

**ARCHITECTURAL LICENSING BOARD**

*Tel. No. (860) 713-6145*

March 3, 2011

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

The six hundred and ninety seventh meeting of the Architectural Licensing Board, held on February 18, 2011, was called to order by Acting Robert B. Hurd at 8:35 AM in Room No. 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

<b>Board Members Present:</b>	David H. Barkin Carole W. Briggs Robert B. Hurd S. Edward Jeter	Board Member Board Member Board Member Chairman/Board Member (Participated by telephone- Conference call)
	Pauline S. Morales	Board Member

**Board Members Not Present:** None

**Vacancy:** None

<b>Others Present:</b>	Robert M. Kuzmich	Department of Consumer Protection
	Steven J. Schwane	Department of Consumer Protection
	Peter R. Huntsman	Attorney General's Office
	Diane Harp Jones	AIA/CT
	Bruce J. Spiewak	AIA/CT
	Joel Darras	Examination Candidate
	Benjamin J. Robinson	

Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: [www.ct.gov/dcp](http://www.ct.gov/dcp)

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## **1. Old Business**

**1A. Submission of the minutes of the November 19, 2010 Architectural Licensing Board Meeting;** for review and approval. Mr. Hurd noted that on page one; the minutes shall be changed to reflect no Board vacancies. Mr. Jeter noted suggested the following change on page six, second paragraph; after the word "it" substitute "*The National dues paid to NCARB from Connecticut are eleven thousand dollars (\$11,000.00); five thousand dollars (\$5,000.00) of which goes to NECARB (New England Council of Architectural Registration Boards) Region I. After a thorough review, the Board voted, unanimously, to approve the minutes as amended herein. (Barkin/Briggs)*

**1B. Continuation of discussion concerning Design-Build;** Mr. Spiewak was not present when Ms. Harp Jones spoke on his behalf. She stated that he is involved in a private development not connected to the State in any way project where there exists a clear misunderstanding of State statutes. She noted that Mr. Spiewak fully understands how the law stands on design build but feels that for a general consumer benefit, a statement from the Board would be helpful.

Mr. Spiewak had since arrived to the meeting and addressed the Board. He noted a previous draft Declaratory Ruling started in the past Board history and would like to review again with the Board their decision that nothing can be done on this issue. He cited a recent case involving a design- build issue in Danbury, Connecticut that resulted in a building that was built to sub-standard qualifications and subsequently deemed legally not to be occupied and leaving its owner in dire straits.

Mr. Hurd was very surprised that the Building Officials appeared to have closed their eyes when it was time to issue a building permit for this project. Ms. Briggs agrees that this is a very valid point. Mr. Spiewak noted that apparent violation of the licensing law was done by the Contractor and not the Building Official. The Board, as demonstrated by example, clearly believes that the law would clearly cover this circumstance with no gray area at all and the law is clear.

Mr. Spiewak stated that the offer to provide architectural services is actually the practice of architecture and it's this point he believes needs clarification. Ms. Harp Jones asked the Board if they could publish the letter Mr. Jeter authored regarding the

definition of an architect on the Department of Consumer Protection's website. Mr. Spiewak still states to the Board that it is because the subject of design-build constantly resurfaces that perhaps it needs to be clarified by the Board.

Mr. Huntsman noted that design-build is clearly not a closed case based upon the representations as made today and in the past. One of the difficulties of a Declaratory Ruling is that a basic fact pattern needs to exist on the topic and does the statute then apply to the same. Ms. Briggs noted that design-build is not a defined term in the Board's statutes. This was the difficulty she and the Board's former attorney encountered in the past. Their attempts at trying to define a non-statutory term made them very uncomfortable and finally the conclusion was made that the subject was closed.

Mr. Spiewak stated that perhaps it is reasonable to take the letter Mr. Jeter wrote which has already been published and use the same as a tool for educating various professional associations.

1C. Unbound NCARB Council Record for applicant Joel William Darras, NCARB File No. 143066, for examination against State of Connecticut requirements for admission to the Architect Registration Examination; report from Mr. Robert B. Hurd. Mr. Hurd distributed a report on his review of Mr. Darras's file. Effectively, Mr. Hurd will step down from participation in the vote since he reviewed the file. He noted the applicants' educational background and that he is very close in accumulated credits to a degree. Mr. Hurd also reviewed Mr. Darras's work experience noting that he has meet NCARB's training standard and has exceeded their hours requirement amount by almost one thousand hours.

Mr. Hurd stated that in State of Pennsylvania where Mr. Darras currently works there is a requirement that applicant's that does not have a professional degree than an additional three years of training must be completed. Mr. Hurd believes the applicant has good understanding of construction materials and methods and has advanced in his position in the workplace. Under current Connecticut law which requires an accredited degree, there is also a provision which allows the Board to determine an examination's candidate eligibility based upon a review of their specific credentials by the Board. Mr. Hurd is not making a recommendation not because he does not feel the applicant is qualified but because of NCARB's process for sending applicant's from other jurisdictions for licensing in Connecticut. Ms. Briggs believes that this process represents a type of bypass around Pennsylvania's licensing process. However, Ms. Briggs believes that if Mr. Hurd is comfortable in recommending Mr. Darras for the examination, then she would recommend that he be allowed to sit. Ms. Briggs therefore motioned to accept this candidates Unbound NCARB Record for purposes of sitting for the examination in Connecticut. The motion was seconded by Mr. Jeter.

Mr. Barkin believes that the Board may be setting a dangerous precedent if they allow this candidate to sit as a Connecticut candidate. The Board also noted that an

applicant's residence cannot factor in their decision. Mr. Darras stated that Connecticut is not the most lenient State and he had other opportunities to sit in other States where he had no possibility of residing. The reason he choose Connecticut is because his fiancée is finishing law school and has more of an opportunity to possibly work here in the future. Mr. Barkin encouraged Mr. Darras to complete his degree and pursue his NCARB Certification.

*After more extensive discussion, the Board voted to allow Mr. Darras to sit for the Architectural Registration Examination as a Connecticut candidate. Ms. Briggs and Mr. Jeter voted in favor; Mr. Hurd and Ms. Morales abstained; and Mr. Barkin voted not in favor. The motion carried.*

1D. Application for Architect's License by Waiver of Examination from Mr. Theodore S. Hammer; update from the Department's Legal Staff concerning their investigation of this matter. To review for the Board, Mr. Schwane noted that this case involves an action taken by the State of Nevada against the applicant where the person was fined and put on probation. The Department confirmed that the applicant's probation was completed and based upon collaboration with Mr. Barkin, who assisted the Department in their investigation; determined that there is no reason for further action against the applicant. *As such, the Board voted to approve Mr. Hammer's application for a license by waiver of examination. (Briggs/Jeter) It so noted that Mr. Barkin abstained from the vote.*

## **2. New Business**

2A. Appearance before the Board by Mr. Benjamin J. Robinson concerning his qualifications to sit for the Architect Registration Examination as a Connecticut Candidate; for discussion with the Board. Mr. Robinson presented to the Board his educational and professional background. He has been employed for approximately eleven years and reached the point in his career where he wishes to sit for the Architect Registration Examination and is asking the Board if he can do so and if so, what route he needs to follow. The candidate noted that he has not yet established an NCARB File. Mr. Hurd advised him that rules to do the same have changed significantly in recent times and suggested that perhaps this candidate was misadvised either by his employer or his college. As a result of a recent rules change by NCARB, the last ten and one half years of his employment would not be recognized. Mr. Hurd suggested to Mr. Robinson that he assemble his record in a form that paralleled NCARB's IDP format so that the Board can judge the scope of his work experience. The Board also asked that Mr. Robinson submit a transcript of his degree and a resume. On the assumption that his degree is a typical pre-professional degree, a formal education evaluation through NCARB will not be necessary. Mr. Hurd cited that Regulation Section under which the Board is allowed to proceed with an application such as Mr. Robinson's. As such, when the candidate has assembled all the above information, he was asked to come back to the Board with the same for their review.

2B. Unbound NCARB Council Record for applicant Matthew Anton Wagner, NCARB File No. 212773, for examination against State of Connecticut requirements for admission to the Architect Registration Examination as requested by NCARB. Mr. Hurd noted that this candidate is not a resident of Connecticut. Mr. Kuzmich noted that this application is an example of a recent trend that NCARB has started by sending these types of applications directly to Connecticut. It was noted that there is an application on file for Mr. Wagner. After detailed discussion by the Board, they decided to ask Mr. Wagner to attend their next meeting for an interview and take no further action on this application.

As an aside, Mr. Hurd noted that Mr. Kuzmich brought this flow of applications to his attention and noted the presumptions that NCARB appears to be making. He also believes that the Board needs to have a conversation with them.

2C. The following candidates have passed the Architect Registration Examination and are recommended by the Department of Consumer Protection for licensing as Architects in the State of Connecticut; the Board voted, unanimously, to approve the following individuals for licensing as architects in Connecticut. (Briggs/Barkin)

Mr. Barkin noted that Daniel Thornton is an employee of JCA Architecture and works along side him and is very impressed by his professional abilities.

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|-------------------------|--------------------------|
| 1. Mariassunta Baptista | 3. Daniel A. Thornton    |
| 2. Christopher M. Ford  | 4. Christopher F. Tucker |

2D. Applications for licensing by waiver of examination; 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 Endorsement; *the Board voted, unanimously, to approve the following individuals for licensing as architects in the State of Connecticut. (Briggs/Jeter)*

1.	Bentley, Ronald D.	Waiver of Examination; New York	(NCARB File No. 64885)
2.	Bormann Christian F.	Waiver of Examination; New Jersey	(NCARB File No. 76140)
3.	Burge, Alan R.	Waiver of Examination; Missouri	(NCARB File No. 113588)
4.	Cochran, Charles A.	Waiver of Examination; Massachusetts	(NCARB File No. 298213)
5.	Dean, John S.	Waiver of Examination; Texas	(NCARB File No. 80833)
6.	Efaw, David A.	Waiver of Examination; Washington	(NCARB File No.120957)
7.	Fischer, Karl	Waiver of Examination; New York	Direct
8.	Gallagher, Thomas A.	Waiver of Examination; District of Columbia	(NCARB File No. 87269)
9.	Greene, Paul L.	Waiver of Examination; Virginia	(NCARB File No. 25750)
10.	Habel, Michael J.	Waiver of Examination; Ohio	(NCARB File No. 95781)
11.	Hodgson, Cornelia C.	Waiver of Examination; Ohio	(NCARB File No. 73066)
12.	Jackson, Roger P.	Waiver of Examination; Utah	(NCARB File No. 50397)

13.	Kolodziejczak, Mark G.	Waiver of Examination; New York	(NCARB File No. 112198)
14.	Lange, Travis D.	Waiver of Examination; Colorado	(NCARB File No. 97180)
15.	Lastovica, James A.	Waiver of Examination; Arkansas	(NCARB File No. 82759)
16.	Maass, Andrew S.	Waiver of Examination; Missouri	(NCARB File No. 103630)
17.	McDonough, Garth V.	Waiver of Examination; New York	(NCARB File No. 400653)
18.	Meleca, David B.	Waiver of Examination; Nevada	(NCARB File No. 93527)
19.	Mollenkopf, David J.	Waiver of Examination; Ohio	(NCARB File No. 70720)
20.	Morris, Dan S.	Waiver of Examination; Rhode Island	(NCARB File No. 90951)
21.	Muse, Philip D.	Waiver of Examination; New York	(NCARB File No. 135916)
22.	Opacic, Radoslav	Waiver of Examination; New York	Direct
23.	Paret, Sandra	Waiver of Examination; Texas	(NCARB File No. 44357)
24.	Pollard, James T.	Waiver of Examination; New York	(NCARB File No. 124889)
25.	Rome, Jeffrey L.	Waiver of Examination; Kansas	(NCARB File No. 48141)
26.	Ruela, Francisco A.	Waiver of Examination; New Jersey	(NCARB File No. 77263)
27.	Shane, Gary	Waiver of Examination; Virginia	(NCARB File No. 61117)
28.	Switzer, Jerry W.	Waiver of Examination; Florida	(NCARB File No. 16110)
29.	Testa, Michael V.	Waiver of Examination; New Jersey	(NCARB File No. 57890)
30.	Touloukian, Theodore	Waiver of Examination; Massachusetts	(NCARB File No. 113233)
31.	Walk, Marc E.	Waiver of Examination; Kansas	(NCARB File No. 42527)
32.	Wilson, George T.	Waiver of Examination; Florida	(NCARB File No. 53427)

2E. Applications for the Corporate Practice of Architecture; the Department has reviewed and recommends for approval the following applications; *the Board voted, unanimously, to approve the following applications for the Corporate Practice of Architecture in Connecticut. (Briggs/Jeter)*

EDI International, PC.  
51 East 12<sup>th</sup> Street, 8<sup>th</sup> Floor  
New York, New York 10003

Victor A. Mirontschuk, CEO  
Connecticut Lic. No. 6612

NEMD Architects of Connecticut, P.C.  
919 Middle Street  
Middletown, Connecticut 06457

Joanne O'Connell-Foster, CEO  
Connecticut Lic. No. 11843

Sam Fitzgerald Architect, P.C.  
1420 Gloaming  
Fishers Island, New York 06390

Samuel W. Fitzgerald, CEO  
Connecticut Lic. No. 10171

2F. Update from Mr. Steven Schwane from the Consumer Protection's Legal Division regarding any Board issues. Mr. Schwane advised of the Board of a complaint he recently received from the Trade Practices Division involving an architect who was hired by a homeowner to do design work for an addition to the home and to also be the construction manager. Mr. Schwane asked for a Board member's assistance in this matter. Mr. Hurd volunteered to step down and assist the Department.

2G. Complaint File No. 2008-2742 and proposed Settlement Agreement; for the Board's review and consideration. Mr. Schwane gave the Board a proposed Settlement Agreement resulting from an investigation in which Mr. Barkin assisted the Department. The agreement requires the licensee to be placed on probation and attend a series of Department of Public Safety seminars. Upon completion of these seminars by the licensee, the probation will conclude. If he fails to do so by July 1, 2011 without good cause, his license will be suspended until completion of these courses. There was brief discussion by the Board concerning the rigor of these courses and assurance that the attendees derive what they are supposed from the presentation of the same. Mr. Barkin noted that one of the challenges in this case was finding a distinct and specific curriculum to address the licensee's deficiencies. After more discussion, *the Board voted, to approve the Department's Settlement Agreement (Briggs/Jeter) Both Mr. Barkin and Ms. Morales abstained from the vote. The Agreement was signed by Mr. Hurd on behalf of Mr. Jeter since he is not attending in person today.*

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

1. Mr. Kuzmich a letter he received from a Connecticut architect regarding a request for clarification and confirmation regarding the need for a professional seal and a corporate seal for a Limited Liability Corporation. Mr. Huntsman and Ms. Briggs discussed exactly what an LLC is in legal terms. Board policy was discussed on how the Department is handling LLC applications and it was noted that AIA/CT is trying to seek legislative support aside from the Department to change the statutory language to incorporate LLC as a license type.

2. The Board discussed the issue of NCARB sending *Unbound Council Records* to the Board for their review relative to admission to the architect registration examination in addition to the current *Member Board Requirements Survey* and what it states. Mr. Hurd noted that the current Statutes and Regulations require a professional degree. The fact that the regulations have provisions for an exception to this requirement in extraordinary cases should not give the public at large the idea that they can count on Connecticut when they do not have an accredited degree.

It was decided to change Connecticut's requirements on NCARB's website to eliminate the reference to the above mentioned exception. In addition, Mr. Jeter will speak, by telephone, to the appropriate personnel at NCARB to address this issue.

*The meeting adjourned at 10:05 AM. (Briggs/Morales) The next regular meeting of the Architectural Licensing Board is scheduled for Friday, March 18, 2011 at 8:30 a.m.; State Office Building; Room 121; 165 Capitol Avenue, Hartford, Connecticut.*

Respectfully Submitted,

Robert M. Kuzmich, R.A.  
Board Administrator