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Board of Registration of Registration of Architects
December 17, 2024 Public MEETING MINUTES

A public meeting of the Massachusetts Board of Registration of Architects (the Board) was held remotely via video and telephone conferencing pursuant to Chapter 20 of the Acts of 2022, allowing remote participation by Board members and the public.

Attending Members: Aelan Tierney, Board Chair; Emily Grandstaff-Rice; Kwesi Sam; and Tony Ransom

Members Absent: None

Staff: Lynn Read, Board Counsel; John Hill, Board Administrative Staff; and Marjorie Campbell, Executive Director

Meeting Called to Order

- Remote meeting procedures – Chair called the meeting to order at 9:14 a.m., when Quorum was established.
- **Read and Approve Minutes** – Minutes from the August 20, 2024 meeting, Tabled
Minutes from the October 1, 2024 Public Board Meeting were reviewed and discussed. Board members requested one revision, on page 2, to include the word “welfare” for education requirements. After Mr. Ransom arrived, Board members voted to accept the October 1, 2024 minutes with the stated revision:
 - Motion to accept the October 1, 2024 public meeting minutes with revision, made by Emily Grandstaff-Rice
 - Motion seconded by Tony Ransom
 - Board Chair called for a roll call vote
 - Members in Favor: Aelan Tierney, Emily Grandstaff-Rice, and Tony Ransom
 - Abstain: Kwesi Sam
 - Members opposed: None
 - Motion passes
- **Executive Director Report**



- Voting for Board Member Officers will be planned for the February 2025 Board Meeting.
- Update on the backlog of newly licensed applicants and reciprocity licenses: John Hill updated the Board on some current application statistics. There have been 363 Architect applications processed in 2024 so far, and there are 251 applications still pending. These include both initial applications (106) and reciprocal applications (145). Board staff is working through these applications, and we are hoping to get some additional staffing in February to help with applications and verifications. Emily Grandstaff-Rice noted that Massachusetts is behind other states in processing Architect license applications.
- No movement on appointment of a public member, although an email went out to all staff with the open public member position.

- **Discussion Items**

- Review and Discussion of Sections V, VI, and VII of the Analysis from NCARB of Massachusetts' Architecture Licensing Law and Regulations: The Board Chair led a discussion of these sections of the Analysis:
 - Discipline processes: Board Counsel stated that this Board does have authority to discipline registered architects in this state and to issue a Fine for unlicensed practice. There was also discussion about the importance of the Board being consistent in applying its disciplinary authority. Board Counsel stated that the Board looks at precedent through prior cases and cautioned that the Board must also consider the facts of each case. There was also some discussion about the role of the Attorney General (AG) Office, which does not get involved in the primary prosecution of a case, but the AG Office does defend the State during appeals.
 - Complaint processes: Board members discussed a suggestion from the Analysis document to consider adopting a "Duty" for Architects to report to the Board if they see another Architect engage in unlawful or inappropriate practice. Board members discussed that this is a complex matter, as sometimes licensees fear retaliation if they report, and that there were some unique concerns, for example, recusals, if a Board member would be required to report. Following a discussion on this issue, the Board members agreed that they would not want to add this "Duty" to report to our regulations, but that Architects are encouraged to report unlawful or inappropriate behavior.
 - Other: Board members discussed that when the Board does institute a regulation change, we need to ensure that there is an effective date noted for that change.
 - The Board Chair thanked the other Board members and staff for completing this Analysis review.
- Architects and Engineers: Question re: Asbestos Designer Licenses: This question was submitted by the Board Chair for discussion, as there was concern that Massachusetts was going to require that only licensed Architects and Engineers could become licensed as Asbestos Designers, which would have an impact on the Haz Mat field. Board Counsel conducted some research, and stated that this requirement is in the jurisdiction of the Department of Labor; this is not a requirement to be issued by the Architect Board and it is not known definitively whether the Department of Labor requires that the Asbestos Designer must have an Architect or Engineering license. No vote was taken.

- Updated Architect FAQ's: Board Counsel submitted a draft of updated Frequently Asked Questions (FAQ's) for the Architect Board website. There were only a few revisions, to include the information that 3 hours of CE credit can be earned for taking the OSHA 30 hour Construction Industry Training Course. There was also a statement added to the FAQ's to clarify that CE credits cannot be earned by repeating a CE course that was taken in an earlier license period. Board members had a chance to review and discuss, and then the following vote was taken:
 - Motion to approve the revised FAQ's for posting on the Board's website, made by Tony Ransom
 - Motion seconded by Emily Grandstaff-Rice
 - Board Chair called for a roll call vote
 - Members in Favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members opposed: None
 - Motion passes

- Regulation Revisions: 231 CMR 2.00: General Provisions: Board Counsel submitted a draft of her revisions for the Board members to review. The regulations have not been updated since 2016. Section 2 addresses mostly definitions under the Board of Architects. Board Counsel asked the Board members if they wanted to keep the reference to the "Intern Development Program" as this program was no longer in existence. Board members discussed that they would like this reference removed. Board Counsel also added in references to the CE sections and clarifying language under the "Board Duties" section.
 There was discussion around Board Procedures as it relates to the number of yearly Board meetings, and how many members constitute quorum for official business voting. Board Counsel stated that per Statute, the Board is only required to have 2 meetings a year, but our Board meets every other month. This is acceptable. Board Counsel also pointed out that our regulations require a quorum of 3 members, and a vote of not less than 3 like votes in order to approve any official Board action. Board members want to keep this language as is.
 No vote was taken at this time.

- **CE Review: 2024-1379-REIN (Mr, Wang):** Mr. Wang is seeking to have his Massachusetts license reinstated and has submitted CE's that were completed in British Columbia. This matter comes before the Board for CE review, to determine if the CE courses submitted by Mr. Wang satisfy the requirements for Massachusetts. Board members continue to have some questions about whether NCARB would consider these CE's to be the equivalent of CE's in our state, and whether NCARB has an equivalency agreement with Canada that automatically grants approval for certain CE's. Board members voted to table this matter until they can reach out to NCARB and RAIC (the Royal Architectural Institute of Canada).
 - Motion made by Emily Grandstaff-Rice, to table this matter until additional information is obtained
 - Motion seconded by Kwesi Sam
 - Board Chair called for a roll call vote
 - Members in Favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members Opposed: None
 - Motion passes

- **Reinstatement Reviews**

- **2024-1221-REIN:** This matter was tabled from last month, to give the applicant a chance to submit his residential projects. Board members reviewed the projects and voted to allow this applicant to proceed with reinstatement.
 - Motion made by Emily Grandstaff-Rice to approve this reinstatement request
 - Motion seconded by Kwesi Sam
 - Board Chair called for a roll call vote
 - Members in favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members opposed: None
 - Motion passes
- **2024-1536-REIN:** Reinstatement request for review of the projects. This applicant only sent a description of the projects, and the Board members are requesting pictures for the projects. Board members voted to table this matter for additional information, specifically pictures for the projects.
 - Motion made by Emily Grandstaff-Rice to table this matter
 - Motion seconded by Tony Ransom
 - Board Chair called for a roll call vote
 - Members in favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members opposed: None
 - Motion passes
- **2024-1660-REIN:** Reinstatement request for review of projects. Board members reviewed the projects.
 - Motion made by Emily Grandstaff-Rice to approve this reinstatement request
 - Motion seconded by Kwesi Sam
 - Board Chair called for a roll call vote
 - Members in favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members opposed: None
 - Motion passes

- **Request to Terminate Probation:** 2023-001340-CP-ENF: Board members heard this matter last month, at which time they voiced concern that this Licensee did not comply with all the Probation terms. He was late in providing his quarterly reports, and he did not submit a formal written statement requesting to end his probation. The Licensee did follow up by submitting a statement specifying his request to end his probation; however, Board members continued to have concern about the lack of detail in the quarterly reports that he submitted. Board members are requesting that this Licensee provide actual drawings and/or a scope of project narrative for the projects that were noted in the quarterly reports. Board members do not feel that there is enough information here to terminate the probation.

- **Motion to deny the request to terminate Probation until additional information is obtained, Motion made by Emily Grandstaff-Rice**
- Motion seconded by Tony Ransom
- Board Chair called for a roll call vote

- Members in Favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members opposed: None
 - Motion passes
- **Items Not Reasonably Anticipated 48 hours in advance of meeting**
No Items

Moving into closed session at 11:18 am

- **MOTION to exit open meeting and move into Closed Investigative Conference per M.G.L. c. 112, § 65C by Emily Grandstaff-Rice.**
 - Motion seconded by Tony Ransom
 - Chair called for a roll call vote
 - Members in favor: Aelan Tierney, Emily Grandstaff-Rice, Tony Ransom, and Kwesi Sam
 - Members opposed: None
 - Motion Passes

There were no items for reserved Executive Session or Quasi-Judicial Sessions

CLOSED SESSION

I. Investigative Conference (Closed per M.G.L. c. 112, § 65C):

The following actions were taken during the Investigative Conference:

Settlements:

- 2024-000166-IT-ENF: Board gave guidance to prosecutor

Cases:

- 2024-000555-IT-ENF: Dismissed (Aelan Tierney recused)
- 2023-000727-IT-ENF: Refer to Prosecutions
- 2024-000475-IT-ENF: Dismissed
- 2024-000582-IT-ENF: Refer to Prosecutions
- 2024-000584-IT-ENF: Refer to Prosecutions
- 2024-000637-IT-ENF: Dismissed
- 2024-000254-IT-ENF: Refer back to Investigations

Adjournment

- **Motion to Adjourn by:** Kwesi Sam at 1:22 pm
- Motion seconded by Tony Ransom
- Board Chair called for a roll call vote
- Members in Favor: Aelan Tierney, Tony Ransom, and Kwesi Sam (note: Emily Grandstaff-Rice left the meeting at 12:50 pm)
- Members opposed: None
- Motion passes
- **Meeting Adjourned at 1:22 pm**

Respectfully submitted,

Marjorie Campbell, RN, JD
Executive Director

Documents Used During the Open Meeting:

- Agenda for the December 17, 2024, Open Meeting
- Minutes from the Open Architect Board Meeting held on October 1, 2024
- NCARB Analysis of Massachusetts' Architecture Licensing Law and Regulations
- Email from Board Chair regarding Asbestos Designer Licenses
- Updated Architect FAQ's
- Regulation Revisions for 231 CMR sec. 2
- Documents supporting request to Terminate Probation: 2023-001340-CP-ENF
- Documents supporting request to Reinstate license: 2024-1221-REIN
- Documents supporting request to Reinstate license: 2024-1536-REIN
- Documents supporting request to Reinstate license: 2024-1660-REIN
- Documents from Licensee requesting approval of CE's from Canada