

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: February 11, 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, Joseph A. Cirillo, and Barbara Feibelman

MEMBERS ABSENT: James R. Carlson

OTHERS PRESENT: Richard W. Bertein, DBR Executive Counsel

Brian J. Riggs, DBR Department Budget Administrator

Dawne Broadfield, Board Executive

Robert P. Bixby, CPCU, Bixby Insurance Agency, Inc.

CALLED TO ORDER: Chair Newbrook called the meeting to order at 1:05 p.m. to commence Board business.

MINUTES OF THE MEETING OF THE BOARD

(1) Vice-Chair Yoder moved to approve the open meeting minutes of January 11, 2009 as published. Ms. Feibelman seconded. Mr. Cirillo abstained. Motion approved.

(2) Vice-Chair Yoder moved to approve and seal the executive session meeting minutes of the January 11, 2009 as published. Ms. Feibelman seconded. Mr. Cirillo abstained. Motion approved.

EXECUTIVE SESSION

(1) Vice-Chair Yoder moved to convene into executive session at 1:06 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 1:25 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. Motion approved to close Complaint File #2008-08.1: William E. Gray, AIA, Vision 3 Architects vs. Marilyn Rojas, Drawings By Your Design, Inc.

(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.

02/11/09, Page 1 of 7

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.

(a) Pre-Set Fine Amounts for Violations

Mrs. Broadfield put Secretary Carlson’s draft document into a Microsoft Word Table document and drafted introductory language, using Florida’s Preamble as a guide for review.

Attorney Bernstein reviewed the introductory language and suggested

that it read as follows:

“Disciplinary Guidelines for Administrative Fines and Penalties” have been established and are outlined below to give notice to licensees of the range of possible administrative fines and penalties which will normally be imposed upon violation of the Rhode Island General Laws and/or Rules and Regulations of the Board of Examination and Registration of Architects (the “Board”) as follows:

Ms. Feibelman moved to have Mrs. Broadfield draft a second document consisting of two (2) columns, one (1) column being the “Range of Fines” and the other column being the “Range of Penalties” and also to add a sentence to the introductory language to read as follows: “The licensee’s prior record will be taken into account by the Board in determining what fines and/or penalties will be assessed.” Vice-Chair Yoder seconded. Motion approved.

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

Present was: Robert P. Bixby, CPCU, Bixby Insurance Agency, Inc., at 2:01 p.m.

Chair Newbrook introduced Mr. Bixby to the Board and told him that this Board asked him to appear to get some idea from the insurance industry about “Errors and Omissions” insurance for professionals

and whether this Board should or should not have this requirement mandatory as part of the law to obtain a Certificate of Authorization (COA) for the firm to practice architecture in order to protect the health, safety and welfare of the general public.

After polling the New England States, only the State of Massachusetts requires professional liability insurance for Limited Liability Companies only. This Board has inquired with the State of Massachusetts why it is only required for Limited Liability Companies and not the other entities such as Corporations. This Board is waiting for a response.

Mr. Bixby told the Board that he was under the impression that architectural corporations had to have insurance as he was told by his clients.

Mr. Bixby told the Board that there is the “General Liability” and there is a “professional liability” otherwise known as “Errors and Omissions”. It is an expensive type of insurance. That is one of the reasons why people do resist getting it. Ultimately, if the firm becomes of any size, their clients mandate the firm to get the insurance because they want to know that the firm has the coverage.

Mr. Bixby stated that one of the problems is that it is a “claims made policy” and is different than the “general liability or the automobile policy” which is an “occurrence policy.” An “occurrence policy”

meaning that it is the policy that an individual has at the time the accident happens that covers the individual.

Ms. Feibelman asked Mr. Bixby what the “minimum policy” is that he writes. Mr. Bixby told the Board that the premium is based on the “architects’ billings.” If the architect bills \$200,000 theoretically the premium would be twice as much if the architect billed \$100,000. The insurance companies usually will take the last year and multiple times a rate to come up with a premium. Some of the insurance companies will take the average of the last five (5) or three (3) years and multiple that times a rate to come up with a premium. A few of the insurance companies go by “projected billings.”

02/11/09, Page 2 of 7

Ms. Feibelman questioned the “minimum coverage” that a typical small architectural firm would have. Mr. Bixby stated that most insurance companies will not give the firm less than \$250,000 minimum. Some insurance companies will let the firm go to \$100,000 minimum.

Mr. Bixby told the Board that if a firm as anymore the five percent (5%) or ten percent (10%) residential work, the insurance companies will not take them. Ms. Feibelman stated that is just the registrant that this Board would be trying to get insured.

Mr. Bixby stated that premiums are affected by “claims.” The insurance companies have what is called a “loss ratio” which is what the insurance companies paid out over a period of time plus what they think they might have to pay divided what the firm paid in premiums. If that is over sixty percent (60%), that is when the rate will go up and if it gets too bad, the insurance companies will cancel the policy.

Mr. Bixby stated that “architects” next to structural engineers are the highest rated category because they have the contract with the owner and are liable for all of the consultants. If one of the consultants makes a mistake, the client has to go through the architect to get to the consultant.

Mr. Bixby stated that he is a member of a/e ProNet which is a group of over 30 insurance brokers spread across the country that specialize in Professional Liability Insurance for Design Professionals. Attorney Bernstein asked Mr. Bixby if he could find out from that organization whether there are other states that require “Errors and Omissions” insurance for “architects.” Mr. Bixby replied that he would.

Mr. Bixby stated that a “Certificate of Insurance” would have to be included with the application to show proof of insurance.

Mr. Bixby left at 2:42 p.m.

(2) Record Retention Schedule

Attorney Bernstein suggested that Mrs. Broadfield along with Mrs. Marshall and Ms. Styron meet with Ms. Shirley DosSantos, DBR Project Coordinator, to work on developing a record retention schedule. This has been continued.

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

Chair Newbrook and Mr. Cirillo will contact John Leyden, State Building Code Commissioner, to schedule this meeting. This has been continued.

(4) 2009 Legislative Session – General Law Changes - Administrative Hearing Process

Attorney Bernstein updated the Board that DBR introduced a bill, with the approval of the Governor's Office, that would authorize DBR to require that all licensees provide email addresses so that DBR can go to a paperless environment and if a person cannot use email, that person could get a waiver.

DBR also introduced a technical bill, with the approval of the Governor's Office, which incorporates the administrative process that DBR uses into the Design Professionals processes. The bill indicates

that all Divisions within the DBR follow the administrative hearing processes.

Attorney Bernstein further explained that DBR will appoint a hearing officer who will take evidence. DBR will have a prosecutor who will bring the case against the registrant. The hearing officer will then make a decision. The decision then goes to the DBR Director. If the DBR Director does not agree with the decision, the DBR Director can ask the Board for input. The DBR Director then signs off on the administrative hearing processes. Attorney Bernstein told this Board that the other three (3) of the Design Professionals Boards have agreed to this legislation.

02/11/09, Page 3 of 7

BLUE BOOKS (RECIPROCITY)

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

(1) CASINELLI, Daniel (3) NEUMANN, Timothy D.

(2) FINE, AIA, Albert D. (4) SABA, Joan L.

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

BLUE BOOKS (REINSTATEMENT)

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

(1) DONOVAN, Joseph H., #2969 (2) PEPIN, Edward L., #806

GREEN BOOK (APPROVAL TO TAKE ARCHITECTURAL REGISTRATION EXAM)

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

(1) Heather Giampietro

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

(A) Ms. Feibelman moved to approve the application for the Certificate of Authorization for the Sole Proprietorship for Thomas A. Plante as submitted. Vice-Chair Yoder seconded. Motion approved.

(B) Ms Feibelman moved that the Board enforce the late fee of \$25 for the renewal application for Certificate of Authorization for the Sole Proprietorship #A-10,233 for Marc S. Hershman d/b/a MSH Architecture Associates as submitted. Vice-Chair Yoder seconded. Motion approved.

(C) Ms. Feibelman moved to approve the applications for the Certificates of Authorization for the Limited Liability Companies (LLC) for Maxwell Architect, LLC, Scott Simons Architects, LLC and Stahlman Consulting, 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 (LLC) for Doyle Coffin Architecture LLC; ALLC5, as submitted. The former name was DCA Architects/Planners, LLC. Mr. Cirillo seconded. Motion approved.

(E) Ms. Feibelman moved to access the correction fee of \$25 for the application for Certificate of Authorization for the Limited Liability Company (LLC) for L & M Design LLC, ALLC8, as submitted. Mr. Cirillo seconded. Motion approved.

(F) Ms. Feibelman moved to send a letter that the Board cannot approve the renewal application as submitted and suggests the solution that Christina Delvecchio resign as an officer effective as of

the renewal date of December 31, 2008 and reapply with only Joseph Delvecchio as an officer for the application for the Certificate of Authorization for the Corporation for Access Development Corporation, A-14,136 as submitted. Mr. Cirillo seconded. Motion approved.

(G) Ms. Feibelman moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for CDI Architects, Inc. d/b/a CDI Design Solutions, #A-14,355 as submitted. The former name was CDI Architects, Inc. Vice-Chair Yoder seconded. Motion approved.

(H) Ms. Feibelman moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for Chipman Adams Architects, Inc. as submitted. The former name was Chipman Adams, Ltd. Vice-Chair Yoder seconded. Motion approved.

02/11/09, Page 4 of 7

(I) Ms. Feibelman moved to approve the renewal application and back fees received for the application for Certificate of Authorization for the Corporation for Goldman Reindorf Architects, #A-14,095, as submitted. Vice-Chair Yoder seconded. Motion approved.

(J) Ms. Feibelman moved to continue and send a letter indicating that the Board is holding the initial application for the Certificate of Authorization for the Corporation for McKinnell McKinnell & Taylor until it clarifies under what authority the Corporation practiced

architecture on a Federal basis without being registered to do so and that the Corporation provide the Board with this information before the Board can make a determination on the application. Vice-Chair Yoder seconded. Motion approved.

(K) Ms. Feibelman moved that the Board previously requested clarification, 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 that was provided was the information for the Vice-President only and not the President and to also identify Walsh and Bishop in the Corporation name, and based on the information received, and because Rhode Island law presently does not presently recognize “ESOP” entities and the Board of Directors are not in responsible control, this entity does not meet the Board’s criteria, and this avenue would not be available; however, Walsh Bishop Associates may want to reconsider reapplying as a Sole Proprietorship and any services provided in the State of Rhode Island would be under the name of Stephen Knowles only 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 March 11, 2009 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-2, Cranston, RI 02920. Ms. Feibelman moved to adjourn the meeting at 3:16 p.m. Vice-Chair Yoder seconded. Motion approved.

Respectfully submitted,

Dana M. Newbrook, NCARB, AIA

Chair

DMN/dmb

02/11/09, Page 5 of 7

C. O. A. APPLICATIONS

Board Meeting of FEBRUARY 11, 2009

SOLE PROPRIETORSHIPS

THOMAS A. PLANTE - 0 - APPROVED – 02/11/09

**MARC S. HERSHMAN d/ba - 0 - 02/11/09 – ENFORCE THE LATE FEE
OF \$25**

MSH ARCHITECTURE ASSOCIATES

A-10,233 – Asking for Waiver of Late Fee

Signed Renewal Application on 12/10/08 –

Could not get it notarized until 01/13/09

LIMITED LIABILITY COMPANIES

DOYLE COFFIN ARCHITECTURE LLC \$50. APPROVED – 02/11/09

ALLC5 – Name Change from: DCA Architects/Planners, LLC

**L & M DESIGN LLC \$100. 02/11/09 – ACCESS THE CORRECTION FEE
OF**

ALLC8 – Renewal Appl Returned for Correction ... \$25.

**Wrong Appl Submitted – Submitted Corp instead of
LLC ... Position Identified Incorrectly.**

ASKING FOR WAIVER OF \$25 CORRECTION FEE.

MAXWELL ARCHITECT, LLC \$100. APPROVED – 02/11/09

SCOTT SIMONS ARCHITECTS, LLC \$100. APPROVED – 02/11/09

STAHLMAN CONSULTING, LLC \$100. APPROVED – 02/11/09

CORPORATIONS

**ACCESS DEVELOPMENT CORP. - 0 - 02/11/09 – CANNOT APPROVE
– BD SUGGESTS**

A-14,136 – Requesting Waiver of \$100 Renewal Fee- THE SOLUTION

THAT CHRISTINA DELVECCHIO

**Question on 2/3rds... RESIGN AS AN OFFICER EFFECTIVE 12/31/08
Asking for help in processing renewal. AND REAPPLY WITH ONLY
JOSEPH DELVECCHIO
AS AN OFFICER.**

CDI ARCHITECTS, INC.

d/b/a CDI DESIGN SOLUTIONS \$175. APPROVED – 02/11/09

A-14,335 – Name Change from: CDI Architects, Inc.

**Also Received Renewal Application - If Name Change
is Approved, Renew in New Name.**

CHIPMAN ADAMS ARCHITECTS, INC. \$175. APPROVED – 02/11/09

A-14,016 – Name Change from: Chipman Adams, Ltd.

**Also Received Renewal Application - If Name Change
is Approved, Renew in New Name.**

**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.**

**02/11/09 – RENEWAL APPLICATION AND BACK
FEES – REC'D – APPROVED.**

MCKINNELL MCKINNELL & TAYLOR \$100. 02/11/09 – APPL BEING HELD FOR CLARIFICATION

Answered “Yes” to “Solicited Architectural Work OF WHAT AUTHORITY THE CORP PRACTICED

Prior to having been licensed.” ARCHITECTURE ON A FEDERAL BASIS WITHOUT

BEING REGISTERD TO DO SO.

02/11/09

Page 6 of 7

C. O. A. APPLICATIONS

Board Meeting of FEBRUARY 11, 2009

CORPORATIONS (CONT'D)

WALSH BISHOP ASSOCIATES \$100. 01/14/09 – HOLDING REQUESTING FULL LIST OF

DIRECTORS AND OFFICERS AND IDENTIFY WALSH AND BISHOP IN THE COMPANY NAME.

02/11/09 – AFTER REVIEW OF THE FULL LIST OF DIRECTORS AND OFFICERS AND THAT BECAUSE

**RHODE ISLAND LAW PRESENTLY DOES NOT
RECOGNIZE “ESOP” ENTITIES AND THE BOARD OF
DIRECTORS ARE NOT IN RESPONSIBLE CONTROL
AND DO NOT MEET THE BOARD’S CRITERIA, THIS
AVENUE WOULD NOT BE AVAILABLE – MAY WANT
TO CONSIDER REAPPLYING AS A SOLE
PROPRIETORSHIP AND ANY SERVICES PROVIDED
ARE UNDER THE NAME OF STEPHEN KNOWLES ONLY**

02/11/09

Page 7 of 7