

STATE OF CONNECTICUT

ARCHITECTURAL LICENSING BOARD

-MINUTES-

MAY 7, 2015

The six hundred and eighty eighth meeting of the Architectural Licensing Board, held on May 7, 2015, was called to order by Chairman Mr. S. Edward Jeter at 9:06 AM in Room No. 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members

Present:	David H. Barkin	Board Member (participation by telephone conference call)
	Robert B. Hurd	Board Member
	S. Edward Jeter	Chairman

Board Members

Not Present:	Carole W. Briggs	Board Member
	Pauline S. Morales	Board Member

Vacancies: None.

DCP Staff Present:	Robert M. Kuzmich	License and Applications Specialist
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Others Present:	Peter R. Huntsman	Office of the Attorney General
	Diane Harp Jones	AIA/CT
	Bruce Spiewak	AIA/CT & Himself
	Michael Ayles	IDP Architect Licensing Advisor

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

Division E-Mail: dcp.occupationalprofessional@ct.gov

1. Review of minutes of the March 20, 2015 Architectural Licensing Board Meeting.

Mr. Hurd noted on page 6, Item 2D, paragraph 3, the word “noted” shall be eliminated from the first line. In addition, on page 7, Item 2E. (1), tenth line, after the word “that”, the next word shall be changed to “this”. After a thorough review, the Board approved the minutes as corrected herein. (Hurd/Jeter)

2. Comments or Concerns of any Person Present Today.

3. Old Business

3A. Update from the Department concerning the proposed changes to the Regulation concerning examination eligibility relative to A.R.E. Candidates sitting for the Examination prior to their completion of NCARB’s Intern Development Program Requirement; as presented by Staff Attorney Mr. Steven Schwane in March of 2014 and approved by the Board on May 2, 2014. Mr. Kuzmich advised the Board that he received an e-mail from Mr. Gary Berner on May 6, 2015 noting that he will not be available to attend today’s meeting of the Board. However, he asked that the Board be provided with the following update:

“The proposed regulation changes contained under the cover letter by Steve Schwane dated April 22, 2014 are approved for consideration. The next step is for me to forward the regs to the Governor’s Office and the Office of Policy & Management to allow for review of the proposed changes. Once approval is received by the Department, I will schedule the proposed regulations for a public hearing to be held at DCP. I will advise Director Hurlburt and Mr. Kuzmich when such approval is received.”

3B. Update from Mr. Peter R. Huntsman regarding the E-mail from Mr. Raymond S. Steadward, Jr., Building Official – Town of Bloomfield dated December 3, 3014 concerning the stamping of plans by Interior Designers; continuation of discussion by the Board. Mr. Huntsman informed the Board that their Statute Section 20-293 is very specific as to what plans are to be signed and sealed by specific designated design professionals. While Mr. Huntsman does not represent the Interior Designers, he noted that their Statutes 20-377 (K) and Section 20-377 (L) does not state that Interior Designers shall be providing signed drawings to anyone. It states that they may seal a drawing but does not state what they can do with the same. Mr. Huntsman advised this Board that their Statute specifically states that no Official shall accept or approve any plans that are not stamped with the seal of a licensed architect or a licensed

professional engineer. Mr. Huntsman believes that this Statute is clear as to the direction it gives the Board. Mr. Spiewak noted the Interior Designers now have a seal per relatively recent changes in the law. Mr. Huntsman agreed without further comment as to the effect of the same. He noted, however, that the Statute does not give directive as to what is done with the drawings.

Mr. Huntsman again noted that Statute Section 20-293 states that no official of this state or of any city, town or borough therein, charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a licensed architect or a licensed professional engineer. Mr. Huntsman stated that he does not see a statutory conflict between Architects and Interior Designers in contrast to what Mr. Steadward states in his e-mail. The Board agreed to resume further discussion on this item at their July 17, 2015 Board Meeting.

4. New Business

4A. Presentation by the Attorney General' Office (of the State) regarding the Supreme Court of the United States Ruling; North Carolina State Board of Dental Examiners v. Federal Trade Commission; for the Board's information. Mr. Huntsman noted that this matter really doesn't affect this Board. This matter concerns an anti-competitive behavior in the context of an antitrust investigation by the Federal Trade Commission. This Board in order to issue regulations has a process they must follow in order to do so in contrast to what was done in this matter by the North Carolina Board of Dentistry. Mr. Huntsman detailed the makeup of the Dentistry Board and noted that this Board decided, independently, to issue cease and desist letters concerning who can perform teeth whitening services. This action was done by the North Carolina Dentistry Board in the absence of any due process taking place. Subsequently, the Federal Trade Commission ruled that this action was a violation of the Sherman Anti-Trust Act and anti-competitive in nature. The United States Supreme Court agreed noting that this type of anti-competitive behavior, where the party is going beyond the specifics of the Statute, requires active oversight by another entity.

Mr. Huntsman cited the process by which complaints are investigated by the Connecticut Department of Consumer Protection in contrast to the matter in North Carolina. He noted Connecticut's regulatory structure and the Board structure as being to this Board's benefit. He cited an instance illustrating this point to the Board in a matter involving cease and desist letters and the process by which they are issued by the Connecticut Department of Consumer Protection. In conclusion, he noted that this Board, in terms of how they have operated in the past and in the present, is not problematic at all. Further this Board is well protected and not at all operating in the restraint of trade.

4B. E-mail from Mr. Bruce J. Spiewak dated April 9, 2015; for discussion by the Board. The e-mail concerns a question regarding an out-of-state licensed architect who works on a project for approximately ten months and then applies for, and is granted, a Connecticut license. Can this same architect sign and seal the documents that were prepared under that Architects responsible charge, even though he was not licensed in Connecticut for the entire process?

Mr. Hurd noted that on the surface there appears to be an issue of unlicensed practice even in light of further circumstances as explained by Mr. Spiewak. It was noted that this architect's application is listed as "Pending Board Approval" on the Department's website. Mr. Spiewak noted that he is under contact with a client to do a third party review on this project. Taking advice from Mr. Huntsman, they ceased further discussion on this in case it comes before them in the future as a complaint to be acted upon.

4C. Draft Resolutions To Be Acted Upon at the 2015 NCARB Annual Business Meeting; for review and action by the Board. Mr. Hurd noted that the Resolution concerning BEA/BEFA (Resolutions 2015-1 and 2015-2) looks to be contentious in light of NCARB's attempt to streamline this process. Ms. Jones stated that the AIA/CT Board reviewed these resolutions and a great deal of discussion and had some reservations on the same. However, they concluded that they trust this Board's judgement on these resolutions.

4D. Delegate Letter of Credentials as required for NCARB's 2015 Annual Business Meeting; for discussion and action by the Board. The Board voted to authorize Mr. Jeter as the delegate casting the votes for Connecticut at NCARB's Annual Business Meeting (Hurd/Barkin).

4E. 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; after a thorough review of their applications, the Board voted, unanimously, to approve the following individuals for licensing as architects in Connecticut. (Hurd/Barkin)

1. Louis Campana
2. David A. Lapierre
3. Christopher P. Moran

4F. 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	Alglaze, Nelson	Waiver of Examination; California	Direct
2	Anderson, Mark A.	Waiver of Examination; Massachusetts	(NCARB File No. 25285)
3	Barker, Kevin J.	Waiver of Examination; Colorado	(NCARB File No. 31933)
4	Barr, Jr., Victor L.	Waiver of Examination; New Jersey	(NCARB File No. 27623)
5	Baschnagel, Marcia J.	Waiver of Examination; Virginia	(NCARB File No. 103465)
6	Beckwith, David A.	Waiver of Examination; New York	(NCARB File No. 101365)
7	Bishay, Sandy	Waiver of Examination; New York	(NCARB File No. 79349)
8	Bjorneby, Erik A.	Waiver of Examination; Massachusetts	(NCARB File No. 112732)
9	Bleehash, Joseph P.	Waiver of Examination; Wyoming	(NCARB File No. 73760)
10	Butler, Anthony M.	Waiver of Examination; Kentucky	(NCARB File No. 65217)
11	Claren. Stephan	Waiver of Examination; Florida	(NCARB File No. 117761)
12	Clasby, Stephen W.	Waiver of Examination; New York	(NCARB File No. 96519)
13	Cunningham, John S.	Waiver of Examination; Kentucky	(NCARB File No. 57876)
14	DesBrisay, Lloyd L	Waiver of Examination; California	Direct
15	Drummer, Michael J.	Waiver of Examination; New York	Direct
16	Essique, Eric G.	Waiver of Examination; Michigan	(NCARB File No. 60392)
17	Genese, Frank T.	Waiver of Examination; New York	Direct
18	Giammona, Paul V.	Waiver of Examination; New Jersey	(NCARB File No. 91905)
19	Guarino, James T.	Waiver of Examination; Massachusetts	(NCARB File No. 137750)
20	Hyde, Marianne	Waiver of Examination; New York	(NCARB File No. 95260)
21	Ioffe, Irina	Waiver of Examination; New York	Direct
22	Jones, Jr., Richard L.	Waiver of Examination; Florida	(NCARB File No. 42891)
23	Juusola, Robert	Waiver of Examination; Massachusetts	Direct
24	Lalli, James T.	Waiver of Examination; New Jersey	(NCARB File No. 94229)
25	Lam, Kendrick	Waiver of Examination; New York	(NCARB File No. 79005)
26	Leonte, Lucian	Waiver of Examination; California	Direct
27	Lewis, Jeffrey S.	Waiver of Examination; Indiana	(NCARB File No. 79599)
28	Lopez-Cepero, Amy J.	Waiver of Examination; New Jersey	(NCARB File No. 95041)
29	MacIntosh, William A.	Waiver of Examination; New York	(NCARB File No. 121550)
30	Mackin, Jr., Joseph M.	Waiver of Examination; North Carolina	(NCARB File No. 102141)
31	Muir, Prescott M.	Waiver of Examination; Utah	(NCARB File No. 68432)
32	Muniz, Taylor M.	Waiver of Examination; Missouri	(NCARB File No. 83447)
33	Murphy, David M.	Waiver of Examination; New York	(NCARB File No. 68432)
34	Nahra, Jr., John A.	Waiver of Examination; District of Columbia	(NCARB File No. 69334)
35	Oldenburg, Carl C.	Waiver of Examination; Massachusetts	(NCARB File No. 64390)
36	Samii, Siamak B.	Waiver of Examination; New York	Direct
37	Schmitz, Kurt L.	Waiver of Examination; Kentucky	(NCARB File No. 86495)
38	Shearer, Robert W.	Waiver of Examination; Ohio	(NCARB File No. 82120)
39	Tom, Raymond	Waiver of Examination; New York	(NCARB File No. 713669)
40	Yestadt, Frederick	Waiver of Examination; New York	Direct

4G. 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. (Jeter/Barkin)*

The Alliance Architects, Minnesota P.C.
400 Clifton Avenue South
Minneapolis, Minnesota 55403

Eric P. Peterson, CEO
Connecticut Lic. No. 13095

Animal Arts Design Studios, Inc..
4520 Broadway, Suite E
Boulder, Colorado 80304

Tony L. Cochrane, CEO
Connecticut Lic. No. 12978

HAI Architecture Inc.
64 Gothic Street, Suite 1
Northampton, Massachusetts 01060

Richard E. Katsanos, CEO
Connecticut Lic. No. 12983

4H. DCP Trade Practices Division Complaint Status Report; review of complaint report submitted by the DCP Trade Practices Division including open, closed, and dismissed cases.

4I. Any correspondence and/or business received in the interim.

5. Comments or Concerns of any Person Present Today.

1. Ms. Harp Jones advised the Board that the Governors of some of the surrounding States have agreed to provide citations to their States newly licensed architects on an annual basis. AIA/CT will be approaching Governor Malloy at the end of this summer to consider providing the same to Connecticut's newly licensed architects which AIA/CT will subsequently present to them at their September 2015 Meeting. AIA/Ct expressed their thanks to both Mr. Jeter and Mr. Hurd for their participation at this event in the past. Ms. Jones asked the Board if the Commissioner would be willing to attend the fall meeting. The Board believes that he would like to attend and agreed to AIA/CT inviting him to this event.

2. Ms. Harp Jones asked the Board a question they received from a private individual. The individual purchased a home in Connecticut through a realtor under an agreement with the developer who is a licensed architect in Connecticut for additional work to be done subsequent to the purchase of the home. Subsequently, the owners put the house on the market and discovered through investigation done by the potential buyer that

construction work done was substandard to state codes and done without building permits. The home owner has filed a complaint with the Department of Consumer Protection.

Ms. Jones asked the Board if there are grounds for a complaint against the architect-developer since the project, on the surface, is considered to be exempt from the practice of architecture. Mr. Hurd believes that there may be some grounds for a complaint based upon the code of ethics for architects in the law governing the practice of architecture in Connecticut. Following advice from Mr. Huntsman, the Board ceased further discussion on this matter in case it comes before them in the future as a complaint to be acted upon.

The meeting adjourned at 10:02 a.m. The next regular meeting of the Architectural Licensing Board is scheduled for Friday, July 17, 2015 at 9:00 a.m.; State Office Building; Room 117; 165 Capitol Avenue, Hartford, Connecticut.

Respectfully Submitted,

Robert M. Kuzmich, R.A.
Board Administrator