

ARCHITECTURAL LICENSING BOARD

Tel. No. (860) 713-6145

April 23, 2008

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

The six hundred and eightieth meeting of the Architectural Licensing Board, held on March 12, 2008, was called to order by Acting Chairman Mr. Robert B. Hurd at 8:39 AM in Room No. 119 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:	David H. Barkin Carole W. Briggs Robert B. Hurd Christopher Mazza	Board Member Board Member Board Member Board Member
Board Members Not Present:	S. Edward Jeter	Chairman/Board Member
Others Present:	Robert M. Kuzmich Steven J. Schwane Peter R. Huntsman Diane Harp Jones Bruce Spiewak	License and Applications Specialist/Department of Consumer Protection Administrative Hearings Attorney/Department of Consumer Protection Attorney General's Office 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 January 18, 2008; for review and approval. *After a thorough review, the Board voted, unanimously, to approve the minutes of the January 18, 2008 meeting as submitted. (Barkin/Mazza)*

1B. Request from Mr. Bruce J. Spiewak for the Architectural Licensing Board's review of existing statutory language regarding Interior Designers relative to Architectural Licensing law and Declaratory Ruling 93-1. Mr. Spiewak noted that the attached handout was given by the State Building Inspectors Office at a seminar for Building Officials. The chart has a statement which reads that non-load bearing plans prepared by an Interior Designer shall be acceptable as a part of the required construction documents. He thought that this statement may be somewhat misleading. He referenced the Declaratory Ruling No. 93-1 issued by a previous Board and noted that a major effort on the part of the Interior Design Community was made to clarify that they had some rights under the licensing law to be exempt. The ruling, in fact, clarified quite otherwise, but it was issued before their title registration act was passed. Mr. Spiewak asked the Board to determine whether or not the conclusions of their Declaratory Ruling would in any way change based on the Interior Designer title registration act. He feared that this legislative session may open some interior design issues that have been closed. Mr. Spiewak clarified that his concern is the chart issued at this conference.

Mr. Spiewak further explained his concern to Mr. Barkin by stating that that the thrust of the language on this chart can be interpreted to mean that Interior Designers can prepare plans on for space in a building over the five thousand square feet threshold and, if they are working within the scope of what their act says they can do, then this work does not have to be sealed by a licensed architect. Mr. Barkin noted that the interior design language on the flowchart as it appears in the upper right corner is a stand-alone item and not part of the flow chart itself. Mr. Spiewak questions the words "in all cases" and is concerned about how that may be interpreted. Mr. Barkin raised the point that Interior Designers can not seal drawings based upon the current language of the statutes. Mr. Spiewak views the language in the chart as a possible exception to the law and everything in the Building Official's flowchart. In summary he is concerned that this may be an attempt on the part of the Interior Design community to change the intent of the statute by innuendo.

Mr. Huntsman stated that this Building Official's document is not statutes, regulation, or anything that one can point to. Mr. Spiewak asked the question is this flow chart issued by the Department of Public Safety an apparent violation of the Architectural Licensing law as written and at face value? Again, Mr. Huntsman stated that this document has no legal power and is a "nothing". Mr. Huntsman raised the issue that Mr. Spiewak's question may open new discussion on the Declaratory Ruling 93-1. Mr.

Spiewak would like the Board to answer his question stated above without revisiting the Declaratory Ruling or open a hearing relative to the same. The process of obtaining formal opinions from the Office of the Attorney General's Office was discussed. Mr. Spiewak stated there appears to be a choice between asking the Board this question and enduring the potential fallout from the same such as public hearings open to all including Interior Designers or "back off" and have his professional organization communicate with the parties involved and make sure that there is a mutual understanding. Mr. Huntsman advised that Mr. Spiewak should first seek clarification from the State building Official's Office and thoroughly understand what their intent was in issuing this document.

Mr. Hurd noted the date of adoption of the Interior Designer Statute was 1983 and the definition of Interior Designer appears to date from Public Act 92-43 both of which precede the Board's Declaratory Ruling 93-1. Further, the graphic on the Building Official's chart appear to parrot the definition of Interior Design. Mr. Hurd believes the question that needs to be asked to the State Building Official is "is the language in the chart parroting that definition and if so, was that done on his own or was he prompted by others". As such, Mr. Spiewak withdrew his formal request for an opinion from this Board on this issue and will address this matter with the State Building Inspector.

2. New Business

2A. 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. (Mazza/Barkin)*

- | | |
|----------------------|----------------------|
| 1. Kyle P. Bradley | 4. Deborah E. Lukan |
| 2. Kevin S. Herrick | 5. Audrey J. McGuire |
| 3. Joseph E. Klebeck | |

2B. 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. (Barkin/Mazza)*

- | | | |
|---------------------------|--------------------------------------|------------------------|
| 1. Adler, Susannah K. | Waiver of Examination; Massachusetts | (NCARB File No. 75806) |
| 2. Andrade, Manuel A. | Waiver of Examination; New York | (NCARB File No. 95919) |
| 3. Armstrong, Lawrence R. | Waiver of Examination; California | (NCARB File No. 44348) |
| 4. Badalamenti, Alexander | Waiver of Examination; New York | (NCARB File No. 53086) |

5.	Bakos, Timothy J.	Waiver of Examination; District of Columbia	Direct
6.	Barbuti, David A.	Waiver of Examination; New York	Direct
7.	Becker, John C.	Waiver of Examination; Massachusetts	(NCARB File No. 120731)
8.	Blau, Victoria G.	Waiver of Examination; New York	(NCARB File No. 80202)
9.	Brisske, Werner H.	Waiver of Examination; Wisconsin	(NCARB File No. 116250)
10.	Cantillo, Donald J.	Waiver of Examination; New York	(NCARB File No. 95177)
11.	Cataldo, Robert M.	Waiver of Examination; Illinois	(NCARB File No. 121173)
12.	Cohen, Douglas J.	Waiver of Examination; Pennsylvania	(NCARB File No. 97374)
13.	Cohen, Maurice C.	Waiver of Examination; Iowa	(NCARB File No. 25785)
14.	Coleman, James	Waiver of Examination; New York	Direct
15.	Dooley, Diane M.	Waiver of Examination; Utah	(NCARB File No. 59512)
16.	Fernandez, Raimundo A.	Waiver of Examination; New York	(NCARB File No. 36045)
17.	Franz, Jr., William E.	Waiver of Examination; Texas	(NCARB File No. 63184)
18.	Gaffney, A. Lynn	Waiver of Examination; New York	Direct
19.	Glawtschew, Theodore	Waiver of Examination; Illinois	(NCARB File No. 52050)
20.	Hodges, Edward K.	Waiver of Examination; Massachusetts	(NCARB File No. 119458)
21.	Jensen, Kurt W.	Waiver of Examination; Pennsylvania	(NCARB File No. 94790)
22.	Karasek, Carol L.	Waiver of Examination; New York	(NCARB File No. 65933)
23.	Margaretten, Jeffrey S.	Waiver of Examination; Florida	(NCARB File No. 52447)
24.	Miles, Garrett F.	Waiver of Examination; Texas	(NCARB File No. 19867)
25.	Minko, Jr., George A.	Waiver of Examination; Pennsylvania	(NCARB File No. 48754)
26.	Molinaro, Jr., Mark A.	Waiver of Examination; Wisconsin	(NCARB File No. 116087)
27.	Pharr, Harry N.	Waiver of Examination; New York	(NCARB File No. 38940)
28.	Roeder, Michael A.	Waiver of Examination; New York	(NCARB File No. 129605)
29.	Sargent, Bart S.	Waiver of Examination; Georgia	(NCARB File No. 70736)
30.	Silverstein, Jack B.	Waiver of Examination; New York	Direct
31.	Snyder, Adam W.	Waiver of Examination; New York	(NCARB File No. 105094)
32.	Solon, Kelly	Waiver of Examination; New York	(NCARB File No. 78734)
33.	Turner, James E.	Waiver of Examination; Florida	(NCARB File No. 63143)
34.	Waltz, Christopher S.	Waiver of Examination; Massachusetts	(NCARB File No. 99627)
35.	Williams, James E.	Waiver of Examination; California	(NCARB File No. 50757)
36.	Wink, Kenneth A.	Waiver of Examination; California	(NCARB File No. 100996)
37.	Wright, Susan H.	Waiver of Examination; District of Columbia	(NCARB File No. 46209)

2C. Application of Mr. Kevin A. Davignon for an architect's license in Connecticut by Written Examination; for review and discussion by the Board. Mr. Kuzmich explained that this applicant is licensed less than ten years in New York and cites previous actions by this Board addressing individuals with a similar background as his own. Mr. Hurd noted that in all previous similar cases, the Board approved the applicants to sit for the examination and in all cases, their exam scores are already on file so it was just a matter of transferring these scores to Connecticut as their new base State. This method the Board used of not waiving the examination was explained in more detail to Mr. Barkin as a way of working around the ten year rule which was put into the Statutes in 1986 when NCARB still had a ten year rule for certification. These statutory requirements just paralleled NCARB's certification requirements at that time. At present, NCARB no longer has that rule but this applicant can not get NCARB certification unless he applies by the Broadly Experienced Architect procedure. Mr. Hurd offered to review his file and call the applicant to explain to him what the Board has done in the past with other

candidates that have come before the Board; some in person for interviews. *The Board decided to postpone further action on this application and have Mr. Hurd review the application and report back to the Board at their May 23, 2008 meeting.*

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: (Mazza/Barkin)*

Bergmann Architectural Associates, Inc.
1040 First Avenue, Suite 430
King of Prussia, Pennsylvania 19406

James B. Durfee, CEO
Connecticut Lic. No. 9472

Millennium Design Associates, Inc.
1599 Washington Street
Braintree, Massachusetts 02184

Joseph A. DeLuca, CEO
Connecticut Lic. No. 11296

2E. Application for Joint Corporate Practice of Architecture & Professional Engineering; the Department has reviewed and recommends for approval the following application; *the Board voted, unanimously, to approve the following application for the joint corporate practice of Architecture & Professional Engineering in Connecticut pending approval of the Board of Professional Engineers and Land Surveyors at their upcoming meeting in April (2008). (Barkin/Mazza)*

Nelco Architecture and Engineering, P.C.
226 Walnut Street
Philadelphia, Pennsylvania 19106

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

2F. Matter concerning a complaint received by AIA/CT from one of their Architect members and an affiliate Engineer member. Ms. Jones explained that this matter is complicated and will involve the Board expertise. The matter has been given to the Department's investigator and Ms. Jones asked the Department for prompt action if possible due to the nature of the complaint which may involve a safety issue. The complaint involves a licensed practitioner. Mr. Schwane asked Ms. Jones if she would like an architect member of the Board to step down and assist the Department to which she said yes. Mr. Barkin volunteered to assist the Department, if necessary.

2G. 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; this question came to Ms. Jones from a New York architect who stated that New York and New Jersey law prohibit an architect for splitting his fee with a non-licensed professional who has provided a finders service for a project. Ms. Jones asked our Board if a Connecticut licensed architect can do the same under Connecticut Law. She elaborated more on the

details of the entity providing this service. Their contract with the architect stipulates that their fee comes from the architect's fee. Both Mr. Hurd and Mr. Barkin noted that as the law reads today, they would say that this service is not illegal in Connecticut. Mr. Huntsman cautioned the Board that although he believes the same, these opinions are strictly based upon what has been presented to them at today's meeting. However, this may not always be the case.

Mr. Hurd suggested that the Department investigate how New York, New Jersey, and Rhode Island law address this matter and present this information at their May 23, 2008 meeting. *As such, the Board postponed further discussion on this matter until their May 23, 2008 meeting.*

2H. Press Release from the Connecticut Attorney General's Office concerning their actions against Builders, Suppliers, and Architects for Shoddy Construction of UCONN Law Library; for the Board's information. Mr. Kuzmich noted that this information was given to him by his Department Director to be distributed to the Board for their information. Ms. Briggs stated that she represents one of the Sureties in this litigation and if the is matter should come before the Board in the future; she will recuse herself from any Board discussion and/or action.

2I. Update from Mr. Steven Schwane from the Consumer Protection's Legal Division regarding Complaints and any other Board issues. Mr. Schwane explained that at the moment in his office, he does not have any pending complaints or issues. Keith Lombardi, the Department investigator does have pending cases. Together, they have sent to AIA/CT responses to a list of complaints she had given to the Department. Ms. Jones has spoken with Mr. Lombardi about these cases.

Ms. Briggs noted that it would help the Board if the Department could advise the Board of the various stages of pending complaints in the form of a chart which could be included on future agendas. This method could bring to the Board's attention complaints that have stalled for whatever reason(s) and to follow up on those cases. She noted that this is one of the Boards responsibilities and they have an obligation to follow through on these matters.

Ms. Briggs asked if Board members can bring complaints to the Department that they become aware of to which the answer was yes they can. Depending on the level of the Board member's involvement, they may not be able to participate in the disposition of the complaint should it involve formal Board discussion and action.

2J. "CHRO Reviews" CHRO CRITERIA PER SECTION 46a-80; none before the Board today. It was noted by Mr. Hurd that there are no cases before the Board today.

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

1. Raised Bill No. 5774, concerning *Residential Interior Designers*, was given to the Board for their information. Ms. Jones advised that Board that this Bill did come out of the General Law Committee for discussion at the floor. Mr. Barkin noted that the services in this Bill do not involve licensing and does not seem to impact public health, safety, and welfare in any way. AIA/CT chooses to not act on this Bill and does not understand why there needs to be a statute on this matter. She noted that interior decorators asked for this designation. It was emphasized, again, that this information was presented to the Board for their information.

2. Raised Bill No. 646, concerning Architectural or Construction Management Services and Gifts and Campaign Contributions made to Elected and Appointed Municipal Officials was given to the Board for their information. Ms. Jones gave the Board a history of this Bill. The State, in 2007, adapted laws requiring that architectural services being offered for school projects being funded by them be selected by a competitive bid basis. She cited a hypothetical example where field conditions in a specific area of a renovate-as-new project well exceed what was anticipated by the architect in his initial proposal and now to address these conditions will again involve another bid selection process by statute. Ms. Jones asked the Board if their Statutes would be challenged if a second architect (different from the original) has been selected by the bid process to address these unexpected conditions? Mr. Barkin noted that he believes that this process is not a statute violation but an incredibly cumbersome process. Ms. Briggs questions the professional liability these situations. Mr. Barkin believes that this situation does not represent a practice issue. Mr. Spiewak stated that although the process may be stupidity, from a licensing law point of view, he does not see a conflict. An owner can decide to have a building project with two architects and not violate the licensing law.

The meeting adjourned at 10:08 AM. (Mazza/Barkin) The next regular meeting of the Architectural Licensing Board is scheduled for Friday, May 23, 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

