

ARCHITECTURAL LICENSING BOARD

Tel. No. (860) 713-6145

February 23, 2009

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

The six hundred and eighty fifth meeting of the Architectural Licensing Board, held on January 16, 2009, 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:	David H. Barkin Robert B. Hurd S. Edward Jeter	Board Member Board Member Chairman/Board Member
Board Members Not Present:	Carole W. Briggs	Board Member
Others Present:	Robert M. Kuzmich Peter R. Huntsman Richard E. Maloney Elisa Nahas Matthew Wittmer Thomas Galligan Diane Harp Jones Bruce Spiewak	License and Applications Specialist/Department of Consumer Protection Attorney General's Office; Board Counsel Director, Trade Practices Division/Department of Consumer Protection Principal Attorney, Department of Consumer Cubellis Cubellis AIA/CT AIA/CT

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 November 21, 2008; for review and approval. The minutes shall be revised to state that Mr. Peter R. Huntsman from the Attorney General's Office was present at this meeting. *After a thorough review, the Board voted, unanimously, to approve the minutes as amended herein. (Hurd/Barkin)*

1B. Application for Joint Corporate Practice of Architecture & Professional Engineering; the Board has requested that an authorized representative appear at today's meeting;

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

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

Board Counsel Mr. Peter Huntsman noted that their attached application doesn't state total number of voting shares issued and the affidavit isn't signed. The handwritten attached application does have the affidavit signed but does not indicate total voting shares in addition to other items changed such as the percentages of voting shares issued to stock holders. The Board assumes that their handwritten application is their final version reflecting amended voting stock holders and their related percentages of stock held. Mr. Huntsman noted that this version is still not complete. He also added that all PC ownership must be licensed professionals somewhere, if not Connecticut, in addition to the applicable rules of the joint practice corporation as determined by his office after a detailed review of the existing statutes. Mr. Huntsman also requested clarification on how this entity is offering interior design services as this is not clear on their application.

Mr. Matthew Wittmer, an Architect for Cubellis, clarified for the Board that Cubellis is a domestic corporation in Massachusetts in addition to a Professional Corporation which they have also filed as a licensing affiliate of Cubellis. The share holders of this Massachusetts PC are all licensed professionals and the 100% ownership in the company is held by Len Cubellis who is the majority shareholder in the domestic corporation in Massachusetts. In 2007, Cubellis purchased Vinnick Associates, an Interior Design Firm in Connecticut. In order for this transaction to occur, the company needed to incorporate in Connecticut as the same corporate entity they were purchasing which was Cubellis, Inc. Mr. Wittmer hopes that this addresses the Board's question regarding the offering of interior design services as well as the engineering and architectural services.

It was clarified that that the entity Cubellis, P.C. is now seeking a license from this Board and that this entity does not offer interior design services. Mr. Huntsman asked for clarification on the ownership of this company. Mr. Wittmer stated that ownership is comprised of the President, the Secretary, and the Treasurer who are all licensed

professionals. The President and Secretary are license architects, respectively Leonard Cubellis and Richard Rankin. Mr. Kuzmich noted that Connecticut Law requires that all ownership in this type of PC must be held by license design professionals, further, at least 2/3 thirds of the ownership by licensed design professional in Connecticut and at least 20% ownership in each profession held by licensed design professional in Connecticut.

Several different versions of this company's application were reviewed between Mr. Huntsman and Mr. Wittmer. After an extensive questioning and review by Mr. Huntsman, it was decided to modify one of the company's applications at this meeting by Mr. Wittmer, as a duly authorized representative of the company, to correctly indicate the correct voting stock percentages and ownership of the professions offering services. *Subsequent to these actions, the Board voted, unanimously, to approve the application Cubellis, P.C. for Corporate Practice of Architecture and Professional Engineering in Connecticut. (Hurd/Jeter)*

2. New Business

2A. Request for consideration of Application for Architect's License by Mr. Christian D. LaVigna; for further discussion by the Board. Mr. Hurd prepared a Prospective for candidate for licensure Christian D. LaVigna and distributed this to the Board and staff. He summarized the candidate's educational background and employment history. Mr. Hurd stated that Mr. LaVigna received his architect license from New York State in June of 2008 beginning the exam process in 1998. The candidate made many references to a man he worked for and was business partners with in a design-build entity between 1984 and 2008. Mr. LaVigna states that this man is licensed in New York and Connecticut. However, this person has not been licensed in Connecticut since July of 2000 because he let his license lapse and moved out of State.

In light of this information and other questions pertaining to potential unlicensed practice and other items, Mr. Hurd would like to interview Mr. LaVigna in person before the Board. *As such, the Board voted, unanimously, to have Mr. LaVigna appear at their March 27, 2009. (Barkin/Hurd). It is noted that Mr. Hurd abstained from the vote.*

2B. Request for consideration to sit for the Architect Registration Examination by Mr. Dana Royal Christ; for discussion by the Board. Mr. Hurd prepared a Prospective for candidate for licensure examination Dana Royal Christ and distributed this to the Board and staff. He summarized the candidate's educational background and employment history. As an aside, Mr. Hurd suggested to the candidate that he revise his educational credential on his promotional literature to correctly reflect his educational background. After his presentation to the Board, Mr. Hurd recommended to the Board that Mr.

Christ be allowed under Section 20-289-3a (3) to take the Architectural Registration Examination in Connecticut. *The Board agreed with Mr. Hurd and as such, voted, unanimously, to approve the application of Mr. Dana Royal Christ to sit for the Architectural Registration Examination as a Connecticut candidate. (Jeter/Barkin) It is noted that Mr. Hurd abstained from the vote.*

2C. Request from AIA/CT for discussion concerning the Sustainable Building Advisor Program. Ms. Harp Jones wanted the Board to be aware of these types of programs. AIA/CT has tried to inquire about the program and has concerns relating to the same. They are registered with AIA/National as a provider although information about them is not easily accessed. This program is currently being offered at a local college and AIA/CT wonders exactly what type of certificate is being issued to the students and what the provider's qualifications and credentials are. Again, this information is being presented to the Board for their information. AIA/CT is asking if this program is misleading to the consumer. Mr. Huntsman related this Board's charge and their authority to this matter.

2D. Request from AIA/CT for discussion concerning the *The National Council of Building Designer Certification*, 2962 Saklan Indian Drive, Walnut Creek, California 94595. Mr. Jeter went to this company's website and it is not clear to him that their scope of work is only residential in nature. If they are misleading the public relating to design credentials, then that becomes a problem and should be further investigated. Mr. Hurd asked if the NCBDC encourages in some way unlicensed practice. Mr. Huntsman added by asking if this entity is encouraging people to believe that they are architects? That is the real question. Mr. Jeter questioned the Board's role in this matter but if they are misleading the public, then some further action must be taken by someone. Mr. Huntsman noted that this issue may be more of a general Consumer Protection issue rather than an Architectural Licensing Board issue.

It was decided by the Board to continue discussion on this item at their next meeting after other members of the Board have a chance to visit the entity's website.

2E. Discussion with the Department's Legal Division and Trade Practices Division at the request of the Board.

Ms. Elisa Nahas addressed the Board and noted that she spoke with Mr. Schwane earlier and advised the Board that he is out sick today. This discussion was prompted when she became aware that the Board was receiving complaint updates from Mr. Schwane. Her concern involves the fact that this process may taint the enforcement function of this Board. She also noted that the information being provided the Board goes well beyond the Statutory guidelines for the same. Mr. Richard Maloney, Director of the Trade Practices Division is working with all Board and Commissions to standardize what is being presented to them.

Ms. Nahas recognizes the possible frustrations the Board may have concerning the complaint process and what the Board sees in the media about their licensees and their desire to maintain the integrity of the profession. However, Ms. Nahas does not want to jeopardize anything that may come forward or make the same an appealable issue.

It was noted by Mr. Huntsman that Mr. Schwane is a very valuable resource to the Board because of he has a great deal of institutional knowledge. It is clear to the Board that Mr. Schwane is not their legal counsel due in part to the fact that Mr. Schwane himself makes that very clear to them. It was also noted that this Board is respectful of his time and duties and does not abuse them.

Mr. Maloney distributed a current list of *Complaints by Type – Alleged Issues* to the Board for their review and comment. Discussion on complaints submitted by AIA/CT was raised by Ms. Harp Jones and the communication process between the Department and AIA/CT was discussed. This list of complaints was further explained to the Board by Mr. Huntsman and Mr. Maloney in response to questions asked by Mr. Barkin and Mr. Jeter. Mr. Maloney offered to discuss more details with the Board on complaints once they have been closed by the Department. Mr. Maloney offered to review Ms. Jones’s list of complaints and compare it with what the Department has and reconcile any differences with her.

Mr. Hurd spoke on behalf of Ms. Briggs and her concern of this Board being able to have a “handle on complaints and to make sure that cracks don’t get too wide”. Mr. Hurd noted that the Board would like, at a minimum, to have case numbers that indicate when the complaint arrived and statuses that indicate whether or not the complaint has been resolved. The Board requested simple updates on ongoing complaints along the way so they have a level of comfort knowing that everything that can be done is being done. In conclusion, Ms. Nahas emphasized that the Department never intended to keep information from the Board regarding complaints. The Department is trying to be as transparent as possible while maintaining due process and at the same time trying not to taint any possible enforcement action that the Department may wish to take in the future.

2F. 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. (Hurd/Barkin)*

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| 1. Christie J. Day | 3. James S. Kraus |
| 2. Joana T. Jamo | 4. Benjamin J. Monroe |

2G. 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. (Hurd/Barkin)*

1.	Angles, Manuel	Waiver of Examination; Georgia	(NCARB File No. 34017)
2.	Anmahian, Alex	Waiver of Examination; Massachusetts	(NCARB File No. 57233)
3.	Archibald, Stephen E.	Waiver of Examination; Massachusetts	(NCARB File No. 51432)
4.	Basile, Thomas J.	Waiver of Examination; Maryland	(NCARB File No. 11604)
5.	Callahan, Timothy J.	Waiver of Examination; Illinois	Direct
6.	Eidson, Kevin D.	Waiver of Examination; Florida	(NCARB File No. 51419)
7.	Fennig, Craig R.	Waiver of Examination; Michigan	(NCARB File No. 91415)
8.	Forth, Mark	Waiver of Examination; Massachusetts	(NCARB File No. 38154)
9.	Gifford, Steven K.	Waiver of Examination; New York	(NCARB File No. 78145)
10.	Golden, Paul	Waiver of Examination; New York	Direct
11.	Herko, Randall L.	Waiver of Examination; New Jersey	(NCARB File No. 58590)
12.	Korn, David L.	Waiver of Examination; New Jersey	(NCARB File No. 114981)
13.	Hammann, III, Frederick B.	Waiver of Examination; Florida	(NCARB File No. 21151)
14.	Lafreniere, John H.	Waiver of Examination; Massachusetts	(NCARB File No.45039)
15.	McLeish, III, James B.	Waiver of Examination; Texas	(NCARB File No. 64545)
16.	Mierzejewski, Alfred	Waiver of Examination; New York	Direct
17.	Monro, George S.	Waiver of Examination; New Jersey	(NCARB File No. 91922)
18.	Mottola, Joeseeph M.	Waiver of Examination; New York	(NCARB File No. 119666)
19.	Nemergut, Marc R.	Waiver of Examination; New Jersey	(NCARB File No. 79573)
20.	Pacheco, David J.	Waiver of Examination; California	(NCARB File No. 94236)
21.	Pew, III, George L.	Waiver of Examination; New York	Direct
22.	Rickard-Brideau, Carolyn	Waiver of Examination; Virginia	(NCARB File No. 67973)
23.	Shepley, Roger	Waiver of Examination; Massachusetts	(NCARB File No. 84758)
24.	Smith, Kevin M.	Waiver of Examination; New York	(NCARB File No. 129738)
25.	Tavares, Manuel J.	Waiver of Examination; Massachusetts	Direct
26.	Trachtenberg, Gail P.	Waiver of Examination; Maine	(NCARB File No. 65532)
27.	Wenz, Dean A.	Waiver of Examination; New York	(NCARB File No. 120449)
28.	Wills, William S.	Waiver of Examination; North Carolina	(NCARB File No. 121776)
29.	Winton, Nicholas D.	Waiver of Examination; Massachusetts	(NCARB File No. 68102)
30.	Wood, David A.	Waiver of Examination; Vermont	(NCARB File No. 33539)
31.	Woodin, Scot R.	Waiver of Examination; Massachusetts	(NCARB File No. 97830)

2H. 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: (Hurd/Barkin)*

Barnes Vanze Architects, Inc.
11 South 12th Street

Anthony S. Barnes, CEO
Connecticut Lic. No. 11465

Richmond, Virginia 23218
Dore + Whittier Architects, Inc.
1795 Williston Road, Suite 200
South Burlington, Vermont 05403

R. John Dore, CEO
Connecticut Lic. No. 10613

Mellowes & Paladino, Inc.
195 State Street
Boston, Massachusetts 02109

James Mellowes, CEO
Connecticut Lic. No. 11633

The Swartz Architectural Group, P.C.
134 Academy Street
Poughkeepsie, New York 12601

Donald L. Swartz, CEO
Connecticut Lic. No. 6420

Workley Architects, Inc.
3142 Prospect Avenue
Cleveland, Ohio 44115

John C. Workley, CEO
Connecticut Lic. No. 9793

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

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

1. Mr. Kuzmich discussed the Board's request to establish a forum to solicit public opinion regarding possible continuing education (CE) for architects with Mr. Nahas and asked her to address the Board on this request. Ms. Nahas addressed this matter with the Commissioner. She noted that implementing CE requires a legislative change with an associated fiscal impact on the Department and a fiscal note would be attached to the request for such a change. This year given the current economic climate, the Department does not want to promote such a proposal at this time. Mr. Barkin stated that he recognizes that a change of this type would not likely happen in this legislative session. However, the Board's intention at this point is to try and determine if there is a need for continuing education from the public's perspective that is the reason why the Board wants to push forward on this issue.

Ms. Nahas suggested that the Board possibly meet with the Commissioner on this matter. After extensive discussion, it was determined that the Board can place the request for public discussion on continuing education on a future agenda and the Department can also make note of this request on their website. Mr. Huntsman emphasized and clarified that this Board could not, without the Commissioner's consent, schedule a Public Hearing/Meeting to discuss continuing education off site of the State Office Building.

The Board thanked both Ms. Nahas and Mr. Maloney for their attendance at this meeting.

The meeting adjourned at 10:15 AM. (Hurd/Jeter) The next regular meeting of the Architectural Licensing Board is scheduled for Friday, March 27, 2009 at 8:30 a.m.; State Office Building; Room 121; 165 Capitol Avenue, Hartford, Connecticut.

Respectfully Submitted,

Robert M. Kuzmich, R.A.
Board Administrator