

## **MINUTES**

### **BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS**

**DATE: August 17, 2009**

**PLACE: Department of Business Regulation (DBR)  
1511 Pontiac Avenue, Bldg 69-1 Conference Room  
Cranston, RI 02920**

**MEMBERS PRESENT: Wilbur E. Yoder, Barbara Feibelman, and  
Christian J. Ladds**

**MEMBERS ABSENT: David R. Prengaman and John K. Grosvenor**

**OTHERS PRESENT: Richard W. Berstein, DBR Executive Counsel  
Brian J. Riggs, DBR Department Budget Administrator and  
Representative for the DBR Director  
Dawne Broadfield, Board Executive**

**CALLED TO ORDER: Chair Yoder called the meeting to order at 1:10  
p.m.**

**to commence Board business.**

**Mr. Riggs left at 3:21 p.m. and Attorney Berstein left at 3:30 p.m.**

**MINUTES OF THE MEETING OF THE BOARD**

**(1) Mr. Ladds moved to approve the open meeting minutes of July 13, 2009 as published. Secretary Feibelman seconded. Motion approved.**

**(2) Secretary Feibelman moved to approve and seal the executive session meeting minutes of the July 13, 2009 as published. Mr. Ladds seconded. Motion approved.**

## **EXECUTIVE SESSION**

**(1) Secretary Feibelman 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. Mr. Ladds seconded. Motion approved.**

**(2) Secretary Feibelman moved to adjourn from executive session and to reconvene to an open meeting at 1:47 p.m. pursuant to R.I.G.L. §42-46-4. Mr. Ladds seconded. Motion approved.**

**(3) Secretary Feibelman 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. Mr. Ladds seconded. Motion approved. No votes were taken at this time.**

**(4) Secretary Feibelman 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). Mr. Ladds seconded. Motion approved.**

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**OLD BUSINESS**

**(1) Record Retention Schedule**

**This is work in progress as previously reported and has been continued.**

**(2) 2009 Legislative Session**

**Attorney Berstein updated the Board that the Legislature adjourned in June and reported that they will reconvene in September 2009. DBR has several bills that have not been acted on and he will continue monitoring them.**

**(3) On-line Renewals for “Individuals”**

**On-line renewal applications for individual registration are moving forward. It was decided that a postcard will be sent to currently registered architects notifying them of renewal. The postcard will**

give two (2) options to renew. The first option is to renew on-line and pay by credit card. The second option is to obtain a paper renewal application from the website and mail it to the Board with a check. The wording of the postcard was amended to add the following sentence: Note that paper renewal may delay processing.

#### **(4) Tax Certification**

The Tax Certificate/Affidavit has been currently implemented. The social security numbers (SSN) and the federal employee identification numbers (FEIN) will not be transmitted to the Rhode Island Division of Taxation at this time.

#### **(5) Discussion on Legislative Changes to the Rhode Island General Laws governing “Architects”**

The following changes were discussed and agreed on.

##### **(A) To review §5-1-15.1 (ownership)**

- **(See NCARB Legislative Guidelines)**

Based on recommendation received from the National Council of Architectural Registration Boards (NCARB) Legal Counsel, Daniel Taylor, Secretary Feibelman moved to leave this issue alone. Mr. Ladds seconded. Motion approved.

**(B) To review “Return Stamp” mandated by Law (Remove?) - (§5-1-12(b))**

**After discussion, the Board will suggest the amendment to Section (b) as reflected below:**

**(b) Upon forfeiture, revocation, suspension, annulment of his or her certificate of registration, or upon expiration of his or her certificate of registration without renewal, an architect shall surrender his or her stamp to the board. Upon the death of an architect, his or her personal representatives shall surrender his or her stamp to the board. The board has the power to institute proceedings in superior court or probate court to enforce this subsection.**

**Attorney Bernstein indicated that the intent of the law is to get the stamp back at the time of death. He indicated that he would be more comfortable if the Board sent a revised letter to the family of the deceased. The letter will be revised and reviewed before being sent.**

**(C) “Administrative Procedures and Processes” for Boards and Commissions under DBR.**

**A bill was introduced to reflect this change and is currently on hold until the Legislature reconvenes in September 2009.**

**(D) §5-1-6 Board – Records of proceedings – Roster of architects –**

## **Report of transaction.**

**After discussion, the Board will suggest the amendment to this section as reflected below:**

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**(a) The secretary board executive of the board shall keep a record of its proceedings. The record shall include the name, age, and last known address of each applicant for registration, information concerning each applicant's education, experience, and other qualifications, the text of all examinations administered and their results and any other information that the board deems appropriate. The record of the board is prima facie evidence of the proceedings and a certified transcript by the secretary board executive is admissible in evidence with the same force and effect as if the original were produced.**

**(b) The board shall maintain a roster of architects. Copies of the roster may be mailed annually to resident architects and to federal agencies within the state, and to state, city and town officials, and may be distributed or sold to the public.**

**(c) [Deleted by P.L. 2005, ch. 406, § 1].**

**(E) §5-1-8 Examination and qualifications of applicants for certificates of registration.**

**Daniel Taylor, (NCARB) Legal Counsel, had suggested language in a January 15, 2008 email to allow the taking of the architectural**

registration examination® (ARE®) prior to completion of the Intern Development Program (IDP). Based on that suggestion, the Board will suggest an amendment to this section as reflected below:

**§ 5-1-8 Examination and qualifications of applicants for certificates of registration. – (a) Any individual who is at least twenty-one (21) years of age may apply for a certificate of registration under this chapter; provided, that the board may waive the requirement of residency in any case or category of cases where the board determines that the applicant is not seeking to avoid the registration requirements of his or her state or country of residence.**

**(b) Each applicant for a certificate of registration shall submit satisfactory evidence to the board that he or she holds a National Architectural Accrediting Board (NAAB) professional degree in architecture from an accredited school and has had any practical experience including academic training, that the board, by regulations uniformly applied, deems appropriate. The board may, in its discretion, adopt as its standards for minimum experience the guidelines on practical experience of the National Council of Architectural Registration Boards.**

**(c) Each applicant for a certificate of registration who satisfies subsections (a) and (b) of this section and holds a professional degree in architecture as described in subsection (b) of this section shall submit to a registration examination. Results of the examination are announced within ninety (90) days of the date on which the examination commenced. The board shall adopt the examinations**

**and recommended grading procedures of the National Council of Architectural Registration Boards.**

**(d) The board may require applicants under this section and under § 5-1-9 to submit to a personal interview.**

**(F) §5-1-15.1 Certificate of authorization for sole proprietorships, partnerships, limited liability partnerships, corporations or limited liability companies.**

**(1) After discussion, the Board will suggest an amendment to this section, in part, as reflected below:**

**(3) The person having the practice of architecture in his or her charge control is himself or herself a partner (if a partnership or limited liability partnership) a director or officer (or shareholders if there are no directors, if a corporation) or a manager (or members if there are no managers, if a limited liability company) and registered to practice architecture in this state.**

**(2) After discussion, the Board will suggest a new paragraph (f) as follows:**

**(f) In the event of ownership transition or change in the responsible control of a firm, the board may permit a six-month grace period to allow a Rhode Island registered architect to continue to practice until a new Certificate of Authorization (COA) is issued.**

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**(G) §5-1-16 Architects rendering assistance during disaster emergency – Immunity from civil liability.**

**After discussion, the Board will suggest a new paragraph (e) as follows:**

**(e) In the event that the Governor of Rhode Island declares a state disaster, all registered architects with a National Council of Architectural Registration Boards (NCARB) certification will be allowed to practice.**

**Ms. Feibelman suggested that the new Board members review the entire law, with the applicable changes, for any other changes that they could suggest.**

**Mrs. Broadfield will make the above-mentioned changes and distribute for review again at the next meeting.**

**(6) Review of “Form Letters” signed by the Board Secretary**

**The Board reviewed the following “Form Letters:” Architectural Registration Examination® (ARE®) Pass – Fee and Tax Affidavit Due; ARE® Registration Confirmation; ARE® Score Results – Pass; ARE® Score Results – Fail; Renewal of Certificate of Authorization (COA); Withdrawal of Initial COA application; and Wrong Stamp Received.**

**Changes were made to the following “Form Letter.” All other “Form Letters” were approved with no changes.**

**(A) The “ARE® - Registration Confirmation” letter was changed to mirror the “Reciprocity” letter as follows:**

**Only firms holding current Certificates of Authorization (COA) may practice or offer to practice architecture in the State of Rhode Island. Enclosed please find an application for COA that must be completed and returned to this office in order for the firm you to practice or offer to practice architecture in the State of Rhode Island as a Sole Proprietorship, Partnership, Limited Liability Partnership, Corporation or a Limited Liability Company.**

**(7) DBR Enforcement Actions (Publishing on Websites)**

**Secretary Feibelman moved to continue until the full Board is present. Mr. Ladds seconded. Motion approved.**

**(8) Correspondence from Eric J. Wishart, PE, to the State Building**

**Code Commissioner asking for consideration of an amendment to the State Building Code during the next code adoption cycle.**

**Secretary Feibelman moved to take no action. Mr. Ladds seconded. Motion approved.**

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

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

- (1) BURELL, Andrew A. (5) MORAN, Robert Francis**
- (2) CHEN, John Changqin (6) POWERS, AIA, Jimmy**
- (3) FALEIDE, Ronald G. (7) ROGERS, Stephen T.**
- (4) MCCARTHY, Dennis J. (8) WISE, Christopher T.**

**(B) Secretary Feibelman moved to approve the following Blue Book as submitted with an expiration date of December 31, 2009 pending receipt of an acceptable checked box on the "Tax Affidavit". Mr. Ladds seconded. Motion approved.**

- (1) WOHL, Margaret E. Garet**

**BLUE BOOKS (REINSTATEMENTS)**

**(A) Secretary Feibelman moved to approve the reinstatements of the Blue Books as presented with an expiration date of December 31, 2009. Mr. Ladds seconded. Motion approved.**

**(1) GOLDMAN, Robert Charles (3) WIDAWSKY, Warren Thomas, #3179**

**(2) NELSON, Sara O., #2610**

**GREEN BOOK (INITIAL REGISTRATION)**

**(A) Mr. Ladds moved to send a letter to Mr. Joseph Haskett instructing him to submit a letter to the Board from either his accountant or the Rhode Island State Division of Taxation to the Board indicating that he has duly filed for a tax extension, that this will not impact his good standing as a Rhode Island taxpayer, that his architectural registration will not be compromised, and that the Board will keep that notification as part of his file. Ms. Feibelman seconded. Motion approved.**

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

**(A) Chair Yoder moved to approve the application for the Certificate of Authorization for the Sole Proprietorship for Kenneth McCracken,**

**Architect as submitted. Mr. Ladds seconded. Motion approved.**

**(B) Chair Yoder moved to approve the applications for the Certificates of Authorization for the Corporations for Elder Design, Ltd. and Sasaki Architects, Landscape Architects and PE, P.C. as submitted. Mr. Ladds seconded. Motion approved.**

**(C) Chair Yoder moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for Aecom Technical Services Architects & Engineers, Inc., #A-14,324, as submitted. The former name was Earth Tech Architects & Engineers, Inc. Ms. Feibelman seconded. Motion approved.**

**(D) Chair Yoder moved to deny the application for Certificate of Authorization for the Corporation for OEST Associates, Inc. as submitted. The firm does not meet the requirements of Rhode Island General Laws, §5-1-15.1(a)(1)(2), in that 2/3rds of the Directors and Officers are not registered architects or engineers in any State and that 1/3rd of the Directors and Officers are not registered architects in any State. Ms. Feibelman seconded. Motion approved.**

## **NEW BUSINESS**

**(1) New Registration Fees Effective July 1, 2009 (Discuss/Affirm How the New Fees are Being Implemented.)**

**Attorney Bernstein told the Board that new fees were implemented by the Legislature effective July 1, 2009, and it is DBR's interpretation that if an application was pending, then the old fee would be charged, but if the application is late, then the new fee applies.**

## **(2) Newly Registered Architects**

**The Board inquired when the American Institute of Architects/Rhode Island Chapter (AIA/ri) will hold its annual meeting to recognize the newly Rhode Island registered architects. Mrs. Broadfield will inquire and report back to the Board.**

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## **ADJOURNMENT**

**Vice-Chair Yoder announced that the next meeting of the Board is scheduled for September 14, 2009 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-1, Cranston, RI 02920. Secretary**

**Feibelman moved to adjourn the meeting at 3:51 p.m. Mr. Ladds seconded. Motion approved.**

**Respectfully submitted,**

**Barbara Feibelman, AIA**

**Secretary**

**BF/dmb**

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**C. O. A. APPLICATIONS**

**Board Meeting of AUGUST 17, 2009**

**SOLE PROPRIETORSHIP**

**KENNETH MCCRACKEN, ARCHITECT - 0 - APPROVED – 08/17/09**

## **CORPORATIONS**

**AECOM TECHNICAL SERVICES ARCHITECTS \$50. APPROVED –  
08/17/09**

**& ENGINEERS, INC.**

**A-14,324 – Name Change from:**

**Earth Tech Architects & Engineers, Inc.**

**ELDER DESIGN, LTD. \$100 APPROVED – 08/17/09**

**DENIED–08/17/09–DOES NOT MEET §5-1-15.1(a)**

**OEST ASSOCIATES, INC. \$100. 2/3RDS – 1/3RD**

**SASAKI ARCHITECTS, LANDSCAPE \$100. APPROVED – 08/17/09**

**ARCHITECTS AND PE, P.C.**

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