

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF BUSINESS REGULATION

DIVISION OF DESIGN PROFESSIONALS

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MINUTES

BOARD OF EXAMINATION AND

REGISTRATION OF ARCHITECTS

DATE: July 16, 2008

PLACE: Department of Business Regulation

1511 Pontiac Avenue, Bldg 69-2 Conference Room

Cranston, RI 02920

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

Brian J. Riggs, DBR, Department Budget Administrator

Dawne Broadfield, Board Executive

CALLED TO ORDER: Chair Newbrook called the meeting to order at

8:30 a.m. to commence Board business.

ACCEPTANCE OF THE MEETING MINUTES

- The Unified Board of Design Professionals Division accepted this Committee's April 16, 2008 minutes at its April 23, 2008 meeting**

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 8:35 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 9:03 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. Motion approved to close Advantgarde Design Group, File #2007-5.1, (2007-08 Yellow Book and May 2006 Verizon Yellow Pages). 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) 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.

(A) The Board will review the “Rules and Regulations” for pertinent changes needed. Attorney Berstein suggested that the Board reference “Article 9, Substitute A as Amended, Section 13(a)” in the “Introduction”.

Attorney Berstein confirmed that this Board will act as the “Hearing Officer” at the public hearing for the Rules and Regulations changes and also advised that the public hearing notice for the changes no longer needs to be advertised in the “Providence Journal” but will be advertised on the Secretary of State’s Office website, which is a cost savings to the State.

(B) Attorney Bernstein stated that over the last couple of months many of the Boards under the Department of Business Regulation (DBR) have been requested by the Governor to look at raising fees. Attorney Bernstein asked the Board to consider updating and revising their fees in the Rules and Regulations, Section 9.12, since the fees are rather archaic and that the cost of processing is more than twenty-five to fifty dollars.

After a lengthy discussion, Mrs. Broadfield will gather the individual registration renewal fees from the surrounding New England States including New York and Delaware and will provide that information to the Board at the next meeting along with the individual renewal fees for the other Design Professionals Boards within the Division of Design Professionals. The Board requested an accounting of income vs. expenses for the Architect Board from DBR.

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

Secretary Carlson is the investigator.

Per the final “Settlement Agreement”, the next report is due from Mr. Fish on September 26, 2008.

Ms. Feibelman moved to continue until the next report is received. Secretary Carlson seconded. Motion approved.

(3) Report from Unified Board April 23, 2008 Meeting

Since there is no longer a “Unified Board”, the report is no longer necessary. Chair Bernardo, of the Unified Board, provided a memo to the file that as a result of Budget Article 9, Substitute A as amended, the Unified Board is now closed and any tentative business was null and void.

(4) Legislation – House Bill #7390, Article 9, Sub A as amended, signed by the Governor on June 26, 2008, removed Sections 5 and 6 of Section 13(a) that formed the Unified Board.

Attorney Berstein noted that Article 9, Substitute A as amended, Section 13(a) effective on July 1, 2008 formally reinstated the Design Professionals Boards, and therefore, the Unified Board and Committees are defunct and the separate Boards are reinstated.

Based on the term expiration of April 30, 2009 for the five (5) Board members, of which two (2) can be reappointed to a second term, the Board will need to begin looking for replacement members. Effective April 2009, staggered terms for Board members will be implemented. The Board members will work with Chris DiFilippo at the Governor’s Office on the appointments and reappointments informally and not as a Board. For point of continuity, Vice-Chair Yoder and Ms. Feibelman are requesting reappointment.

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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) CHANG, Miguel (10) KULYNYCH, Mykhaylo S.**
- (2) DEITZER, James E. (11) LEONARD, Richard Wyatt**
- (3) DIEBBOLL, John (12) MACLEOD, Alexander H.**
- (4) GOLLENBERG, Glenn R. (13) MARANI, Grant F.**
- (5) GORDON, Harry T. (14) MITCHELL, Stephen A.**
- (6) GUZMAN, Jose A. (15) RICE, Robert C.**
- (7) HICKS, D. Michael (16) STANISLAW, Ralph**
- (8) HOWELER, Eric (17) VERBOUT, Paul M.**
- (9) JOHNSON, Timothy J. (18) WRIGHT, Jane C.**

GREEN BOOKS (APPROVAL TO TAKE ARCHITECTURAL REGISTRATION EXAM)

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

(1) SUCH, Aaron (2) TROMBLY, Jonathan

GREEN BOOK (INITIAL REGISTRATION - ARCHITECTURAL REGISTRATION EXAM)

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

(1) CORDERO-ALVARADO, Manuel

CERTIFICATES OF AUTHORIZATION (COA) APPLICATIONS (See Attached List)

(A) Ms. Feibelman moved to approve the applications for the Certificates of Authorization for the Sole Proprietorships for Charles L. Cunniffe; FAR Design; Knute T. Haglund IV; John Kucera; Momus Design; Morpurgo Architect; and Nathan Tuttle as submitted. Secretary Carlson seconded. Motion approved.

(B) Denis Samson

Ms. Feibelman moved that the Board accept the Certificate of Authorization (COA) application for the Sole Proprietorship of Denis Samson and send a letter accompanying it indicating that the Board has considered his case, realizes that he has been practicing

architecture without a COA for the last ten (10) years and that the Board will waive any action but cautions him from henceforth that he will comply with all legal requirements for his profession. Vice-Chair Yoder seconded. Motion approved.

(C) Ms. Feibelman moved to approve the applications for Certificates of Authorization for the Limited Liability Companies (LLC) for Cube 3 Studio, LLC and Laura Kaehler Architects, LLC as submitted. Vice-Chair Yoder seconded. Motion approved.

(D) Ms. Feibelman moved to approve the Name Change for the application for Certificate of Authorization for the Limited Liability Company for JKR Partners, LLC, ALLC29, as submitted. The former name was J. K. Roller Architects, LLC. Vice-Chair Yoder seconded. Motion approved.

(E) Ms. Feibelman moved to approve the applications for Certificates of Authorization for the Corporations for Bergmann Architectural Associates, Inc.; HPA Design, Inc.; PB Architecture, Inc.; Scofidio + Renfro Architects, PC; Wallace Design Group; and Zahn Incorporated as submitted. Vice-Chair Yoder seconded. Motion approved.

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(F) Ms. Feibelman moved to approve the Amended Change in Responsible Control removing Henry S. Reeder and adding Philip L. Laird for the application for Certificate of Authorization for the Corporation for Architectural Resources Cambridge, Inc., #A-14,168

as submitted. Vice-Chair Yoder seconded. Motion approved.

(G) Ms. Feibelman moved to approve the Amended Change in Responsible Control removing Robert J. Peterson, #2637; Richard B. Friedson, #3022 and Andre Aoun, #3058, and adding Mark Mendell. Based on Mark Mendell not being currently registered in Rhode Island, Andre Auon and Robert J. Peterson were added back in responsible control for the application for Certificate of Authorization for the Corporation for Cannon Design, #A-14,254 as submitted. Vice-Chair Yoder seconded. Motion approved.

(H) Ms. Feibelman moved to approve the Amended Change in Responsible Control removing Daniel W. Cecil and adding Robert C. Klinedinst, Jr. for the application for Certificate of Authorization for the Corporation for Harriman Associates, #A-14,059 as submitted. Vice-Chair Yoder seconded. Motion approved.

(I) Ms. Feibelman moved to approve the Amended Change in Business Structure for the application for Certificate of Authorization for the Corporation for Klingstubbins, Inc., #A-14,230 as submitted. Vice-Chair Yoder seconded. Motion approved.

(J) Ms. Feibelman moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for RRMM Architects, P.C., as submitted. The former name was Cederquist Rodriguez Ripley, PC. Vice-Chair Yoder seconded.

Motion approved.

(K) Ms. Feibelman moved to deny the application for Certificate of Authorization for the Limited Liability Company for Petersen Architecture, PLLC as submitted for failure to provide the Board with a “Certificate of Good Standing” issued by the Rhode Island Secretary of State’s office. Secretary Carlson seconded. Motion approved.

(L) Ms. Feibelman moved to accept the Withdrawal of the application for Certificate of Authorizations for the Corporation of Charles Cunniffe Architects, P.C. Mr. Cunniffe is now applying as a Sole Proprietorship. Vice-Chair Yoder seconded. Motion approved.

(M) Ms. Feibelman moved to accept the Withdrawal of the application for Certificate of Authorization for the Maxwell Johanson Maher Architects LLC by submitting a name change application in error and will continue practicing under the name of MJM Architects, LLC. Vice-Chair Yoder seconded. Motion approved.

(N) Looney Ricks Kiss Architects, Inc.

Ms. Feibelman reviewed the Certificate of Authorization application for the Corporation of Looney Ricks Kiss Architects, Inc., #A-14,358. The question is whether or not the count is two-thirds of the sum of the Directors and Officers collectively or is the count two-thirds of

each of those groups separately. It is Looney Ricks Kiss Architects Inc. contention that they have two-thirds of the Directors and two-thirds of Officers with the groups separately, but if those groups are put together, the count is only 60 percent.

Secretary Carlson moved to deny the application for Certificate of Authorization for the Corporation for Looney Ricks Kiss Architects, Inc., #A-14,358, as submitted for failure to comply with Rhode Island General Laws, Section 5-1-15.1(a)(1) which states in part “(a) A corporation shall be admitted to practice architecture in this state if: (1) two-thirds ($2/3$) of the directors and officers (or shareholders if there are no directors, if a corporation) are registered under the laws of any state or any reciprocal jurisdiction as defined by the National Council of Architectural Registration Boards to practice architecture or engineering. Vice-Chair Yoder seconded. Motion approved.

(O) Ms. Feibelman moved to deny the application for Certificate of Authorization for the Corporation for Sumner Davis Architects as submitted for failure to comply with the “Rules and Regulations” which read in part “The use of the plural form of “Architect” – “Architects” shall only be used in a firm’s title if there is more than one architect at the business.” and the Board recommended to change the name or to apply as a Sole Proprietorship. Secretary Carlson seconded. Motion approved.

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NEW BUSINESS

(1) Record Retention Schedule

The Boards will continue working with Shirley DosSantos, Project Coordinator, DBR, on developing a record retention schedule.

(2) Question from the Connecticut Board – “Is it legal for an architect to split their fee with a party who is asking for a commission for securing the project for the architect.”

After lengthy discussion, the Board will respond to the Connecticut Board by sending them Section 8 of the Rules and Regulations and highlight Sections 8.2 and 8.4 and request that they send this Board their findings.

(3) Meeting with the Board(s), State Building Code Commissioner, and the Building Officials – (Held Annually in September)

Mr. Cirillo suggested that this Board attend the Building Officials meeting held on the last Wednesday of the month at the Department of Administration (DOA) for discussion.

(4) Re-Review of Architect Renewal Application for Compliance of the Continuing Education Audit for the following:

- Timothy P. Washburn, #2040**

Chair Newbrook updated the Board after review of the continuing education for Timothy P. Washburn, #2040. Mr. Washburn was

deficient in obtaining his required continuing education units (CEU) and was notified by this Board to complete the required CEU's in health, safety and welfare (HSW). Mr. Washburn completed the CEU's through RedVector and received certificates for the CEU's but those certificates did not indicate HSW. The Board denied his CEU's based on no HSW credit. Since then, Mr. Washburn went back to RedVector and RedVector issued all of the proper certificates of completion that indicates HSW and the required CEU's.

Ms. Feibelman moved to accept Mr. Washburn's CEU's. Secretary Carlson seconded. Motion approved.

(5) Brian J. Riggs, Department of Business Regulation (DBR) Budget Administrator, introduced himself to the Board as the CFO for DBR. Mr. Riggs indicated to the Board that he will be attending the Board meetings in DBR Director A. Michael Marques' absence.

Mr. Riggs will be acting as Director Marques' official representative as Associate Director for the Division of Design Professionals. Every Division of DBR has an Associate Director and this Division did not. Therefore, Director Marques appointed Mr. Riggs as the Associate Director for this Division.

(6) National Council of Architectural Registration Boards (NCARB) Annual Meeting in Pittsburgh, PA

Chair Newbrook attended the NCARB Annual Meeting on behalf of this Board. Chair Newbrook indicated that all of the resolutions were voted on except for “Sustainable Design” to become part of the NCARB Model Law, which was tabled.

Chair Newbrook also indicated that Andrew W. Prescott, AIA, Treasurer, NCARB Board of Directors, announced his candidacy for First Vice-President, President-Elect, two weeks before the Annual meeting against Jeffrey A. Huberman, FAIA, Second Vice-President, NCARB Board of Directors. Mr. Prescott explained that he was working on three (3) items for NCARB and he had to finish all three (3) before the Annual Meeting. Mr. Prescott worked two months straight at NCARB offices in Washington, DC in order to get this work done for the Council and he wanted to have that finished before he announced his candidacy for First Vice-President – President-Elect. Mr. Prescott made caucuses that were held. He then came in and explained his situation and then gave a super presentation of what he is intending to do and how he is going to get it done. Chair Newbrook indicated that he was so impressed with Mr. Prescott’s presentation that he changed his vote to Mr. Prescott.

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ADJOURNMENT

Chair Newbrook informed the Board that the next Board meeting is scheduled for August 13, 2008 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-2, Cranston, RI 02920. Vice-Chair Yoder moved to adjourn the meeting at 10:45 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 JULY 16, 2008

SOLES

CHARLES L. CUNNIFFE - 0 - APPROVED – 07/16/08

FAR DESIGN - 0 - APPROVED – 07/16/08

KNUTE T. HAGLUND IV - 0 - APPROVED – 07/16/08

JOHN KUCERA - 0 - APPROVED – 07/16/08

MOMUS DESIGN - 0 - APPROVED – 07/16/08

MORPURGO ARCHITECT \$100. APPROVED – 07/16/08

**APPROVED – 07/16/08 AND ACKNOWLEDGED HIS
PRACTICE WITHOUT A COA-WAIVED ANY
ACTION-CAUTIONED HIM TO COMPLY WITH ALL**

DENIS SAMSON - 0 - LEGAL REQUIREMENTS OF HIS PROFESSION.

NATHAN TUTTLE - 0 - APPROVED – 07/16/08

LIMITED LIABILITY COMPANIES

CUBE 3 STUDIO, LLC \$100. APPROVED – 07/16/08

JKR PARTNERS, LLC \$50. APPROVED – 07/16/08

ALLC29 – Name Change From: J. K. ROLLER ARCHITECTS, LLC

LAURA KAEHLER ARCHITECTS, LLC \$100. APPROVED – 07/16/08

CORPORATIONS

**ARCHITECTURAL RESOURCES CAMBRIDGE, INC. – 0 - APPROVED
– 07/16/08**

A-14,168 – Removal of Henry S. Reeder in Resp. Control –

**BERGMANN ARCHITECTURAL ASSOC. INC. \$100. APPROVED –
07/16/08**

CANNON DESIGN - 0 - APPROVED – 07/16/08

**A-14,254 – Removal of Robert J. Peterson, SEE MINUTES
ATTACHED FOR EXPLANATION**

Richard B. Friedson, and Andre Aoun in resp. control

HARRIMAN ASSOCIATES - 0 - APPROVED – 07/16/08

**A-14,059 - Remove Daniel W. Cecil in Resp. Control –
Add – Robert C. Klinedinst, Jr. in Resp. Control**

HPA DESIGN, INC. \$100. APPROVED – 07/16/08

KLINGSTUBBINS, INC. - 0 - APPROVED – 07/16/08

A-14,230 – Change in Business Structure

LOONEY RICKS KISS ARCHITECTS, INC. - 0 - DENIED – 07/16/08

**A-14,358 – Change in Business Structure DOES NOT MEET 2/3RDS –
1/3 RD (§5-1-15.1(a)(1))**

PB ARCHITECTURE, INC. \$100. APPROVED – 07/16/08

RRMM ARCHITECTS, P.C. \$50. APPROVED – 07/16/08

A-14,161 – Name Change From: Cederquist Rodriguez Ripley, PC

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C. O. A. APPLICATIONS

Board Meeting of JULY 16, 2008

SCOFIDIO + RENFRO ARCHITECTS, PC \$100. APPROVED – 07/16/08

DENIED – 07/16/08

NAME CANNOT BE PLURAL WITH ONLY ONE

ARCHITECT PER RULES AND REGULATIONS,

SUMNER DAVIS ARCHITECTS \$100. SECTION 5.7

WALLACE DESIGN GROUP \$100. APPROVED – 07/16/08

ZAHN INCORPORATED \$100. APPROVED – 07/16/08

DENIED

PETERSEN ARCHITECTURE, PLLC \$100. DENIED – 07/16/08

**No Response to Request for Good Standing from FAILURE TO
PROVIDE A CERT. OF GOOD**

RI Secretary of State STANDING FROM RI SEC. OF STATE

WITHDRAWAL

CHARLES CUNNIFFE ARCHITECTS, P.C. WITHDRAWAL ACCEPTED

– 07/16/08

**Applying as a Sole Proprietorship APPLYING AS A SOLE
PROPRIETORSHIP**

MAXWELL JOHANSON MAHER ARCHITECTS LLC

\$50. WITHDRAWAL ACCEPTED – 07/16/08

**ALLC42 – Name Change From: MJM Architects, LLC SUBMITTED
NAME CHANGE IN ERROR**

07/16/08

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