

ARCHITECTURAL LICENSING BOARD

Tel. No. (860) 713-6145

June 21, 2007

State of Connecticut
Department of Consumer Protection
Occupational & Professional Licensing Division
165 Capitol Avenue
Hartford, Connecticut 06106

The six hundred and seventy fifth meeting of the Architectural Licensing Board, held on May 11, 2007, was called to order by Chairman Mr. S. Edward Jeter at 8:37 AM in Room No. 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:	Paul H. Bartlett	Board Member
	Carole W. Briggs	Board Member
	Robert B. Hurd	Board Member
	S. Edward Jeter	Chairman/Board Member
	Christopher Mazza	Board Member
Others Present	Robert M. Kuzmich	License and Applications Specialist/Department of Consumer Protection
	Steven J. Schwane	Administrative Hearings Attorney/Department of Consumer Protection
	Peter R. Huntsman	Attorney General's Office
	Diane Harp Jones	AIA/Connecticut

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

1. Old Business

1A. Submission of the minutes of the March 23, 2007; for review and approval. Mr. Jeter noted the following amendment to the minutes. On page five, fourth full paragraph, line seven, after the word "*has*", insert the word "*not*". *After a thorough review, the Board voted, unanimously, to approve the minutes of the March 23, 2007 meeting as amended herein. (Hurd/Briggs) It is noted that Mr. Jeter abstained from the vote since he was not in attendance at this meeting.*

1B. Continuation of discussion concerning electronic format and transmission of architectural drawings, seals, signatures, and other related items. Mr. Jeter noted that Mr. Bartlett's previous comment concerning the substitution of the term "*instruments of service*" in place of "*contract documents*" should be approached with caution. Mr. Bartlett clarified that he meant that contract documents are a subset of instruments of service. The Board now reviewed Mr. Schwane's proposed amendments. The term "*handwritten*" was discussed in the context of NCARB's Model Law which uses the term "*original*" instead and the term "*underneath*" the seal was clarified by Mr. Hurd to mean below the seal on the page.

The Board agreed that they like the term "*technical submission*" in substitution of "*plans, specifications and reports*" as used in NCARB's Model Law. They discussed the definition of the same to ensure that it meets their intent. It was suggested that new term can be defined in detail in a type of Glossary of Terms in the general document. Various examples of applications of use of this term were noted in hypothetical, "*real life*" situations. Mr. Schwane read aloud NCARB's definition of the term "*technical submission*" which generally met with acceptance by the Board.

Mr. Hurd suggested that perhaps the Board revisit this draft with the new term "*technical submission*" integrated within. It was noted that a change in this Statute Section means opening the Statutes during the next session of the legislature and try to gain support for the changes. In addition, the Board will try and get the opinions of the private sector ahead of time to avoid any unexpected complications when proposal is taken up by the legislature.

Mr. Jeter questioned the language used in the existing section addressing use of the seal by architectural firms. Mr. Hurd noted that the language that Mr. Jeter is referring to has been in place since 1986 and may be due for a revision as well. After further thought, the ramifications of making a change to this language to try and include all types of architectural business practices such as LLC's and their associated personnel titles may not be advisable at this point. Mr. Hurd questioned whether or not these proposed changes would be a part of the Department's 2008 Legislative Package? In response, Mr. Schwane stated it would but, as always, advised the Board to have an

alternate plan in place just in case. He noted that the Department package is usually submitted in September.

It was also noted that a change to the language using "Technical Submission" means a complete review of the Architectural Statutes wherever a substitution using this language is made to assure that the ramifications of the change are thoroughly understood. *The Board voted, unanimously, to postpone further action on this item until their July 20, 2007 regular meeting at which point Mr. Schwane will present them with a revised draft. (Hurd/Briggs)*

1C. Letter from Mr. Steven Schwane, dated May 1, 2007, concerning File No. 2006-7326. After an explanation from Mr. Schwane noting that the respondent is changing the name of his business, the Board voted to accept the Department's recommendation of no further action being taken. (Briggs/Hurd)

1D. Update from Mr. Robert B. Hurd, concerning his review of application from Mr. Kenneth E. Cleveland to sit for the Architect Registration Examination. Mr. Hurd stated that Mr. Cleveland had some outstanding fees due to the NCARB. When the Board asked for his file, they were reluctant to send it until they received payment from Mr. Cleveland. The payment was made and the file was supposedly sent was received and signed for by the Department this past Wednesday. The file has not been found by the Department as of this morning's meeting. *As such, the Board voted, unanimously, to postpone further action on this item until the file is presented to them. (Mazza/Bartlett)*

1E. Continuation of discussion concerning preparation of plans for Proto-Type Buildings. Mr. Kuzmich presented the Board with bound copies of minutes pertaining to the Board's past discussions on this subject. The involvement of AIA/CT, again, in the Board's discussions on this subject was discussed. Mr. Bartlett reminded the Board that AIA/CT was not at all in favor of these changes after a meeting was held with their members discussing this topic in detail. Ms. Briggs would like to have heard their discussions. Mr. Bartlett's impression of AIA/CT take on the matter was "it ain't broke, don't fix it". Mr. Bartlett noted that this is an interpretive issue of what is the legal practice of Architecture. He believes that this is not really an issue for the practitioner, but, in fact, a licensing issue. Further, the law is the law and if practice is being done contrary to the way the law is written, then either the law has to be changed or the interpretation has to be made clearer and that is the job of the Board.

Mr. Bartlett summarized this issue as thorny and complex, at best, and the only reason he ever brought this matter up in the first place is that he felt that the way the law was written was in direct conflict with what people were doing. An attempt to untangle this situation will be a very difficult and time consuming task. He questioned if "the game is worth the candle?" Is this effort a fruitful expenditure of political capitol?

It was noted that by Ms. Briggs that this Board has, in the past, failed to find an interpretation of the proposed amendments to the regulation that was consistent with what was being described as actual practice and be in compliance with the current statutes as written. As such, the subject was left alone.

Mr. Bartlett summarized this discussion in the form of the question that asks is review the equivalent of doing and he feels that this issue can be solved internally. Further, he believes the Board should first take a position before asking the opinions of other entities such as Building Officials and Fire Marshals. Mr. Bartlett believes that this is an issue of logic in opposition to Ms. Briggs who believes that this is a completely technical issue relating to the practice of architecture that she is not confident to address. Mr. Bartlett noted that this subject consists of two components; one legal and technical and the other perceptual. He believes this Board can solve the legal and technical component and is not sure if they will ever solve the perceptual aspect. From a legal stand point, Mr. Bartlett's perception is that any professional who seals a set of documents are, in fact, taking full responsibility for their contents. As a practical matter, the design professional is fully responsible. However, the real issue is, are they practicing architecture legally by stamping the documents.

Mr. Bartlett emphasized, again, that the Board has the competence and the responsibility to solve this issue without outside intervention. Opening this matter up to the public is, in effect a bottomless pit. The Board now discussed, at length, whether to continue this discussion at a future regular board meeting and who, if anyone, they should invite to participate in the discussion. Ms. Briggs would like participation from State Building and Fire Marshal's Offices in the hopes that they will direct the Board as to what they would want to see happen. Other Board members believe that they will say the decision is not theirs and it is up to the Board to make the decision.

Mr. Huntsman stated that he believes that it is appropriate to ask for outside expert opinions for those Board members without expertise in this subject matter and he related his own professional experience in this area. Mr. Huntsman noted the legislative intent of public membership on the Boards and their interaction with the professional, technical expert members. He also emphasized the value of public members and the role they serve on Boards and Commissions.

Mr. Mazza questioned how these proposed changes improve the safety of the public? He sees this more of a convenience issue because this is how it is done in practice and so the Board should change the law because of this. He agrees with Ms. Briggs in summoning outside professional opinions on this matter. Mr. Mazza stated that this matter was discussed in length by this Board in the past and basically it came down to the professional members in favor of a change and the public members not in favor. It was also noted that AIA/CT membership was not in favor of this change, as

determined by a special discussion held by them on this matter. Without AIA/CT support, chances are this matter would not make it through the legislature.

In response to Mr. Mazza's comments, Mr. Bartlett noted that this Board is charged with understanding, enforcing, and interpreting architectural licensing law to the practice of architecture. If something is occurring in the industry on a repetitive basis in violation of this law, the Board has an obligation to either sanction these individuals for their actions against the law or look at the law and determine if it is written properly. He also noted that the health, safety, and welfare of the public would be better served if the obligations of architects with respect to creation and assembly of the building design and construction were rigorously defined in terms of the obligations of the design professionals. The problem with the term "Direct Supervision" is that it doesn't really define what is required by not addressing some very important components.

In summary, it was decided that to truly address this issue would require a fundamental restructuring of the Architectural Licensing Law. Ms. Briggs would be content to leave the law as written. Mr. Jeter, again, noted that he is a follower of the "if it ain't broke, don't fix it" philosophy. In jest, Mr. Bartlett asked that this Board agree to never discuss this topic again!

Discussion on this topic concluded.

2. New Business

2A. Resolutions To Be Acted Upon at the 2007 NCARB Annual Meeting and Conference; for review and action. *The Board voted, as indicated below, on the following proposed resolutions to be acted upon at the 2007 NCARB Annual Meeting and Conference:*

Resolution 07-1 – Rules of Conduct Amendment – Incorporating Architect's Primary Duty to the Public's Health, Safety and Welfare; supported.

Resolution 07-2 – Bylaw Amendment – Member Board Executive to Serve on the Board of Directors; supported.

Resolution 07-3 – Bylaw Amendment – Public Director to Serve on the Board of Directors; supported.

Resolution 07-4 – Handbook Amendment – Treating CACB-Accredited Degrees the Same as NAAB Accredited for Prior Versions of the ARE; supported.

Resolution 07-5 – Rules of Conduct Amendments – Receipt of Compensation From More than One Party and in Connection With Specifying or Endorsing a Product; supported.

Resolution 07-6 – Bylaw Amendment – Notice of Annual Meeting and Conference; supported.

Resolution 07-7 – Model Regulations Amendment – Continuing Education 12 Units to be in Health, Safety and Welfare Subject; supported.

Resolution 07-8 – Handbook and Model Law Amendment – ARE Timing: NCARB Required Eligibility To Complete the ARE; **the Board took no position on this resolution and will allow the Chairman to vote, as he sees appropriate, at the time this resolution is discussed on the meeting floor.**

Resolution 07-9 – Model Law Amendment – ARE Timing; **the Board took no position on this resolution and will allow the Chairman to vote, as he sees appropriate, at the time this resolution is discussed on the meeting floor.**

Resolution 07-10 – Model Law Amendment – Adapting a Definition of Health, Safety and Welfare; **not supported.**

Resolution 07-11 – Model Regulations Amendment – Sustainable Design; **not supported.**

Resolution 07-12 – Continuing Education Credit for NCARB Activities; **the Board took no position on this resolution and will allow the Chairman to vote, as he sees appropriate, at the time this resolution is discussed on the meeting floor.**

2B. Delegate Credentials letter, dated April 3, 2007, from NCARB; for discussion by the Board. **The Board voted, unanimously, to appoint Mr. S. Edward Jeter, Chairman of the Board, as their official delegate at the 2007 NCARB Annual Meeting and Conference.**

2C. The following candidate has passed the Architect Registration Examination and is recommended by the Department of Consumer Protection for licensing as an architect in the State of Connecticut; **the Board voted, unanimously, to approve the following individuals for licensing as architects in Connecticut: (Briggs/Bartlett)**

1. Robert L. Fink
2. Elijah Huge
3. Christopher M. Vernott

2D. Applications for reciprocal licensing; the following individuals are recommended by the Department of Consumer Protection for licensing as architects in the State of Connecticut on the basis of waiver of examination with an NCARB Certificate Record or

by Direct Reciprocity; *the Board voted, unanimously, to approve the following individuals for licensing as architects in the State of Connecticut.*
(Briggs/Hurd)

1.	Basta, Richard F.	Waiver of Examination; New Jersey	(NCARB File No. 46808)
2.	Bjorklund, Drew C.	Waiver of Examination; Minnesota	(NCARB File No. 38469)
3.	Black, Bradley T.	Waiver of Examination; Massachusetts	(NCARB File No. 54033)
4.	Black, Jacques L.	Waiver of Examination; New York	Direct
5.	Bogusch, Melissa M.	Waiver of Examination; Illinois	(NCARB File No. 99869)
6.	Brockmeier, Reid W.	Waiver of Examination; New Jersey	(NCARB File No. 118171)
7.	Cangelosi, Vincent	Waiver of Examination; New York	Direct
8.	Cleary, Kevin H.	Waiver of Examination; Arizona	(NCARB File No. 84793)
9.	Colella, Daniel C.	Waiver of Examination; Illinois	Direct
10.	D'Onofrio, Paul G.	Waiver of Examination; Pennsylvania	(NCARB File No. 78698)
11.	Drucker, Kenneth H.	Waiver of Examination; Florida	(NCARB File No. 35874)
12.	Duany, Andres M.	Waiver of Examination; Florida	(NCARB File No. 33870)
13.	Fulton, Duncan	Waiver of Examination; Texas	(NCARB File No. 44699)
14.	Giampietro, Louis F.	Waiver of Examination; Massachusetts	(NCARB File No. 37555)
15.	Guglielmo, Steven H.	Waiver of Examination; Rhode Island	(NCARB File No. 55146)
16.	Hafer, Scott C.	Waiver of Examination; South Carolina	(NCARB File No. 37772)
17.	Harris, Ernest	Waiver of Examination; California	(NCARB File No. 39062)
18.	Ionescu, Alexandru F.	Waiver of Examination; New York	(NCARB File No. 90027)
19.	Janssen, Michael T.	Waiver of Examination; Wisconsin	(NCARB File No. 53422)
20.	Johnson, Brian R.	Waiver of Examination; Minnesota	(NCARB File No. 80036)
21.	Kelleher, John	Waiver of Examination; District of Columbia	Direct
22.	Kendig, Stuart B.	Waiver of Examination; Pennsylvania	(NCARB File No. 72239)
23.	Knowles, Stephen L.	Waiver of Examination; Iowa	(NCARB File No. 58586)
24.	Laird, Philip	Waiver of Examination; Massachusetts	(NCARB File No. 39944)
25.	Looney, J. Carson	Waiver of Examination; Tennessee	(NCARB File No. 36190)
26.	LoSasso, Michael V.	Waiver of Examination; Indiana	Direct
27.	Manguso, James W.	Waiver of Examination; New York	(NCARB File No. 38551)
28.	Marani, Grant F.	Waiver of Examination; New York	Direct
29.	Marnell, II, Anthony A.	Waiver of Examination; Nevada	(NCARB File No. 23149)
30.	Maturo, Michael J.	Waiver of Examination; New York	(NCARB File No. 114509)
31.	McDermott, Meghan	Waiver of Examination; New York	(NCARB File No. 101657)
32.	McManus, Shauna	Waiver of Examination; New York	Direct
33.	Morgan, Thomas M.	Waiver of Examination; Texas	(NCARB File No. 27537)
34.	Norcross, Robert B.	Waiver of Examination; Tennessee	(NCARB File No. 51744)
35.	Ornstein, Robert	Waiver of Examination; Florida	(NCARB File No. 36597)
36.	Ricks, Jr., H. Frank	Waiver of Examination; Tennessee	(NCARB File No. 28902)
37.	Riehm, Juergem	Waiver of Examination; New York	Direct
38.	Roehling, Carl D.	Waiver of Examination; Wisconsin	(NCARB File No. 39310)
39.	Russell, William D.	Waiver of Examination; Tennessee	(NCARB File No. 38190)
40.	Saunders, John T.	Waiver of Examination; Illinois	(NCARB File No. 126462)
41.	Schermerhorn, Thomas	Waiver of Examination; Wisconsin	(NCARB File No. 90393)
42.	Simonson, Michael W.	Waiver of Examination; Iowa	(NCARB File No. 41543)
43.	Smith, Joel L.	Waiver of Examination; Michigan	(NCARB File No. 38482)
44.	Stanislaw, Ralph M.	Waiver of Examination; California	(NCARB File No. 115790)
45.	Steeneken, Susanna E.	Waiver of Examination; New York	Direct
46.	Stinard, Scott D.	Waiver of Examination; Georgia	(NCARB File No. 79371)

47.	Stonely, Karen M.S.	Waiver of Examination; New York)	(NCARB File No. 95486)
48.	Sullivan, Michael T.	Waiver of Examination; Tennessee	(NCARB File No. 47060)
49.	Tannebaum, Edward J.	Waiver of Examination; Pennsylvania	(NCARB File No. 22866)
50.	Tetro, David	Waiver of Examination; New York)	(NCARB File No. 122266)
51.	Wente, Larry J.	Waiver of Examination; New York	Direct
52.	Whitlock, Robert C.	Waiver of Examination; New York	(NCARB File No. 52237)
53.	Yates, Scott	Waiver of Examination; New York	(NCARB File No. 120532)

2E. Applications for the Corporate Practice of Architecture; the Department has reviewed and recommends for approval the following applications; ***the Board voted, unanimately, to approve the following applications for the corporate practice of architecture in Connecticut: (Briggs/Hurd)***

Boulder Associates CT, P.C.
1426 Pearl Street, Suite 300
Boulder, Colorado 80302

Craig Mulford, CEO
Connecticut Lic. No. 10880

Nelco Architecture, P.C.
261 Fifth Avenue, Suite 2301
New York, New York 10016

D. Lance Muscara, CEO
Connecticut Lic. No. 9665

2F. Letter from Mr. Steven Schwane, dated May 1, 2007, concerning File No. 2004-67414. Mr. Schwane noted that the Department had assistance from Mr. Bartlett in this matter. He briefly elaborated on the details of this case as outlined in his letter to the Board. Mr. Bartlett explained, in more detail, the nature of the complaint. The complaint alleged that an architect was negligent in his role for a project to convert an old building, which was in serious disrepair, into a theater.

Mr. Bartlett concluded that the architect and engineer hired by the owner faced a major challenge in attempting to bring this building up to code. The architect probably did the best he could with the limited budget provide by the owner. Mr. Bartlett did note that the architect should have had a written contract, kept more detail notes and minutes of meetings, and been more precise in his recommendations. However, nothing revealed by the documents demonstrated a significantly standard of care by the architect. In general, the architect and engineer appear to have made an honest effort to do the right thing under difficult circumstances.

There were allegations made by the owner that the architect and engineer were unprofessional and not doing all that they should be doing. He believes that these allegations by the Owner were drive by the fact that he did not want to pay for their services because of his "shoestring" operation that was destine to fail from day one.

After more discussion by the Board, they decided not to issue a the letter of caution as recommended by the Department because this is a permanent "black mark" so to speak

on this architect's record that he really doesn't deserve. The Board voted, unanimously, to dismiss this Complaint and simply provide the respondent with a telephone call from our Legal Department discussing the recommendations from the Board. (Briggs/Mazza) It is noted that Mr. Bartlett abstained from the vote.

2G. "CHRO Reviews" CHRO CRITERIA PER SECTION 46a-80;

Mr. Schwane, gave the Board an updated regarding File No. 2007-1382 concerning an Architect was convicted of a felony and had actions taken against him by New York State. At their last meeting, Ms. Briggs suggested that the Department confirm that there have been no further convictions, no violations of his probation, and that he has fully complied with all the penalties assigned to him by the New York State Board. She further stated that if this architect has full complied in all aspects, then this Board need not take any further action and that the public is fully protected to the best of their abilities. The Board agreed with Ms. Briggs suggestion and asked the Department to act on this request.

Mr. Schwane reported today that this action has been done by the Department noting that the New York State Investigator assigned to this case stated that the architect has and continues to meet all the requirements of the criminal sanctions issued against him by New York State. *As such, the Board voted, unanimously, not to take any reciprocal action against this architect. (Briggs/Bartlett)*

2H Update from Mr. Steven Schwane from the Consumer Protection's Legal Division regarding any Board issues. Regarding the proposed regulations by the State Library, Mr. Schwane has not heard anything new and that the draft of this regulation is still with the Governor's Office.

2I. Any correspondence and/or business received in the interim.

No items were discussed.

The meeting adjourned at 10:44 AM. (Briggs/Mazza) The next regular meeting of the Architectural Licensing Board is scheduled for Friday, July 20, 2007 at 8:30 a.m.; State Office Building; Room 121; 165 Capitol Avenue, Hartford, Connecticut.

Respectfully Submitted,

Robert M. Kuzmich, R.A.
Board Administrator

