

MINUTES

BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS

DATE: November 9, 2009

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

MEMBERS PRESENT: Wilbur E. Yoder, David R. Prengaman, Barbara Feibelman, John K. Grosvenor and Christian J. Ladds

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 Yoder called the meeting to order at 1:10 p.m.

to commence Board business.

Attorney Berstein and Mr. Riggs left at 3:15 p.m.

Attorney Berstein returned at 3:34 p.m. and left at 4:02 p.m.

Mr. Grosvenor left at 3:50 p.m.

MINUTES OF THE MEETING OF THE BOARD

(1) Mr. Ladds moved to approve the open meeting minutes of October 19, 2009 as published. Vice-Chair Prengaman seconded. Motion approved.

(2) Mr. Ladds moved to approve and seal the executive session meeting minutes of the October 19, 2009 as published. Mr. Grosvenor seconded. Motion approved.

EXECUTIVE SESSION

(1) Mr. Ladds moved to convene into executive session at 1:11 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. Grosvenor seconded. Motion approved.

(2) Mr. Ladds moved to adjourn from executive session and to reconvene to an open meeting at 2:31 p.m. pursuant to R.I.G.L. §42-46-4. Secretary Feibelman seconded. Motion approved.

(3) Mr. Ladds 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. Secretary Feibelman seconded. Motion approved to close Paul and Tammy Nelson and Constance M. Nelson-Brown vs. Frank J. Murphy of Frank J. Murphy Architects, Inc.; Verizon Yellow Pages – Advanced Listings for Review; those

listed under the category “Architects” in the Verizon Yellow Pages as follows: Avantgarde Design Group; JLR, Inc.; MLC Corp; and Kristin North; Garrold E. Baker, #1088, Requesting Emeritus Status; and Stephen T. Rogers, RI Architect #3662, Question on Continuing Education Credits.

11/09/09, Page 1 of 5

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

OLD BUSINESS

(1) Record Retention Schedule

Attorney Berstein gave an update that Attorney Neena Savage, DBR, is currently working with the Secretary of State’s office to develop a record retention schedule specifically for Design Professionals. The next meeting will be on November 20, 2009. Vice-Chair Prengaman moved to continue. Mr. Ladds seconded. Motion approved.

(2) 2009 Legislative Session

Attorney Berstein told the Board that the Legislature reconvened for two (2) days. In reviewing the bills acted on, there were no bills that

affected the DBR – Design Professionals. Mr. Grosvenor moved to close. Mr. Ladds seconded. Motion approved.

(3) Discussion of Future Law Changes governing “Architects”

Attorney Berstein reminded the Board that he has to have proposed statutory changes or new statutes into the Governor’s office by early December at the latest.

The Board polled the states questioning whether or not the state had any procedures in place to prevent unregistered individuals/firms from advertising as architects in the print media. Fifteen (15) states responded. One (1) state requires license numbers on advertisements and other states agreed that it was an interesting idea. Mostly all of states indicated that they struggle with this just like this Board does whereas when a state finds someone who is advertising inappropriately the state brings them in or writes a letter, which is what this Board does and should continue doing.

Based on the information received from the poll, Vice-Chair Prengaman moved to ask Attorney Berstein to draft new language to create a new section for the this Board’s law, §5-1-14.1, that would give this Board the ability to assess penalties or fines for unlicensed activity and to provide Attorney Berstein with the language from the Alaska statute in “Sec. 08.48.295 Civil penalty for unregistered or unauthorized practice.” Mr. Grosvenor seconded. Motion approved.

After review of the present statute and the suggested changes, Vice-Chair Prengaman moved to approve the draft document of previously agreed upon law changes with the possible addition of the new section, §5-1-14.1, on unlicensed activity. Mr. Grosvenor seconded. Motion approved.

(4) Annual Meeting with the Building Officials and the State Building Code Commissioner

- **Plan for Spring 2010 Meeting.**

Mr. Ladds contacted John Leyden, State Building Code Commission, to express the Board's interest in attending one of its monthly meetings, with the State Building Officials, in the Spring, to discuss the importance of architectural stamps and the Certificate of Authorization (COA) requirement for the firm. It is the practice of this Board to attend this meeting yearly. Mr. Leyden scheduled the Board to appear on March 31, 2010 at 1:00 p.m at the Department of Administration, One Capitol Hill, 2nd Floor, Conference Room A, Providence, RI 02908.

(5) American Institute of Architects (AIA) – “Unauthorized Practice” Article.

Secretary Feibelman moved to send a letter to Cynthia Gerlach, AIA, President Elect, American Institute of Architects/Rhode Island

Chapter (AIA/ri) notifying her that this Board reviewed the possibility of introducing a new section to its law to include a “civil penalty for unregistered activity” and that current law allows penalties only from registrants and is currently working on the proposed language for action in the next legislative session and to close this matter. Mr. Ladds seconded. Motion approved.

11/09/09, Page 2 of 5

BLUE BOOKS (RECIPROCITY

(A) Mr. Grosvenor moved to approve the following Blue Books as submitted with an expiration date of December 31, 2011. Vice-Chair Prengaman seconded. Motion approved.

- (1) BUTTON, JEFFERY L. (8) MUELLER, BRADY**
- (2) CASSASTA, ANTHONY (9) PHILLIPS, ROBERT J.**
- (3) DELEGAS, GEORGE (10) CHARLES A. RICHARDS**
- (4) DWOSKIN, STEPHEN. (11) SCHMIEDL, BRUCE H.**
- (5) FURNSTAHL, STEPHEN (12) WEINERT, AARON J.**
- (6) JAY M. HAVERSON (13) WHITNEY, TIMOTHY W.**
- (7) MARTIN W. KOCH**

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 James Gibbs AIA Architect as submitted. Secretary Feibelman seconded. Mr.

Grosvenor recused. Motion approved.

(B) Chair Yoder moved to approve the application for the Certificate of Authorization for the Sole Proprietorship for David A. Hawkins, Architect as submitted. Secretary Feibelman seconded. Motion approved.

(C) Chair Yoder moved to approve the application for the Certificate of Authorization for the Corporation for Christopher McMahan Architect, Inc. as submitted. Mr. Grosvenor seconded. Motion approved.

(D) Chair Yoder moved to approve the application for the Certificate of Authorization for the Limited Liability Company for Gwathmey Siegel & Associates Architects LLC as submitted. Secretary Feibelman seconded. Motion approved.

(E) Chair Yoder moved to approve the application for the Certificate of Authorization for the Limited Liability Partnership for HCP Architects, LLP as submitted. Secretary Feibelman seconded. Motion approved.

(F) Chair Yoder moved to continue the renewal application for the Certificate of Authorization for the Sole Proprietorship, #A-10,702, for Knute T. Haglund IV pending receipt of the \$25 correction fee that is currently due. The renewal application was received by the Board on April 6, 2009. It was due at the Board postmarked not that than

December 31, 2008. Therefore, a late was due. Since the late fee was not received, the application had to be returned which resulted in an additional \$25 correction being added and now due. To date, the \$25 correction fee has not been received. Secretary Feibelman seconded. Motion approved.

(G) Vice-Chair Prengaman moved that the Board defer acting on the Certificate of Authorization application for the Corporation for Halliwell Engineering Associates, Inc. and to send a letter requesting that they describe the logistics of the operation recognizing that the corporation has one (1) out-of-state Architect in responsible charge and the corporation is located in Rhode Island. Mr. Ladds seconded. Mr. Grosvenor recused himself from participation and left the room. Motion approved.

NEW BUSINESS

**(1) National Council of Architectural Registration Boards (NCARB)
Call for Nominations: FY11 Public Member on Board of Directors**

No recommendations were made.

(2) Individuals Renewals

The Board members discussed that they all send continuing education documentation with their renewal application.

ADJOURNMENT

Vice-Chair Yoder announced that the next meeting of the Board is scheduled for December 7, 2009 at 1:00 p.m. at the DBR, The John O. Pastore Center, 1511 Pontiac Avenue, Conference Room 68-1, Cranston, RI 02920. Secretary Feibelman moved to adjourn the meeting at 4:05 p.m. Mr. Ladds seconded. Motion approved.

Respectfully submitted,

**Barbara Feibelman, AIA
Secretary**

BF/dmb

11/09/09, Page 4 of 5

C. O. A. APPLICATIONS

Board Meeting of NOVEMBER 9, 2009

SOLE PROPRIETORSHIPS

**KNUTE T. HADLUND, IV APPROVED – PENDING RECEIPT OF THE
\$25**

**A-10,702 – Renewal Application Rec'd lat on 04/06/09 CORRECTION
FEE – 10/19/09**

**without late fee – Had to Return Application for Late Fee 11/02/09 –
TO DATE, WAITING FOR \$25 CORRECTION**

**which also Required a Correction Fee since the Application FEE
was Returned – Questioning with he has to pay a Correction
Fee 11/09/09 – NO RESPONSE – CONTINUE.**

JAMES GIBBS AIA ARCHITECT - 0 - APPROVED – 11/09/09

DAVID A. HAWKINS, ARCHITECT - 0 - APPROVED – 11/09/09

LIMITED LIABILITY COMPANY

GWATHMEY SIEGEL & ASSOCIATES

ARCHITECTS LLC \$100. APPROVED – 11/09/09

LIMITED LIABILITY PARTNERSHIP

HCP ARCHITECTS, LLP \$100. APPROVED – 11/09/09

CORPORATIONS

**HALLIWELL ENGINEERING ASSOCIATES, INC. \$100. VOTE DEFERED
– 11/09/09**

**CHRISTOPHER MCMAHAN ARCHITECT, INC. - 0 - APPROVED –
11/09/09**

11/09/09

Page 5 of 5