

ARCHITECTURAL LICENSING BOARD
Tel. No. (860) 713-6145

November 3, 2008

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

The six hundred and eighty third meeting of the Architectural Licensing Board, held on September 19, 2008, was called to order by Chairman Mr. S. Edward Jeter at 8:36 AM in Room No. 121 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:	David H. Barkin Carole W. Briggs Robert B. Hurd S. Edward Jeter	Board Member Board Member Board Member Chairman/Board Member
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Board Members Not Present:	None.
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Others Present:	Robert M. Kuzmich Steven J. Schwane C. McLean John McLean Diane Harp Jones E. Russell Learned M. J. Chambers, AIA Glenn M. Barnhard, AIA Bruce Spiewak	License and Applications Specialist/Department of Consumer Protection Administrative Hearings Attorney/Department of Consumer Protection Reinstatement Applicant AIA/CT AIA/CT President-Elect AIA/CT President AIA/CT Board of Directors AIA/CT
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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 July 8, 2008; for review and approval. *After a thorough review by all, the Board voted, unanimously, to accept the minutes as written. (Briggs/Jeter)*

1B. Request from AIA/CT for a review of Architecture Regulations pertaining to the Code of Ethics as stated in their E-mail dated February 27, 2008; continuation of discussion. AIA/CT provided the Board with a copy of "GNYHA Services, Inc. Group Purchasing Regional Agreement" for their use. Ms. Harp Jones reminded all that the origin of the Board's ongoing discussion on this subject came from a question asked to AIA/CT by a New York-based architect. It was noted that this company can not legally operate in New York and has been taken before the New York State Board for doing so.

Mr. Schwane asked the questioned where in the law governing the practice of architecture is this business practice prohibited? He could not find anything. Ms. Briggs asked if non-architects can be paid revenue for the delivery of architectural services. She noted that this is one way of construing the language. Mr. Barkin stated that this company, in essence, is acting as a matchmaker and the architect entity is providing the services. Mr. Schwane, in reading over the company agreement provided to the Board, noted that the company is not saying they are going to provide services. Ms. Harp Jones noted that in her opinion, this entity appears to be nothing more than a marketing firm but asked the question does the fact that they are taking a percentage of the architect's fee as payment make a difference as opposed to taking a flat fee. Ms. Briggs interpreted this company's practice as deriving a profit from a business they are not licensed to perform. Mr. Schwane stated that he can not give the Board formal advice on this matter. He can inform the Department that he does not see this company's practice as a violation of law. If the Board feels otherwise, they can make that determination and indicate to the Department that they want to take action and ask that an investigation be undertaken. Their other option is to ask their Counsel for his opinion.

After more lengthy discussion, the Board voted unanimously to refer this matter to their counsel, Mr. Peter Huntsman from the Attorney General's Office, for his opinion on this matter. This discussion will be continued at the next Board meeting with Mr. Huntsman present for the discussion. (Briggs/Barkin)

1C. Continuation of discussion concerning Continuing Education for Architects; as originally requested by Board Member Mr. David H. Barkin at the Board's January 18, 2008 meeting. AIA/CT submitted a letter authored by Margaret J. Chambers, AIA, to the Board, on behalf of their membership, supporting a continuing education program for architects mandated by the State. The program would mirror those of surrounding States with requirements not to exceed 12 hours of required continuing education

annually. Ms. Chambers introduced Mr. E Russell Learned, AIA/CT President-Elect and Mr. Glenn M. Barnhard from AIA/CT Board of Directors to the Board. She spoke, in depth, regarding the benefits of continuing education to their membership. Ms. Chambers does not see this program as having to be onerous to the State and offered, on behalf of AIA/CT, assistance to the Board in establishing a program if necessary.

Mr. Barkin suggested that at this point, the discussion not get bogged down in the actual implementation of such program but instead, address Mr. Hurd's question regarding how such a program would benefit consumers and improve public safety. It was noted by AIA/CT that ideally all architects and not just their members be on the same footing so to speak in keeping up with technology and building codes. In response, Mr. Jeter noted then that it is AIA/CT's contention that, at present, architects are not doing this to which AIA/CT stated, in response, that there is no way for certain that that is the case. Their concern is the architects that may not be interested in keeping abreast of the times and how these individuals are monitored without such a program in place.

Ms. Briggs stated that continuing education, in the abstract, is agreed by all to be a "good thing". The question is whether a monitoring program enhances the public safety. In addition she asked what monitoring program would ensure the architects are actually learning things that improve/benefit the consumer and improve public safety. It was agreed by both sides that there are many ways for individuals to "get around" any monitoring system in a continuing education program. AIA/CT hopes to reach out to the majority of architects in the State acknowledging there will always be recalcitrant's.

In the interest of full disclosure, Mr. Hurd stated that he has been a member of AIA/CT since before he was licensed in 1974. In addition, he has spent several years in the legislature listening to people trying to convince them at the time that insurance agents needed continuing education (CE) and none of those people over four years of hearings was a member of the public who felt abused by the lack of continuing education.

In addition he has attended many AIA/CT CE programs and agrees that they are excellent both in material content and presentation. Mr. Hurd sees a disconnect between the need to maintain CE professionally on the individual architect's part and the need to mandate it bureaucratically on the part of the Board. For this reason, he is not easily convinced.

Mr. Hurd would like to hear from people who "consume" architectural services that they think CE would be important to both the future of the profession and to the health safety and welfare of the public in the State of Connecticut. A public forum was discussed as a first step in determining the need followed by a legislative change and amendments to the regulations. To accomplish all this, the support of the public is

essential based upon the Board's past track record with getting relatively innocuous things through the legislature. *As such, the Board voted, unanimously, to hold a public forum early next year (2009) for the purpose of hearing from the public on this topic. (Hurd/Barkin)*

2. New Business

2A. Letter from Mr. John McLean, dated August 18, 2008, concerning fees associated with the reinstatement of his Architect License No. 6703. Mr. McLean addressed the Board concerning his reinstatement application. He was shocked when he was told of the fees he needs to pay to reinstate his license for business activities that never existed. He told the Board this process was draconian and was not aware of any other State requiring these fees be imposed on the applicant perpetually. He also informed the Board that the rules he received from them in February of 1990 reference the language "...licensed architects who desire to continue to the practice of architecture." and bases his argument on the fact that he did not "desire" to renew his certificate of registration.

He also noted a discrepancy in the dates of regulations posted on the Department's website and the regulations he received. Mr. McLean questions the constitutionality of this requirement and stated that perhaps this reinstatement procedure can be viewed as a restraint of trade or professional practice on an inter-state level. He has difficulty understanding this fee as well as the penalties and interest imposed on the same as if it is money owed.

Ms. Briggs asked if Mr. McLean could simply reapply and, in effect, start over and get a new license and leave his previous license lapsed? After more discussion on this possibility, *the Board voted, unanimously, to postpone further action on this matter until their next meeting scheduled for November 21, 2008. In the interim period, they asked that Mr. McLean's reinstatement matter be reviewed by Mr. Peter Huntsman of the Attorney General's Office; counsel to the Board. (Hurd/Briggs)*

2B. 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 individual for licensing as an architect in Connecticut. (Briggs/Barkin)

1. Matthew P. Holst

2C. 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/Barkin)*

1.	Albert, Ronald H.	Waiver of Examination; Massachusetts	Direct
2.	Azrak, Jr., George	Waiver of Examination; New Jersey	Direct
3.	Baird, Matthew	Waiver of Examination; New York	(NCARB File No. 106897)
4.	Bonsignore, Richard C.	Waiver of Examination; New York	(NCARB File No. 74442)
5.	Cassidy, Denis A.	Waiver of Examination; New York	Direct
6.	Cobb, Alan H.	Waiver of Examination; Michigan	(NCARB File No. 66455)
7.	Cole, Jeffrey L.	Waiver of Examination; Tennessee	(NCARB File No. 35119)
8.	Cunha, III, Frank	Waiver of Examination; New Jersey	(NCARB File No. 87026)
9.	Daum, Eric, I.	Waiver of Examination; Massachusetts	(NCARB File No. 122501)
10.	Donahue, Brian J.	Waiver of Examination; Massachusetts	Direct
11.	Douglas, Jr., Thomas G.	Waiver of Examination; Massachusetts	(NCARB File No. 46821)
12.	Edward, Jr., Donald M.	Waiver of Examination; New York	Direct
13.	Estevez, Pablo Castro	Waiver of Examination; New York	Direct
14.	Gehring, Grant W.	Waiver of Examination; Texas	Direct
15.	Giorgi, Barry L.	Waiver of Examination; Massachusetts	(NCARB File No. 42380)
16.	Gutwillig, Michael V.	Waiver of Examination; New Jersey	(NCARB File No. 103771)
17.	Hanseman, Jay E.	Waiver of Examination; Maryland	(NCARB File No. 88851)
18.	Heater, David G.	Waiver of Examination; Washington	(NCARB File No. 57188)
19.	Hill, Martin L.	Waiver of Examination; Washington	(NCARB File No. 79110)
20.	Lagerberg, Eric	Waiver of Examination; Pennsylvania	(NCARB File No. 59613)
21.	Lobitz, Daniel	Waiver of Examination; New York	(NCARB File No. 129739)
22.	Mellowes, James	Waiver of Examination; Massachusetts	(NCARB File No. 23107)
23.	Neves, Marco A.	Waiver of Examination; New Jersey	(NCARB File No. 107018)
24.	Noble, Derek	Waiver of Examination; Massachusetts	(NCARB File No. 72891)
25.	Orlando, Marco A.	Waiver of Examination; Massachusetts	(NCARB File No. 49967)
26.	Quigg, Henry S.	Waiver of Examination; Texas	(NCARB File No. 39162)
27.	Reder, Thomas R.	Waiver of Examination; Michigan	(NCARB File No. 55709)
28.	Rubel, Zigmund	Waiver of Examination; California	(NCARB File No. 64676)
29.	Schrom, Rainer	Waiver of Examination; New York	(NCARB File No. 94467)
30.	Shankweiler, Larry S.	Waiver of Examination; California	(NCARB File No. 64061)
31.	Smith, Michael R.	Waiver of Examination; New Jersey	(NCARB File No. 53203)
32.	Stone, David R.	Waiver of Examination; Massachusetts	(NCARB File No. 90540)
33.	Tagland, William C.	Waiver of Examination; New Jersey	(NCARB File No. 64287)
34.	Taylor, Charles K.	Waiver of Examination; Florida	(NCARB File No. 40976)
35.	Valerio, Niccolo	Waiver of Examination; California	(NCARB File No. 105196)
36.	Van Ness, Stephen	Waiver of Examination; Massachusetts	(NCARB File No. 53664)
37.	Weaver, James S.	Waiver of Examination; New York	Direct

2D. 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/Barkin)*

Gruskin Architecture + Design, P.C.

Kenneth A. Gruskin, CEO

294 Morris Avenue
Springfield, New Jersey 07081

Connecticut Lic. No. 9613

Stantec Architecture Inc.
150 Oak Plaza Boulevard
Winston-Salem, North Carolina 27105

Peter E. Avetta, CEO
Connecticut Lic. No. 11222

2E. Application for Joint Corporate Practice of Architecture & Professional Engineering;
the Department has reviewed and recommends for approval the following application;

Cubellis, P.C.
281 Summer Street
Boston, Massachusetts 02210

Lenord G. Cubellis, CEO
Connecticut Lic. No. 10871

Mr. Barkin noted that he has been informed that this entity has been practicing architecture in the State of Connecticut in their Glastonbury office and questions whether they are seeking the license after the fact. Ms. Briggs asked the question was this entity using the name Cubellis, P.C. before it was registered as a joint architectural practice. This question needs to be answered prior to the Board voting on this application. The Board asked the Department to determine what the activities of this applicant were prior to being registered and what business entity was used for the same. *As such, the Board voted to postpone action on this application until their next meeting scheduled for November 21, 2008. (Jeter/Barkin)*

2F. Memorandum from Mr. Steven Schwane, dated September 9, 2008, concerning File No. 2007-8788; for action by the Board. Mr. Schwane noted that there is a proposed agreement before the Board in this case for their review and approval. The issue is fairly simple as detailed in the memo given to the Board. Mr. Schwane briefly summarized the case for the Board. *After brief discussion, the Board voted, unanimously, to accept the proposed agreement presented to them today by the Department. (Briggs/Hurd)*

2G. Update from Mr. Steven Schwane from the Consumer Protection's Legal Division regarding Complaints and any other Board issues.

1. Mr. Schwane reminded the Board that their 2009 legislative proposal has been given to the Department's Legislative Liaison. Whether it is taken up is somewhat doubtful and if the Board feels they would like to promote this on their own through private industry, they are free to do so. He has been told not to count on this as being part of the Department's package.

2. The State Library proposed regulations regarding filing maps and Town Records have still not made it to the Regulation Review Committee for reasons unknown to Mr. Schwane.

3. Mr. Schwane noted that he neglected to put the Stewart Case on the list of pending complaints. He will correct this. Ms. Briggs noted that this complaint list is still not complete noting matters previously discussed by the Board that do not appear and asked when this list will be updated.

Mr. Schwane had a meeting with the Commissioner on this matter and was told that any inquiries regarding investigations should continue to go through the Trade Practice Division. It is the Commissioner's request that the Department not put on any specific cases until they have an active ongoing investigation.

Ms. Briggs is not in favor of having a list of cases that the Board is not aware of. If people make a complaint, the Board should be at least aware of the same at the onset. She noted that they shouldn't be reading about issues in the paper that they were not aware existed.

Mr. Hurd stated that is not the Boards intent to interfere with anyone's investigation but they also do not want to be perceived as uncaring about egregious violations of the law; like professionals under their oversight. Mr. Schwane will look into this matter further and get back to the Board. The Board is willing to meet with the Commissioner to discuss this matter further.

2H. "CHRO Reviews" CHRO CRITERIA PER SECTION 46a-80; it was noted by Mr. Jeter that there are no cases before the Board today.

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

The meeting adjourned at 10:12 AM. (Briggs/Hurd). The next regular meeting of the Architectural Licensing Board is scheduled for Friday, November 21, 2008 at 8:30 a.m.; State Office Building; Room 121; 165 Capitol Avenue, Hartford, Connecticut.

Respectfully Submitted,

Robert M. Kuzmich, R.A.
Board Administrator