

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: October 8, 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, 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

12:55 p.m. to commence Board business.

Ms. Feibelman left at 2:00 p.m.

MINUTES OF THE MEETING OF THE BOARD

(1) Ms. Feibelman moved to approve the open meeting minutes of September 10, 2008 as published. Vice-Chair Yoder seconded. Motion approved.

(2) Ms. Feibelman moved to approve and seal the executive session meeting minutes of the September 10, 2008 as published. Vice-Chair Yoder seconded. Motion approved.

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 12:55 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. Vice-Chair Yoder seconded. Motion approved.

(2) Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 1:27 p.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 Publication of the 2008 Verizon Yellow Pages and the 2008-2009 Providence Yellow Book and Complaint File #2008-07.1: Michael Orr AIA, LEED AP vs. Mr. Derick Wiaderski or Dryvit Systems, Inc.

(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” – Changes and Possible Increase of Fees

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

Vice-Chair Yoder moved to continue the review of the August 7, 2008 draft of the Rules and Regulations for comment at the next meeting. Ms. Feibelman seconded. Motion approved.

(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.

Secretary Carlson moved for discussion that the Board leave the fees alone based on the fact the Boards are more than adequately supporting themselves and the fact of the opportunities available in Rhode Island based on the registration fees. Secretary Carlson felt that the Board's fees sit fairly compared to fees for other states where there are more opportunities than a person has in the Rhode Island. Vice-Chair Yoder seconded. Discussion occurred. Secretary Carlson stated that he would not have as much of a problem instituting or raising fees for miscellaneous and/or administrative items. Secretary Carlson felt that the Board should leave the yearly registration fees alone. After discussion, 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", Mr. Fish submitted his report due on September 26, 2008. The next report is due on March 19, 2009.

Secretary Carlson moved to accept Mr. Fish's report. Vice-Chair Yoder seconded. Motion carried.

(3) Record Retention Schedule

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

Attorney Berstein suggested that Attorney Neena Savage, who is the legal record retention expert and coordinates with the Rhode Island Secretary of State's office be invited to the December 10, 2008 Board meeting at 1:05 p.m. to discuss what the Records Retention Schedule is and what the requirements are.

(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).

Vice-Chair Yoder moved to continue. Mr. Cirillo seconded. Motion approved.

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

Ms. Shirley DosSantos, Project Coordinator, is working with the Department of Labor and Training (DLT) as to whether DBR will continue to have its own independent COOP plan or will DBR become

part of DLT.

Vice-Chair Yoder moved to get an update from Ms. DosSantos for the next meeting. Mr. Cirillo seconded. Motion approved.

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

The Pre-Set Fine Amounts for Violations would have to be incorporated into the Rules and Regulations. The Board is considering whether or not to incorporate into the Rules and Regulations.

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Secretary Carlson stated that this has been brought up for discussion to help the Board decide what a fine would be to a person and/or firm for a violation. In the past several years when cases are heard before the Board, there is no precedent to impose a fine.

Secretary Carlson moved to move this agenda item of (Pre-Set Fine Amounts for Violations) under the discussion of the proposed amendments to the Rules and Regulations along with the next agenda item (Certificate of Authorization (COA) requirement-Liability Insurance) Vice-Chair Yoder seconded. Motion approved.

(7) Certificate of Authorization (COA) Requirement

Secretary Carlson asked Attorney Bernstein what the precedents were in the other Divisions at DBR in terms of requiring insurance for businesses. Attorney Bernstein stated that insurance agents, as part of a condition of licensing, have to have Errors and Omissions (E & O) coverage.

Mrs. Broadfield inquired with the National Council of Architectural Registration Boards (NCARB) and liability insurance coverage is not part of the NCARB Model Law. The Board felt that it might be a good discussion to take place at the New England Conference of Architectural Registration Boards (NECARB) meeting the end of this month to inquire whether or not the other states require it.

Secretary Carlson stated that the Board will continue this as part of the discussion of the proposed amendments to the Rules and Regulations. The input needed: Chair Newbrook will inquire with the NCARB Committee on Procedures and Documents (P&D) and ask if there is any history at NCARB of liability insurance coverage and the Board will also talk at the NECARB meeting to the other New England States.

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

At the last meeting, Ms. Feibelman questioned, from the candidates' point of view, would the candidate get the architectural registration

examination (ARE) scores faster or slower? Mrs. Broadfield contacted NCARB and received information that NCARB receives the exam scores by USPS and those exam scores are processed into Accelerator and mailed to the candidate within one to three business days from the date of receipt.

Secretary Carlson asked why Prometric did not release the scores directly to the registrant, since Prometric is taking the money directly from the registrant. Secretary Carlson did not see a down side to releasing the scores directly to the candidates. NCARB will still have a record of the scores. Secretary Carlson stated that he would be acceptable to NCARB Direct Registration only if the Board knows that NCARB is responding well to the candidates and doing their job.

This has been continued to get more information. Mrs. Broadfield will contact several states that participate in the NCARB Direct Registration and ask how the process is working for them.

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) BENULIS, Stanley John (4) LEACH, AIA, Robert Edward

(2) BOURGET, Edward R. (5) MARSH, Jr., George E.

(3) GROSVENOR, Helene G. (6) PERRIN, Andre' J.

BLUE BOOKS (REINSTATEMENTS)

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

(1) FULLER, III, Walter A., #1298 (2) SHEVALIER, Jr., Dix C.

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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) BORGES, Carrie Marie

(B) Green Books – Approval by the Board.

When a Green Book comes before the Board for approval, NCARB has already admitted that person in the architectural registration examination (ARE), since Rhode Island participates in NCARB Direct Eligibility program.

Based on the NCARB Direct Eligibility process, the Board will consider amending the Rules and Regulations as follows:

Rules and Regulations, Section 3.1, Applications for examinations [a completed Council Record file of the National Council of Architectural Registration Boards (NCARB)] must be submitted to the Office of the Board, reviewed and approved by the Board, should be changed to reflect the deletion of reviewed and approved by the Board.

This item has been moved to under the discussion of the proposed amendments to the Rules and Regulations.

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

(A) Mr. Cirillo moved to approve the applications for the Certificate of Authorization for the Sole Proprietorship for Samuel Bird as submitted. Vice-Chair Yoder seconded. Motion approved.

(B) Mr. Cirillo moved to approve the application for Certificate of Authorization for the Partnership for Ryall Porter Architects as submitted. Vice-Chair Yoder seconded. Motion approved.

(C) Mr. Cirillo moved to approve the application for Certificate of Authorization for the Limited Liability Company (LLC) for Architeriors

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

(D) Mr. Cirillo moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for Cubellis, Inc.; A-14,279, and Change in Responsible Control adding Peter Dubin as submitted. The former name was Cubellis & Associates, Inc. d/b/a Cubellis. Vice-Chair Yoder seconded. Motion approved.

(E) Mr. Cirillo moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for Daniel K. Mullin Architects, Inc.; No number was issued. Certificate of Good Standing from the Rhode Island Secretary of State's office was in the name of Daniel K. Mullin Architects, Inc., as submitted. The application for Certificate of Authorization was originally submitted under the name of DKMullin Architects. Vice-Chair Yoder seconded. Motion approved.

(F) Mr. Cirillo moved to approve the Amended Change in Responsible Control adding James E. Dietzer for the application for Certificate of Authorization for the Corporation for Symmes Maini & McKee Associates, #A-14,274 as submitted. Vice-Chair Yoder seconded. Motion approved.

(F) Mr. Cirillo moved to approve the Amended Change in Responsible Control adding Albert Garcia and Christine Malecki West for the application for Certificate of Authorization for the Corporation for

William Kite Architects, Inc., #A-14,013 as submitted. Vice-Chair Yoder seconded. Motion approved.

(G) Mr. Cirillo moved to approve the applications for Certificates of Authorization for the Corporations for Belanger & Foley, Inc. and Mellowes & Paladino, Inc. as submitted. Vice-Chair Yoder seconded. Motion approved.

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(H) Mr. Cirillo moved to approve the Withdrawal of the applications for Certificates of Authorization for Crabtree, Rohrbaugh & Associates; Grieves Worrall Wright & O'Hatnick, Inc. and Polshek Partnership, LLP as submitted. Vice-Chair Yoder seconded. Motion approved.

NEW BUSINESS

(1) American Institute of Architects/RI Chapter (AIA/RI)

The AIA/RI Emerging Professionals Committee will be hosting an event for the AIA/RI Emerging Professionals. The Forum is scheduled for October 23, 2008 at the Chace Center at the Rhode Island School of Design (RISD) Museum. The Board will recognize the newly registered architects and Chair Newbrook will present them

with a Citation from the Governor. Vice-Chair Yoder, Secretary Carlson and Ms. Feibelman will be attending.

ADJOURNMENT

Chair Newbrook announced the Board that the next Board meeting is scheduled for November 12, 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 2:30 p.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 OCTOBER 8, 2008

SOLES

SAMUEL BIRD - 0 - APPROVED – 10/08/08

PARTNERSHIP

RYALL PORTER ARCHITECTS \$100. APPROVED – 10/08/08

LIMITED LIABILITY COMPANIES

ARCHITERIORS \$100. APPROVED – 10/08/08

CORPORATIONS

BELANGER & FOLEY, INC. \$100. APPROVED – 10/08/08

CUBELLIS, INC. \$50. APPROVED – 10/08/08

A-14,200 - Name Change: from Cubellis &

Associates, Inc. d/b/a Cubellis

Change in responsible control adding Peter Dubin

MELLOWES & PALADINO, INC. \$100. APPROVED – 10/08/08

DANIEL K. MULLIN ARCHITECTS, INC. - 0 – APPROVED – 10/08/08

Name Change: from DKMullin Architects

Cert. of Good Standing from RI Sec. of State's office

In Daniel K. Mullin Architects, Inc.

SYMMES MAINI & MCKEE ASSOCIATES - 0 - APPROVED – 10/08/08

A-14,274 – Change in Resp. Control adding

James E. Dietzer

WILLIAM KITE ARCHITECTS, INC. - 0 – APPROVED – 10/08/08

A-14,013 - Change in responsible control

Adding Albert Garcia and Christine Malecki West

WITHDRAWAL

CRABTREE, ROHRBAUGH & ASSOCIATES WITHDRAWN – 10/08/08

No Response to Request for “Cert. of Good Standing”

From RI Secretary of State

After follow-up, withdrawing application

**GRIEVES WORRALL WRIGHT & O'HATNICK, INC. WITHDRAWN –
10/08/08**

No Response to Request for “Cert. of Good Standing”

From RI Secretary of State’

After follow-up, withdrawing application

POLSHEK PARTNERSHIP, LLP \$100. 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 - CONTINUED

In what name will the Cert. of Authorization be issued. 09/25/08 – After follow-up, withdrawing application.

10/08/08 - WITHDRAWN

10/08/08

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