

ARCHITECTURAL LICENSING BOARD

Tel. No. (860) 713-6145

December 29, 2008

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

The six hundred and eighty fourth meeting of the Architectural Licensing Board, held on November 21, 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 Peter R. Huntsman Richard E. Maloney John McLean Civia McLean 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 Reinstatement Applicant Wife of John McLean AIA/CT 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 September 19, 2008; for review and approval. The Board noted the following corrections; on page two, third paragraph, line 1, after Mr. Schwane's last name, the word "noted" shall be deleted. On page four, third paragraph, under "New Business", last line, after the word "Office", the word "council", shall be changed to "counsel". *After a thorough review, the Board voted, unanimously, to approve the minutes as amended herein. (Barkin/Hurd)*

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. Mr. Huntsman noted that he can give an informal opinion on this matter but a formal opinion can only come from the Office of the Attorney General. Mr. Huntsman will respond to legal questions as they are asked. Upon a review of the statutes and regulations, Mr. Huntsman stated that they do not speak to this issue. Any attempt to interpret the law to get to that point would require "creative word definition". Therefore, based upon the current law, this matter is not an issue.

Ms. Harp Jones asked if the Board should address this matter in the law, perhaps in their Code of Ethics. Mr. Huntsman clarified the difference between making statutory changes versus regulatory changes and noted that this matter may be a future issue of the Board as a matter of policy. Mr. Jeter stated the Board needs more thought on this issue.

1C. Letter from Mr. John Mclean, dated August 18, 2008, concerning fees associated with the reinstatement of his Architect License No. 6703; continuation of discussion. It was noted by Mr. Kuzmich that he meet on this matter with Mr. Schwane and Mr. Huntsman per the Board's request subsequent to their last meeting. Mr. Huntsman noted that this Board is created by statute and the Board must apply all statutes and regulations that have been lawfully enacted. As such, the statutes and regulations, as they are lawfully enacted, require people with lapsed license to pay the fees from the period in which their license remained lapsed; specifically the Regulation Section 20-289-8 - Lapsed License. He noted that regulations have the force of law. They are the same as statutes and are the procedure to help enact the law. This regulation has been in effect since April 22, 1988 and has not been amended.

Mr. McLean cited statutes he received dated May 1988 that state the "*desire to continue the practice*". He summarized that Connecticut law essentially requires that architects, once licensed, must always pay their annual dues at one time or another regardless of whether they are practicing in this State or not. Mr. Huntsman noted to Mr. McLean that what he is quoting from is the Statute from 1993 specifically Section 20-292(a). The regulation Mr. Huntsman has referred to in his explanation predated this Statute.

Ms. Briggs had asked Mr. Huntsman to address the option of Mr. McLean simply reapplying for a new license rather than reinstate his old one. He noted that since Mr. McLean has been the holder of a license, he is now the holder of a lapsed license and therefore, as he interprets the law, this is not a permissible option.

Mr. Jeter noted that collection of back fees for lapsed licenses is not an unusual procedure noting that *National Council of Architectural Registration Boards* has in effect similar requirements for reinstating a lapsed membership. Mr. McLean cited many States that he is licensed in that do not have such a requirement in place and questioned the real intent of the law in making former licensees pay back fees.

Ms. Briggs noted that this Board has tried many times in the past to create *Inactive* and *Retiree/Seniors* Status but has been unsuccessful in their attempts to do so due primarily to the potential negative fiscal impact this may have.

1D. 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. 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.

The Board needs confirmation that all of their professional are licensed somewhere and that they also comply with the requirements of the joint practice business corporation ownership as well as their total number of voting shares issued. *After extensive discussion, the Board has requested that an authorized representative of their company appear before them at their next regular meeting scheduled for January 16, 2009 to discuss the details of your company's voting stock ownership as well as their past practice in Connecticut. Mr. Kuzmich will send a letter to the applicant. (Briggs/Hurd)*

2. New Business

2A. Letter from Mr. Christian D. LaVigna, dated September 8, 2008, concerning obtaining his Connecticut's Architect License. Mr. Hurd noted the many inaccuracies stated in Mr. LaVigna's letter to the Board perhaps founded upon incorrect information from other people. Mr. Hurd specifically addressed the portion of his letter pertaining to Connecticut addressing his application for reciprocity in a timely manner. As a former member of the legislature that created the current regulations, Mr. Hurd noted that the Statutes state the ten year requirement for applicants applying for a license without an NCARB Certificate Record. It is not because the State refuses to address his application in a timely manner and not because the State wants to deprive him of his livelihood. He stated certain precedents in effect at that time, during the 1980's, specifically an NCARB requirement, that asked for the ten years before an NCARB Certificate could be issued. The authors of the statutes used this precedent as a basis which is somewhat outmoded today.

The Board decided to postpone further action on this item until their next regular meeting. In the interim, Mr. Hurd offered to speak with Mr. LaVigna directly and clarify what the Board needs to have in time for this meeting. Most likely, his New York State records will suffice. The major issue with this application appears to be the applicant's lack of a professional degree.

2B. At the request of AIA/CT, letter from Christie Day, dated October 17, 2008, concerning the Architect Registration Examination; for discussion by the Board. Ms. Harp Jones noted that AIA/CT has been asked by this candidate to bring this matter to the attention of the Board and that Ms. Day is following her issue through the NCARB's procedures. Ms. Day wanted the Board to know the challenges she is facing. The Board acknowledged this correspondence.

2C. Request from AIA/CT for discussion concerning the Architect Registration Examination. Ms. Harp Jones noted that the majority of this agenda item was covered in the discussion for Agenda Item 2B. She did state that AIA/CT has heard from several examination candidates that NCARB's responses pertaining to examinations sections they failed are not very helpful. Mr. Hurd noted that this Board has been through this before. He stated that the difficulty centers on exam security which, in effect, places a "stone wall" relative to the amount of information that can be transmitted to the candidate. This is a difficult situation to work around. The Board will monitor this matter to be sure that NCARB is doing what they need to do.

2D. Request from AIA/CT for discussion concerning the Department's Website for Architectural Licensing. Ms. Harp Jones stated that AIA/CT has a major concern that affects the consumer. The Departments website, as it pertains to architect license

verification, indicates all individuals that have applied for an architectural license appear with a license number in the first stage of verification. It is only if the consumer further advances their search that they find out what the status of the application is. The concern is why an applicant has a license number assigned at this part of their application process and how this can be very misleading to the consumer. After much discussion, the Board expressed their concern and asked that the Department look into this matter.

2E. The following candidates have passed the *Architect Registration Examination* and are 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/Briggs)*

1. Nicholas Ficaró
2. Rebecca Ficaró
3. Thong D. Tran

2F. 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/Barkin)*

1.	Anderson, Mark	Waiver of Examination; New York	(NCARB File No. 117304)
2.	Argibay, Antonio	Waiver of Examination; New York	(NCARB File No. 47941)
3.	Baur, Kurt	Waiver of Examination; New Jersey	Direct
4.	Beers, Collin L.	Waiver of Examination; Pennsylvania	(NCARB File No. 124620)
5.	Booth, Donald A.	Waiver of Examination; New York	Direct
6.	Burns, Jr., Jack E.	Waiver of Examination; Pennsylvania	(NCARB File No. 114136)
7.	Carow, Jay R.	Waiver of Examination; Illinois	Direct
8.	Ceferin, Michael J.	Waiver of Examination; Oregon	(NCARB File No. 83599)
9.	Coldham, Bruce	Waiver of Examination; Massachusetts	(NCARB File No. 44598)
10.	Curro, Thomas J.	Waiver of Examination; New York	Direct
11.	DelVecchio, Melissa L.	Waiver of Examination; Florida	(NCARB File No. 68760)
12.	Fisher, Randall L.	Waiver of Examination; Louisiana	(NCARB File No. 94395)
13.	Gillies, William G.	Waiver of Examination; Michigan	(NCARB File No. 89645)
14.	Gooss, III, Lawrence W.	Waiver of Examination; California	(NCARB File No. 131769)
15.	Griffin, Gordon D.	Waiver of Examination; Michigan	(NCARB File No. 73566)
16.	Guillaume, Robert	Waiver of Examination; New York	(NCARB File No. 91685)
17.	Jaffe, Eric T.	Waiver of Examination; Virginia	(NCARB File No. 96318)
18.	Johns, Katherine A.	Waiver of Examination; New York	(NCARB File No. 65803)
19.	Jones, Michael D.	Waiver of Examination; New York	Direct

20.	Justice, Larry B.	Waiver of Examination; Pennsylvania	(NCARB File No. 52797)
21.	Kim, Taeik	Waiver of Examination; New York	(NCARB File No. 87337)
22.	Lafazia, Anthony	Waiver of Examination; New Jersey	Direct
23.	Lanzelotti, Thomas A.	Waiver of Examination; New York	(NCARB File No. 123639)
24.	Lewis, Christopher	Waiver of Examination; Massachusetts	(NCARB File No. 131603)
25.	Lopatich, David M.	Waiver of Examination; Massachusetts	(NCARB File No. 30211)
26.	Maira, Charles J.	Waiver of Examination; Massachusetts	(NCARB File No. 59868)
27.	Malin, Steven	Waiver of Examination; Mississippi	(NCARB File No. 64169)
28.	Margolis, Ronald M.	Waiver of Examination; Massachusetts	(NCARB File No. 86750)
29.	Martin, Michael J.	Waiver of Examination; Pennsylvania	(NCARB File No. 97042)
30.	McCarthy, Ian J.	Waiver of Examination; New Jersey	Direct
31.	Nakajima, Hiroshi	Waiver of Examination; New York	Direct
32.	Nottonson, Peter A.	Waiver of Examination; Massachusetts	(NCARB File No. 35421)
33.	Pribish, Robert E.	Waiver of Examination; Pennsylvania	(NCARB File No. 38596)
34.	Ross, David L.	Waiver of Examination; Pennsylvania	(NCARB File No. 126344)
35.	Rovero, Thomas J.	Waiver of Examination; Massachusetts	Direct
36.	Saphire, Joseph E.	Waiver of Examination; New Jersey	(NCARB File No. 109403)
37.	Schettino, James L.	Waiver of Examination; California	(NCARB File No. 110007)
38.	Simonian, Vatche	Waiver of Examination; New York	(NCARB File No. 124327)
39.	Soos, Melanie B.	Waiver of Examination; Illinois	(NCARB File No. 66358)
40.	Sousa, Stephen A.	Waiver of Examination; Massachusetts	(NCARB File No. 59379)
41.	Taber, David R.	Waiver of Examination; New York	Direct
42.	Tierney, Jennifer G.	Waiver of Examination; New Jersey	(NCARB File No. 116044)
43.	Warr, Derek N.	Waiver of Examination; Florida	(NCARB File No. 108196)
44.	Willis, Robert B.	Waiver of Examination; Maine	Direct

NOTE: Mr. Steven J. Schwane, Attorney for the Department of Consumer Protection, shall address the Board concerning application No. 2.

It was explained by Mr. Kuzmich that Applicant No. 2 - Mr. Antonio Argibay has indicated a DWI conviction dating from 1975. NCARB did not consider this information as “derogatory” and was not included in his file. The applicant informed the Department of the matter in a hand written letter attached to his application for licensing. The Board credits the applicant for his disclosure and honesty and does not consider this issue a concern to his being granted a license for the practice of architecture.

2G. 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: (Barkin/Briggs)*

Anshen & Allen, Architectural Corporation, P.C. Roger Swanson, CEO
901 Market Street, 6th Floor Connecticut Lic. No. 11610
San Francisco, California 94103

Architectural Resources Cambridge, P.C.
Five Cambridge Center, 12th Floor
Cambridge, Massachusetts 02142

Philip L. Laird, CEO
Connecticut Lic. No. 11356

EDA Architecture, Inc.
2510 Bedford Street
Stamford, Connecticut 06905

Kevin A. Davignon, CEO
Connecticut Lic. No. 11538

PSA-Dewberry Design PC
8401 Arlington Road
Fairfax, Virginia 22031

J. Thomas Seymour, CEO
Connecticut Lic. No. 10878

Ware Malcomb, Inc.
10 Edelman
Irvine, California 92618

Lawrence R. Armstrong, CEO
Connecticut Lic. No. 11577

2H. 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: (Briggs/Hurd)*

HAKS, LLC.
40 Wall Street, 11th Floor
New York, New York 10005

Husam Ahmad, CEO
Connecticut Lic. No. 18265

2I. Update from Mr. Steven Schwane from the Consumer Protection's Legal Division regarding Complaints and any other Board issues. Mr. Schwane was not present at today's meeting. Mr. Richard E. Maloney presented the Board with a summary of Complaints from his Department pertaining to this Board. The report indicated six complaints closed and seven complaints open for investigation to date for the current year. In addition, the report included hard copies of the closed complaints as taken from the Department's Licensing database.

Mr. Hurd asked Mr. Kuzmich for the reasons why Mr. Schwane could not be present at today's meeting to address pending complaints. *After an extensive discussion on this issue, the Board voted, unanimously, ask both Mr. Richard Maloney, Director of the Trade Practices Division and Ms. Elisa Nahas, Department Principal Attorney, to be present at their January 16, 2009 Board Meeting to discuss complaints relative to the Architect Board. In addition, they ask that the Department create a list of their open*

complaints to be distributed to them prior to this meeting allowing them to review the same prior to this meeting so that they can then add anything that they think should be on the list. (Hurd/Briggs)

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

2K. Calendar Year 2009 Meeting Dates for the Architectural Licensing Board. The Board acknowledged these meeting dates.

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| 1.) | <u>January 16, 2009</u> | 4.) | <u>July 17, 2009</u> |
| 2.) | <u>March 20, 2009</u> | 5.) | <u>September 18, 2009</u> |
| 3.) | <u>May 22, 2009</u> | 6.) | <u>November 20, 2009</u> |

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

The meeting adjourned at 10:03 AM. (Briggs/Barkin). The next regular meeting of the Architectural Licensing Board is scheduled for Friday, January 16, 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