BUSINESS REGULATION (DBR)

DATE: March 19, 2008

**PLACE: Department of Administration
One Capitol Hill, Conference Room C
Providence, RI 02908**

MEMBERS PRESENT: Dana A. Newbrook, Wilbur E. Yoder, James R. Carlson, Joseph A. Cirillo and Barbara Feibelman

MEMBERS ABSENT: None

**OTHERS PRESENT: Richard W. Berstein, DBR Executive Counsel
Peter N. Dennehy, Deputy Chief Legal Counsel, Dept. of Admin.
Dawne Broadfield, Committee Executive**

CALLED TO ORDER: Chair Newbrook called the meeting to order at 8:48 a.m. to commence Committee business.

Attorney Dennehy left at 9:32 a.m.

ACCEPTANCE OF THE MEETING MINUTES

- **The Unified Board of Design Professionals Division approved this Committee's February 20, 2008 minutes at its February 27, 2008 meeting**

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 8:50 a.m. pursuant to RI General Laws, §42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Vice-Chair Yoder seconded. Motion approved.

(2) Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 9:10 a.m. pursuant to R.I.G.L. §42-46-4. Vice-Chair Yoder seconded. Motion approved.

(3) Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Vice-Chair Yoder seconded. No votes were recorded at this time. Motion approved.

(4) Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such

time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Vice-Chair Yoder seconded. Motion approved.

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OLD BUSINESS

(1) Legislation - 2007 – H – 5300 Sub A – Article 3 - Reorganization

• Discussion on Proposed Amendments to the “Rules and Regulations” to include the new “Division of Design Professionals” within the Department of Business Regulation (DBR) per Chapter 73, Article 3, Section 13(a), of the Public Laws of 2007.

Ms. Feibelman’s suggested changes were incorporated into the most current draft dated February 20, 2008 of the Rules and Regulations that are being revised to incorporate the new Division of Design Professionals under the DBR.

Attorney Bernstein commented that he talked to Director Marques on the Rules and Regulations. The Rules and Regulations need a minuscule revision to reflect that this is the Architects Committee of the Unified Board, not the Board of Examination and Registration of

Architects. Director Marques believes that there is only one Board and wants it to be consistently reflected in all documents and that the title is form over substance. Attorney Berstein will work with Mrs. Broadfield to get the right verbiage in the document.

Attorney Dennehy raised the issue of the name as Board of Examination and Registration of Architects, a Committee of the Unified Board. Attorney Dennehy stated that specific sections of the General Laws refer to the "Boards". These have not been specifically changed and if the name becomes "Committees" the laws are not consistent.

Attorney Berstein stated that Director Marques feels that these laws are superseded by the more recent statute. Attorney Berstein did not think that there are going to be any significant issues if the document says Rules and Regulations for the Architects Committee of the Unified Board and make the document consistent throughout. Attorney Berstein stated that his recommendation would be to defer to Director Marques that the simplified titles be used and that when these Rules and Regulations are amended there will be a public hearing, listen to the public, and then take the next appropriate steps.

Ms. Feibelman stated that she was still confused and she read the memo that Attorney Dennehy sent to this Committee in July 2007 outlining the new statute, item 3 says the "Boards" shall retain their respective statutory authority. That is where she is completely

confused because this new legislation does not mention the word “Committee” and certainly the new statute does not. Therefore, this is a DBR departmental interpretation of the law.

Attorney Bernstein stated this Committee is now a Division of the DBR and Director Marques is the Director and has significant statutory authority over the Divisions.

Chair Newbrook questioned the ability of this Committee to remain a Board member of the National Council of Architectural Registration Boards (NCARB). Attorney Bernstein stated that it would not change. Chair Newbrook stated that it does if this Committee is not recognized as such.

Attorney Bernstein suggested that this Committee send a letter to NCARB stating that due to a statutory change this Committee’s substantive role has not changed but is now being referred to as the “Architects Committee”. Ms. Feibelman stated that the letter would also have to indicate that this is due to an interpretation by the DBR Director of the Division.

Secretary Carlson asked Attorney Bernstein, for the record, if that was his legal advice to this Committee. Attorney Bernstein stated that his legal advice to this Committee was because this Committee is a Division of the DBR. Statutorily, Director Marques has wide discretion on how to run Divisions and how to interpret statutes.

Director Marques has the legal authority to impose what he believes is the statutory intent of the new legislation and does have the authority to try to make work what everyone agrees is a very ambiguous and poorly written statute. Director Marques does have the authority to have all of his Divisions adhere to what he believes is his statutory interpretation of the legislative intent. Attorney Bernstein suggested that this Committee might want to get others who are not on the Committee to testify at the hearing on the Rules and Regulations. Then if there was an outpouring of concern, Director Marques would consider the public input.

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Secretary Carlson stated that he did not think that any of the Board members disagreed with the fact that the intent of the new legislation was to create one Board. However, the legislation stated that the one Board is to be called a Division and then it goes on to call the various pieces of that Division “Boards”. Secretary Carlson respectfully suggested that it is their duty as the “Board” to bring forth Rules and Regulations to a public hearing that they believe are correct. To do anything other than that would not be doing this Board’s duty. If Director Marques chooses to change the Rules and Regulations that this Committee produces, then that issue can be addressed if that time comes. Secretary Carlson suggested to this Committee that after listening to its Counsel’s advice that they respectfully disagree with it and should act as they believe correct for Architects as the Board.

Ms. Feibelman suggested that this Committee approve the modified Rules and Regulations as they are interpreted and move forward. Attorney Berstein stated that if these Rules and Regulations move forward, Director Marques will change them.

Attorney Berstein stated that he wanted the minutes to reflect that if the Committee moves forward it is against the advice of this Committee's Counsel.

Secretary Carlson asked Attorney Berstein if he felt that he has a conflict of interest representing both Director Marques and an opposing position of this Board. Attorney Berstein stated that because this Committee reports to Director Marques as a Division, Director Marques would appreciate respecting his interpretation. Vice-Chair Yoder asked for the same appreciation. Attorney Berstein stated to Secretary Carlson that he was suppose to call Director Marques and have a meeting and he never called. Secretary Carlson previously asked if he could meet with Director Marques and is deciding when and if he will request a meeting. Secretary Carlson stated that he intends to abide by the rules and will meet with the Director if the Director desires.

Attorney Berstein stated that he does not have a conflict of interest because the titles this Committee is arguing about is form over substance. This Committee is a part of DBR and these titles are what

Director Marques has mandated. Attorney Berstein felt that as Counsel to this Committee that it is in their best interest to respect the authority of Director Marques and that is not a conflict. If this goes on, Director Marques may ask for resignations from this Committee.

Ms. Feibelman recommended that at this point the Committee should hold this issue for a month, talk about it some more and investigate how strongly their constituents feel about this issue. Ms. Feibelman is very concerned about whether or not this change would in the end effect their ability as a Committee/Board to do the good work that it has tried to do and has done. Ms. Feibelman thought that they need to talk to the Architects in the community to see what kind of support they would have before making this an issue, because if no one attends the public hearing, the Rules and Regulations will be changed anyway by DBR.

Attorney Berstein asked why no one made an effort to go to the legislature to change this legislation. Secretary Carlson replied that they were advised by Attorney Dennehy not to do that. The Board then took Attorney Dennehy's advice and is now concerned in taking Attorney Berstein's advice due to the fear of losing its statutory authority to regulate Architects. The current law says this Board maintains their statutory authority to regulate Architects. That is the piece of the legislation that allows this Board to continue.

Ms. Feibelman moved that this Committee not take action on these proposed Rules and Regulations for a month. Secretary Carlson seconded. Motion approved.

(2) Sanderson Association Medical Facility in Smithfield, RI – Review of David W. Fish agreement.

Secretary Carlson is the investigator.

Per the final “Settlement Agreement”, a report is due from Mr. Fish on March 26, 2008. To date, this Committee has not received the report.

Secretary Carlson moved to continue. Vice-Chair Yoder seconded. Motion approved.

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BLUE BOOKS (RECIPROCITY)

(A) Secretary Carlson moved to approve the following Blue Books as submitted with an expiration date of December 31, 2009. Vice-Chair Yoder seconded. Motion approved.

(1) COHEN, Douglas J. (7) QUADRINI, Armand S.

(2) DAVIS, William K. (8) SEVERINO, May G. Z.

(3) EVANS, S. Michael (9) SHORT, David W.

(4) FINDLER, Alice B. H. (10) TORIELLI, Joel C.

(5) MACKENZIE, Kenneth J. (11) WILLIAMS, Ronald D.

(6) PINZONE, Joseph C. (12) ZIMMERMAN, Peter H.

BLUE BOOK (REINSTATEMENT)

(A) Vice-Chair Yoder moved to approve the reinstatement of the Blue Book as presented with an expiration date of December 31, 2009. Mr. Cirillo seconded. Motion approved.

(1) DURFEE, James B, #2663

GREEN BOOK (APPROVAL TO TAKE ARCHITECTURAL REGISTRATION EXAM)

(A) Vice-Chair Yoder moved to approve the following Green Book as submitted. Secretary Carlson seconded. Motion approved.

(1) GREENE, Sean

CERTIFICATES OF AUTHORIZATION APPLICATIONS (See Attached List)

(A) Mr. Cirillo moved to approve the applications for Certificates of Authorization for the Sole Proprietorships for James R. Carlson; Jeffrey L. Lykins, AIA; Joseph J. Minuta; and Robert Christian Schmitt as submitted. Vice-Chair Yoder seconded. Secretary Carlson recused himself from this vote. Motion approved.

(B) Mr. Cirillo moved to approve the application for Certificate of Authorization for the Limited Liability Company (LLC) for George Penniman Architects LLC as submitted. Vice-Chair Yoder seconded. Motion approved.

(C) Mr. Cirillo moved to approve the Amended Change in Responsible Control deleting Edward W. Bredow for the application for Certificate of Authorization for the Corporation for BL Companies New England, Inc., #A-14,363 as submitted. Vice-Chair Yoder seconded. Motion approved.

(D) Mr. Cirillo moved to approve the applications for Certificates of Authorization for the Corporations for BSA Lifestructures, Inc.; CSO Architects, Inc.; Charles Cunniffe Architects, P.C.; Gruskin Architecture + Design, P.C.; and Scott & Goble Architects as submitted. Vice-Chair Yoder seconded. Motion approved.

NEW BUSINESS

(1) Review of Architect Renewal Applications for Compliance of the Continuing Education Audit for the following:

- Bruce W. Bisbano**

Secretary Carlson moved to approve Mr. Bisbano's renewal application. Ms. Feibelman seconded. Motion approved.

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- **Kevin H. Cleary**

Secretary Carlson moved to approve Mr. Cleary's renewal application. Ms. Feibelman seconded. Motion approved.

- **Thomas J. DeLuca**

After review of Mr. DeLuca's renewal application, Secretary Carlson indicated that Mr. DeLuca was four (4) hours short of the required total. Mr. DuLuca did have the required health, safety and welfare (HSW) by the American Institute of Architects (AIA) courses submitted. Mr. DeLuca is also a realtor and had continuing education for his real estate license. He submitted via email a Table of Contents of the continuing education that he took for his real estate license. Secretary Carlson thought that there was at least four (4) hours worth of non-HSW.

Based on the information received, Secretary Carlson moved to approve Mr. DeLuca's renewal application. Ms. Feibelman seconded. Motion approved.

- **Robert McStott Lucius**

Secretary Carlson moved to approve Mr. Lucius' renewal application. Ms. Feibelman seconded. Motion approved.

- **Edward A. Rowse**

Secretary Carlson moved to approve Mr. Rowse's renewal application. Ms. Feibelman seconded. Motion approved.

(2) Requesting an Extension for Completion of the Required Continuing Education.

- **Herman Hassinger**

Secretary Carlson moved an Extension for Completion of the Required Continuing Education to be completed by March 31, 2008. Ms. Feibelman amended the motion to extend the completion for another month ending April 30, 2008. Secretary Carlson accepted Ms. Feibelman's amendment to his motion. Vice-Chair Yoder seconded as amended. Motion approved.

(3) Renewal Application Subject to Disciplinary Action in this State – Board will review.

- **Gene S. Raymond Jr.**

Secretary Carlson moved to approve Mr. Raymond's registration renewal and to send a letter to him indicating that the issue is closed and that if he wishes to practice architecture in Rhode Island he would need to obtain a Certificate of Authorization (COA). Vice-Chair Yoder seconded. Motion approved.

(4) Requesting Emeritus Status

- **Francis V. Vitetta**

Secretary Carlson moved to approve emeritus status for Mr. Vitetta. Ms. Feibelman seconded. Motion approved.

ADJOURNMENT

Chair Newbrook informed the Committee that the next Committee meeting is scheduled for April 16, 2008 at 8:30 a.m. at One Capitol Hill, Conference Room C, Providence, RI 02908. Vice-Chair Yoder moved to adjourn the meeting at 9:52 a.m. Mr. Cirillo seconded. Motion approved.

Respectfully submitted,

**James R. Carlson, NCARB, AIA
Secretary**

JRC/dmb

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C. O. A. APPLICATIONS

Board Meeting of MARCH 19, 2008

SOLES

JAMES R. CARLSON - 0 - APPROVED – 03/19/08

JEFFREY L. LYKINS, AIA - 0 - APPROVED – 03/19/08

JOSEPH J. MINUTA - 0 - APPROVED – 03/19/08

ROBERT CHRISTIAN SCHMITT - 0 - APPROVED – 03/19/08

PARTNERSHIP

LIMITED LIABILITY COMPANIES

GEORGE PENNIMAN ARCHITECTS LLC \$100. APPROVED – 03/19/08

CORPORATIONS

BL COMPANIES NEW ENGLAND, INC. - 0 - APPROVED – 03/19/08

A-14,363 – Deletion of responsible control: Edward W. Bredow

BSA LIFESTRUCTURES,INC. \$100. APPROVED – 03/19/08

CSO ARCHITECTS, INC. \$100. APPROVED – 03/19/08

CHARLES CUNIFFE ARCHITECTS, P.C. \$100. APPROVED – 03/19/08

**GRUSKIN ARCHITECTURE + DESIGN, P.C. \$100. APPROVED –
03/19/08**

SCOTT & GOBLE ARCHITECTS \$100. APPROVED – 03/19/08

DENIED

WITHDRAWAL

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