

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF BUSINESS REGULATION

DIVISION OF DESIGN PROFESSIONALS

1511 PONTIAC AVENUE, BLDG. 68-2

CRANSTON, RI 02920

(401) 462-9594

Fax: (401) 462-9532

www.bdp.state.ri.us

MINUTES

BOARD OF EXAMINATION AND

REGISTRATION OF ARCHITECTS

DATE: September 10, 2008

PLACE: Department of Business Regulation (DBR)

1511 Pontiac Avenue, Bldg 69-2 Conference Room

Cranston, RI 02920

**MEMBERS PRESENT: Dana A. Newbrook, Wilbur E. Yoder, and
Barbara Feibelman**

MEMBERS ABSENT: James R. Carlson

Joseph A. Cirillo

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 1:10 p.m. to commence Board business.

MINUTES OF THE MEETING OF THE BOARD

(1) Ms. Feibelman moved to approve the open meeting minutes of August 13, 2008 as published. Vice-Chair Yoder seconded. Motion approved.

(2) Ms. Feibelman moved to approve and seal the executive session meeting minutes of the August 13, 2008 as published. Vice-Chair Yoder seconded. Motion approved.

EXECUTIVE SESSION

(1) Vice-Chair Yoder moved to convene into executive session at 1:10 p.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. Ms. Feibelman seconded. Motion approved.

(2) Vice-Chair Yoder moved to adjourn from executive session and to reconvene to an open meeting at 2:25 p.m. pursuant to R.I.G.L. §42-46-4. Ms. Feibelman seconded. Motion approved.

(3) Vice-Chair Yoder 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. Ms. Feibelman seconded. No votes were recorded at this time. Motion approved.

(4) Vice-Chair Yoder 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). Ms. Feibelman seconded. Motion approved.

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OLD BUSINESS

(1) Discussion on Proposed Amendments to the “Rules and Regulations” – Changes and Possible Increase of Fees

(A) The Board is continuing to review the “Rules and Regulations” for pertinent changes as needed.

(B) At the last meeting, Attorney Bernstein, on behalf of the Director, asked the Board to consider updating and revising the fees as established in the Rules and Regulations, Section 9.12.

Mrs. Broadfield researched all of the fees for the surrounding New England States including New York and Delaware and provided a

spreadsheet report containing that information as requested. It will be reviewed and discussed at the next meeting when the full Board is present.

(C) Mrs. Broadfield provided the Board with the requested financial report of income received by this Board vs. the expenses incurred by the Division of Design Professionals. It will be reviewed and discussed at the next meeting when the full Board is present.

(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. This has been continued until that date.

(3) Record Retention Schedule

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

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

Chair Newbrook and Secretary Carlson are working with Mr. John P. Leyden, CBO, State Building Code Commissioner, to schedule a

meeting during the Building Officials meeting held on the last Wednesday of the month at the Department of Administration (DOA).

BLUE BOOKS (RECIPROCITY)

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

- (1) BELANGER, Philip O (5) KLEIN, Michael B.
- (2) BETTER, Hansy L. (6) ORLANDO, Marco A.
- (3) BIRD, Samuel (7) WAGNER, Adam L.
- (4) FOURNIER, Jr., Joseph F.

GREEN BOOK (APPROVAL TO TAKE ARCHITECTURAL REGISTRATION EXAM)

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

- (1) TUMINO, John

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

(A) Vice-Chair Yoder moved to approve the applications for the Certificates of Authorization for the Sole Proprietorships for William Bryce Gordon, Eric Howeler AIA, and J. Christopher Architect as

submitted. Ms. Feibelman seconded. Motion approved.

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(B) Vice-Chair Yoder moved to approve the application for Certificate of Authorization for the Limited Liability Partnership (LLP) for The Building Studio LLP Architects as submitted. Ms. Feibelman seconded. Motion approved.

(C) Vice-Chair Yoder moved to approve the Amended Change in Responsible Control adding Grant F. Marani for the application for Certificate of Authorization for the Limited Liability Partnership for Robert A. Stern Architects, LLP, #ALLP12 as submitted. Ms. Feibelman seconded. Motion approved.

(D) Vice-Chair Yoder moved to approve the application for Certificate of Authorization for the Limited Liability Company (LLC) for JDavis Architects, PLLC as submitted. Ms. Feibelman seconded. Motion approved.

(E) Vice-Chair Yoder moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for Studio G Architects, Inc.; A-14,279, as submitted. The former name was Gail Sullivan Associates, Inc. Ms. Feibelman seconded. Motion approved.

(F) Vice-Chair Yoder moved to approve the Amended Change in Responsible Control removing Peter H. Moriarity and adding Harry T. Gordon for the application for Certificate of Authorization for the Corporation for Burt Hill, Inc., #A-14,277 as submitted. Ms. Feibelman seconded. Motion approved.

(G) Secretary Carlson moved to approve the applications for Certificates of Authorization for the Corporations for Hanbury Evans Wright Vlattas + Company; Jacobs Consultants, Inc.; Mackey Mitchell Architect, P.C.; and PAEP Architecture Engineering, P.C. as submitted. Ms. Feibelman seconded. Motion approved.

(H) Polshek Partnership, LLP submitted a “Certificate of Good Standing” issued by the Rhode Island Secretary of State’s office in the incorrect name of Polshek Partnership Architects, LLP. Polshek Partnership, LLP explained that they operate under both names. Based on the information submitted at the last meeting, the Board sent a letter to Polshek Partnership, LLP to either obtain a Certificate of Authorization in both names or to choose only one name and submit a “Certificate of Good Standing” issued by the Rhode Island Secretary of State’s office in the name chosen. To date, no response received.

Vice-Chair Yoder moved to continue. Ms. Feibelman seconded. Motion approved.

(I) Vice-Chair Yoder moved to deny the application for Certificate of Authorization for the Limited Liability Company (LLC) for Newman Architects, LLC as submitted. The Board will send a letter stating that the Certificate of Authorization application has been denied, enclose a copy of RI General Laws, Section §5-1-15.1 which indicates that the statute does not permit percentage of ownership as a qualification and therefore the Board does not recognize percentage of ownership and has to follow the statute as is. Ms. Feibelman seconded. Motion approved.

CERTIFICATE OF AUTHORIZATION ISSUES

(J) Inquiry from Tara B. Mulrooney, Esq.

Attorney Mulrooney emailed an inquiry to the Board regarding the issue of using personal names in the name of a firm. Attorney Mulrooney's question involved the circumstances under which the Board will approve the name of a firm that includes the names of two registered design professionals and one unregistered individual, where all ownership and other registration requirements for obtaining a Certificate of Authority for such firms are met.

The Board informally discussed Attorney Mulrooney's inquiry. It was the Board's impression that the purpose of Rule 5.6 historically has applied only to firm names that do not reference people. The Board will notify Attorney Mulrooney of such.

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NEW BUSINESS

(1) Annual Review of the Continuity of Operations Plan (COOP)

Attorney Bernstein indicated that the COOP is a statewide business continuity and disaster recovery plan that all agencies and sub-divisions of agencies are suppose to file. This Board has its own COOP plan. The COOP was placed as new business on the agenda for annual review. However, Attorney Bernstein understands from his DBR Project Manager that because DBR is now physically housed at the Department of Labor and Training (DLT) that all DBR COOP plans may be subsumed by the DLT. However, that is a discussion that has to occur between DBR Director Marques and DLT Director Powell. If the Directors agree, then all DBR COOP plans, including the COOP of this Board, will get collapsed into DLT. Then this Board's COOP becomes moot.

Therefore, annual review of the COOP will be continued pending the discussion between the Directors of DBR and DLT as to whether DBR will continue to have its own independent COOP plan or become part

of DLT.

(2) Discussion on “Pre-Set Fine Amounts for Violations.”

This matter has been continued.

(3) Certificate of Authorization (COA) Requirement

Per discussion at the last meeting, a letter was drafted to be sent to the Rhode Island Secretary of State’s office in order to discuss the COA requirement in that the COA requirement has no effect on the practice of architecture without requiring the firm to carry liability insurance in order to protect the health, safety and welfare of the public.

Attorney Bernstein reviewed the draft letter and advised the Board not to send this letter and further advised that, based on RI General Laws §5-1-15.1(b), this Board could develop a form for proof of liability insurance to be included as part of the COA application. Attorney Bernstein suggested that if this Board decides to move forward, that this issue be addressed, well in advance, to all interested parties, as a bulletin as opposed to a Rule in the Board’s Rules and Regulations. This would be a policy decision of the Board, since it is definitely a consumer protection issue. Ms. Feibelman suggested that the Board notify the individuals in their renewal applications that coming up the for the next COA renewal, proof of liability insurance will be required.

Attorney Berstein suggested that Mrs. Broadfield contact the Connecticut and New Hampshire Boards to inquire as to whether or not those Boards require proof of liability insurance as part of their Certificate of Authorization applications, and if so, ask them to send this Board an example of what their proof of liability insurance form looks like and their procedures on whether or not their Board accepts the proof of liability insurance from an insurance agent or does their Board have their own form that must be completed and returned.

Attorney Berstein suggested that the Board contact their trade association, the American Institute of Architects (AIA), to find out if they can get a group plan together, in advance of this new requirement, in order to save money. Attorney Berstein also suggested that the Board might want to informally call AIA's Risk Management and notify them that this Board will be requiring proof of liability insurance and ask if they have any contacts such as group liability insurance.

Ms. Feibelman asked if liability insurance was in the National Council of Architectural Registration Boards (NCARB) Model Law. The Board believed that it was not. Ms. Feibelman suggested that the Board find out why it was not incorporated in NCARB Model Law before a decision is made by this Board.

This discussion has been continued.

(4) John Milnes Baker, #1001, Requesting Waiver of the Renewal Late Fee

Vice-Chair Yoder moved to accept the renewal application without the late fee, since Mr. Baker notified the Board of a change of address and the renewal application was still sent to the old address. Mrs. Broadfield could not verify that information, since Mr. Baker's registration file is in storage at Capitol Records. Ms. Feibelman seconded. Motion approved.

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(5) National Council of Architectural Registration Boards (NCARB) Direct Registration Process

Currently, this Board participates in NCARB Direct Eligibility whereas NCARB monitors and verifies a candidate's education, experience and Intern Development Program (IDP) training and upon completion enters that candidate into the architectural registration examination (ARE). Once the candidate begins taking the ARE, the exam results are sent to this Board. This Board in turn mails the results to the candidate. After pass completion of all sections of the ARE, the Board registers the candidate. NCARB Direct Registration will allow NCARB to mail the exam results directly to the candidate as oppose to this Board. After pass completion of all sections of the ARE, this Board will then receive the Green Cover will all documentation

including the exam results and will then review all documentation and register the candidate.

The question was posed as to whether or not this Board would be willing to change participation from NCARB Direct Eligibility to NCARB Direct Registration. Ms. Feibelman asked, from the candidates' point of view, would the candidate get the results faster or slower? Mrs. Broadfield will research that question and report back to the Board at the next meeting.

(6) New England Conference of Architectural Registration Boards (NECARB)

The next NECARB Regional I meeting will be held October 31 – November 1, 2008 in Burlington, VT.

ADJOURNMENT

Chair Newbrook informed the Board that the next Board meeting is scheduled for October 8, 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 3:48 p.m. Feibelman seconded. Motion approved.

Respectfully submitted,

**Dana M. Newbrook, NCARB, AIA
Chair**

DMN/dmb

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C. O. A. APPLICATIONS

Board Meeting of SEPTEMBER 10, 2008

SOLES

WILLIAM BRYCE GORDON - 0 - APPROVED – 09/10/08

ERIC HOWELER AIA - 0 - APPROVED – 09/10/08

J. CHRISTOPHER ARCHITECT - 0 - APPROVED – 09/10/08

LIMITED LIABILITY PARTNERSHIP

**THE BUILDING STUDIO LLP ARCHITECTS \$100. APPROVED –
09/10/08**

POLSHEK PARTNERSHIP, LLP 08/13/08 – LETTER TO BE SENT TO EITHER

RI Sec. of State Good Standing received in different name OBTAIN A CERTIFICATE OF AUTHORIZATION IN

Name added “Architects” BOTH NAMES OR CHOOSE ONLY ONE NAME.

Email clarification rec’d 09/05/08 – TO DATE, NO RESPONSE.

In what name will the Cert. of Authorization be issued. 09/10/08 - CONTINUED

**ROBERT A. M. STERN ARCHITECTS, LLP - 0 – APPROVED – 09/10/08
ALLP12 – Change in Responsible Control
Added Grant F. Marani**

LIMITED LIABILITY COMPANIES

J. DAVIS ARCHITECTS, PLLC \$100. APPROVED – 09/10/08

NEWMAN ARCHITECTS, LLC \$100. DENIED – 09/10/08

Applying based on Percentage of Ownership BD DOES NOT RECOGNIZE PERCENTAGE OF

**Instead of 2/3rds-1/3rd of the managers or members OWNERSHIP
A copy is in everyone’s books**

CORPORATIONS

BURT HILL, INC. APPROVED – 09/10/08

**A-14,277 – Change in Resp. Control from
Peter H. Moriarity to Harry T. Gordon**

**HANBURY EVANS WRIGHT VLATTAS + COMPANY \$100. APPROVED
– 09/10/08**

JACOBS CONSULTANTS, INC. \$50. APPROVED – 09/10/08

MACKEY MITCHELL ARCHITECTS, P.C. \$100. APPROVED – 09/10/08

PAEP Architecture Engineering, P.C. \$100. APPROVED – 09/10/08

STUDIO G ARCHITECTS, INC. \$50. APPROVED – 09/10/08

A-14,279 – Name Change From: Gail Sullivan Associates, Inc.

09/10/08

