

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF BUSINESS REGULATION**

**DIVISION OF DESIGN PROFESSIONALS**

**1511 PONTIAC AVENUE, BLDG. 68-2**

**CRANSTON, RI 02920**

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**MINUTES**

**BOARD OF EXAMINATION AND**

**REGISTRATION OF ARCHITECTS**

**DATE: January 14, 2009**

**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, and Barbara Feibelman**

**MEMBERS ABSENT: Joseph A. Cirillo**

**OTHERS PRESENT: Richard W. Bertein, 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**

**1:07 p.m. to commence Board business.**

## **MINUTES OF THE MEETING OF THE BOARD**

**(1) Ms. Feibelman moved to approve the open meeting minutes of December 17, 2008 as published. Secretary Carlson seconded. Vice-Chair Yoder abstained. Motion approved.**

**(2) Ms. Feibelman moved to approve and seal the executive session meeting minutes of the December 17, 2008 as published. Secretary Carlson seconded. Vice-Chair Yoder abstained. Motion approved.**

## **EXECUTIVE SESSION**

**(1) Secretary Carlson moved to convene into executive session at 1:07 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 1:46 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 Sweet Peas Elementary School and SMMA Hoskins Scott.**

**(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”**

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

**The Board agreed on the following suggested changes and reorganization made by Ms. Feibelman for Section 8.5.2 as follows:**

**8.5.2 An architect shall not sign or seal technical submissions unless they were prepared by or under the responsible control of the architect,; except that:**

**an 1. The architect may sign or seal those portions of the technical submissions that were prepared by or under the responsible control of persons who are registered under the Rhode Island General Laws if the architect has reviewed and adopted in whole or in part such portions and**

**a. has either coordinated their preparation or**

**b. integrated them into their work., and**

**2. tThe architect may also sign or seal those portions of the technical submissions that are not required by said law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such submissions and integrated them into the work.**

**8.5.3 Any architect signing and sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the Board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. (See Rule 2.12)**

**8.5.34 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.**

**(a) Pre-Set Fine Amounts for Violations**

**Secretary Carlson developed and provided a draft of Disciplinary Guidelines for Administrative Fines using Florida's document as a guide.**

**After discussion, Mrs. Broadfield will draft introductory language, using Florida's Preamble as a guide, and will put the document into a Microsoft Excel document for review at the next meeting.**

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

**(B) Certificate of Authorization (COA) Requirement (Liability Insurance)**

**During discussion, the Board will hold a workshop on the availability and affordability of the requirement of professional liability insurance.**

**The Board will invite a couple of insurance brokers, Donald Goodrich of Goodrich Blessing and Robert Bixby of Bixby Insurance Agency, before the Board to give a presentation and will also invite a representative of the American Institute of Architects, RI Chapter (AIA/RI).**

**This requirement of professional liability insurance, to be incorporated in the Rules and Regulations, will be pursued separately from the changes that are being made now, since it is a big issue and may take a little longer.**

## **(2) Record Retention Schedule**

**The Boards will continue working with Ms. Shirley DosSantos, DBR Project Coordinator, and Neena Savage, Chief of Legal Services, on developing and establishing a record retention schedule. This has been continued.**

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

**Mr. Cirillo was absent, therefore there was no update. This has been continued.**

## **(4) John Paul Ryan, #3522**

**Mr. Ryan was requesting a name change from his given name of John Paul Ryan to his professional name of Jack Ryan. Mr. Ryan told the Board that he made this request to the National Council of Architectural Registration Boards (NCARB) who made the change. After the last meeting the Board sent letters to Mr. Ryan asking him for evidence of his legal name change and to NCARB asking how they**

changed his name on a NCARB record without evidence of legal name change. NCARB responded and replied that they did not have legal documentation and were changing his name back to his given name. There was no response received from Mr. Ryan.

Secretary Carlson moved to close. Vice-Chair Yoder seconded. Motion carried.

#### **(5) 2009 Legislative Session – General Law Changes - Administrative Hearing Process**

Attorney Bernstein updated the Board and indicated that the Department of Business Regulation (DBR) representatives will be meeting next Tuesday, January 20, 2009, with the Governor's Office to review DBR's proposed legislation. DBR is requesting permission to introduce this legislation to include the Boards' administrative processes within the DBR's administrative processes. Attorney Bernstein will report at the next meeting as to whether or not that legislation has been approved to be introduced.

#### **BLUE BOOKS (RECIPROCITY)**

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

**(1) COLE, W. Randolph (2) TRACHTENBERG, Gail P.**

**(B) Secretary Carlson moved to hold the application for Brent T. Heinzer for resolution of the pending matter with the State of Massachusetts for practicing without a registration. Ms. Feibelman seconded. Motion approved.**

**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 Erik G. L'Heureux, AIA, LEED, AP; Jeremy Bonin; and Megan Moynihan as submitted. Secretary Carlson seconded. Motion approved.**

**(B) Vice-Chair Yoder moved to approve, after the review of the disciplinary action noted, the renewal application for Certificate of Authorization for the Sole Proprietorship #A-10,559 for Michael E. Ebanks as submitted. Secretary Carlson seconded. Motion approved.**

**(C) Vice-Chair Yoder moved to approve, after the review of the disciplinary action noted, the renewal application that noted disciplinary action for the Certificate of Authorization for the Sole Proprietorship #A-10,200 for Paul G. Fermano as submitted. Secretary Carlson seconded. Motion approved.**

**(D) Secretary Carlson moved to approve, pending receipt of further information as to whether or not the manager owns two-thirds of the LLC, the application for Certificate of Authorization for the Limited Liability Company (LLC) for Oyster Works, LLC. After discussion, Secretary Carlson withdrew his motion.**

**Vice-Chair Yoder moved to approve, pending receipt of a revised Initial Certificate of Authorization application listing the managers only in accordance with §5-1-15.1, the application for Certificate of Authorization for the Limited Liability Company (LLC) for Oysters Works, LLC. Ms. Feibelman seconded. Motion approved.**

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**(E) Vice-Chair Yoder moved to approve the applications for the Certificates of Authorization for the Corporations for Simpson Gumpertz & Heger Associates, Inc. as submitted. Ms. Feibelman seconded. Motion approved.**

**(F) Vice-Chair Yoder moved to approve, after the review of the disciplinary action noted, the renewal application for the Certificate of Authorization for the Corporation #A-14,236 for HS&P, Inc. as submitted. Ms. Feibelman seconded. Motion approved.**

**(G) Vice-Chair Yoder moved to approve, after the review of the disciplinary action noted, the renewal application that noted disciplinary action for the Certificate of Authorization for the Corporation #A-14,420 for Neshamkin French Architects, Inc. as**

**submitted. Ms. Feibelman seconded. Motion approved.**

**(H) Vice-Chair Yoder moved to approve, after the review of the disciplinary action noted, the renewal application that noted disciplinary action for the Certificate of Authorization for the Corporation #A-14,392 for RSP Architects, Ltd. as submitted. Ms. Feibelman seconded. Motion approved.**

**(I) Vice-Chair Yoder moved to approve, subject to receipt of the remaining back fees owed to equal the amount of \$575 and to revise the application to be a renewal application instead of an initial application, for the application for Certificate of Authorization for the Corporation for Goldman Reindorf Architects, #A-14,095, as submitted. Secretary Carlson seconded. Motion approved.**

**(J) Vice-Chair Yoder moved to hold and request further information of a full list of the Directors and Officers and their professional status of the Corporation in accordance with §5-1-15.1 since the only information provided is the Vice-President and no information is provided on the President and also to identify Walsh and Bishop in the Corporation name for the application for Certificate of Authorization for the Corporation for Walsh Bishop Associates, as submitted. Secretary Carlson seconded. Motion approved.**

**NEW BUSINESS**

**(1) There was no new business at this time.**

## **ADJOURNMENT**

**Chair Newbrook announced that the next meeting of the Board is scheduled for February 11, 2009 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-2, Cranston, RI 02920. Secretary Carlson moved to adjourn the meeting at 3:00 p.m. Vice-Chair Yoder seconded. Motion approved.**

**Respectfully submitted,**

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

**Secretary**

**JRC/dmb**

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**C. O. A. APPLICATIONS**

**Board Meeting of JANUARY 14, 2009**

**SOLE PROPRIETORSHIPS**

**ERIK G. L'HEUREUX, AIA, LEED, AP - 0 – CORRECTED APPLICATION  
RECEIVED**

**Question on “How Applying” – Not Checked. APPROVED – 01/14/09**

**JEREMY BONIN - 0 - APPROVED – 01/14/09**

**MICHAEL B. EBANKS - 0 - APPROVED – 01/14/09**

**A-10,559 – Requesting Renewal – Disciplinary Action Noted.**

**MEGAN MOYNIHAN - 0 - APPROVED – 01/14/09**

**PAUL G. FERMANO - 0 – APPROVED – 01/14/09**

**A-10,200 – Requesting Renewal – Disciplinary Action Noted.**

## **LIMITED LIABILITY COMPANIES**

**OYSTER WORKS, LLC \$100. 01/14/09 – APPROVED PENDING RECEIPT OF A**

**See General Laws 5-1-15.1(a)(1) – (Attached) REVISED INITIAL COA APPL LISTING MANAGERS**

**Two-thirds of the managers (or members if there ONLY IN ACCORDANCE WITH §5-1-15.1**

**are no managers)**

**Question: Do you count the member?**

## **CORPORATIONS**

**GOLDMAN REINDORF ARCHITECTS \$100. 01/14/09 – APPROVED SUBJECT TO RECEIPT OF**

**A-14,095 – Expired 12/31/99 – Submitted Initial – (OWES \$475) REMAINING BACK FEES OWED AND**

**Should be a Renewal and owes back fees totaling**

**\$575. COMPLETION OF A RENEWAL APPLICATION  
INSTEAD OF AN INITIAL APPLICATION.**

**HS&P, INC. - 0 – APPROVED – 01/14/09**

**A-14,236 – Requesting Renewal – Under Discussion**

**NESHAMKIN FRENCH ARCHITECTS, INC. \$100 APPROVED – 01/14/09**

**A-14,420 – Requesting Renewal – Disciplinary Action Noted.**

**RSP ARCHITECTS, LTD. \$100. APPROVED – 01/14/09**

**A-14,392 – Requesting Renewal – Disciplinary Action Noted.**

**SIMPSON GUMPERTZ & HEGER ASSOC., INC. \$100. APPROVED –  
01/14/09**

**WALSH BISHOP ASSOCIATES \$100. 01/14/09 – HOLD – REQUEST  
FURTHER INFO OF**

**A FULL LIST OF DIRECTORS AND OFFICERS  
AND THEIR PROFESSIONAL STATUS IN  
ACCORDANCE WITH §5-1-15.1 SINCE THE ONLY  
INFO PROVIDED IS THE VICE-PRESIDENT AND  
NO INFO IS PROVIDED ON THE PRESIDENT AND  
ALSO TO IDENTIFY WALSH AND BISHOP IN THE  
CORPORATE NAME.**

**01/14/09**

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