

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF ARCHITECTS**

MINUTES OF THE JANUARY 20, 2016 OPEN PUBLIC MEETING

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Architects ("the Board") was held on January 20, 2016 at 1000 Washington Street, Room 1A, Boston, MA.

Board Members Present:

John F. Miller, Chair
Stephen Schreiber, Member
Margo Jones, Member
Diane Georgopoulos, Member
Carl M. Sapers, Public Member

Members of the Public:

John Nunnari, AIA/MA
Abbie Goodman, ACEC/MA
Nick Ferzacca, ACEC/MA
Joseph Gesker, Donovan Hatem
Dan Tenney, ACEC/MA
Beth Lundell Garner, AIA, BAC
Len Charney, BAC
Glen LeRoy, BAC
Kyle Sturgeon, AIA, BAC

DPL Staff Present at various times during the meeting:

Clinton Dick, Executive Director
Charles Kilb, Legal Counsel
Bruce Hopper, Chief Legal Counsel
Doris Lugo, Investigator
Eric Funk, Licensure Specialist

1. Call to Order:

Meeting was called to order at 9:30 a.m. by J. Miller

2. Topic: Board Review and Acceptance of the November 4, 2015 Open Public Session meeting minutes.

Discussion:

Draft Minutes of the November 4, 2015 Open Public Session meeting were reviewed.

Action:

A motion was made by S. Schreiber, seconded by C. Sapers, to accept the November 4, 2015 Open Public Session meeting minutes. Motion passed unanimously.

3. Topic: Update on Draft regulations 231 CMR 2.00, 3.00 and 4.00

Discussion:

C Kilb provided an update on the status of Draft Regulations at 231 CMR 2.00, 3.00 and 4.00. C. Kilb stated that as agreed upon during the 11/4/2015 Board meeting, the draft regulations for 231 CMR 2.00 and 3.00 were bifurcated from 231 CMR 4.00 and both drafts are currently under review.

No Formal Action

4. Topic: Letter from the American Council of Engineering Companies (ACEC) of Massachusetts regarding draft regulations at 231 CMR

Discussion:

Prior to commencing this discussion, a Board member raised concerns regarding the fact that certain Board staff worked for both the Architect Board and the Engineer/Land Surveyor Board. C. Dick noted that shared staff perform duties for both Boards, however, both are under the supervision of the Division of Professional Licensure and from the viewpoint of DPL, there have been no conflicts. C Kilb, who is lawyer for the Architect Board but not the Engineering Board, noted that the only possible conflict that could have arisen was a definition of Architecture in the regulations which referenced engineering, however, as that definition has been amended to mirror statutory language, he is unaware of any possible conflicts with the Engineering Board.

J. Miller informed the Board that the letter received from ACEC (12/23/2015) was in response to the draft regulatory changes to 231 CMR 2.00-4.00. J. Miller also discussed 231 CMR 2.00 and 3.00 with respect to IDP and the new NCARB Integrated Path to Licensure.

C. Kilb reminded the Board that, per the Board's vote, 231 CMR 2.00 and 3.00 were bifurcated from 231 CMR 4.00 and that the Baker Administration is aware of the bifurcated status and that he is unaware of any impediments to 231 CMR 2.00 and 3.00 moving forward in the review process.

J. Miller then addressed the letter from ACEC and their belief that the draft AR regulations are restrictive to certain aspects of the practice of architecture.

J. Miller stated that a document produced by NCARB stated that Firm Certification as defined in AR regulations is less restrictive than most Boards.

C. Sapers stated that currently the practice of architecture by corporations in MA is strictly regulated by statute, including the requirement that, in a corporation; a registered architect who is an officer shall exercise professional and supervisory control over the

particular services contracted for by the corporation; and that the individual who signs the work performed must be a registered architect in MA.

C. Sapers stated that the draft proposal for 231 CMR 4.00 provides a more clear definition of the Corporate Enterprise Practice rules which is more in line with the definition provided in NCARB's Legislative Guidelines and Model Law document.

C. Sapers indicated that with respect to the ACEC's comments regarding 231 CMR 2.04: Definition of Practice of Architecture, he was in agreement with ACEC's request to revise the language to be "not inconsistent with the law." He stated that M.G.L. Chapter 112 § 60L(8), which addresses this issue, is in actuality what the ACEC has issue with as the proposed 231 CMR 4.04 (1)(A) provides for more flexibility for firms with respect to the exercise of responsible control as it allows the Business enterprise to change the architect officer with approval from the Board.

C. Sapers further stated that with respect to the ACEC's issues with 231 CMR 4.04(1)(A) and 231 CMR 3.05 (6), he is not opposed to the recommended changes. However, he did point out that the ACEC's reference to the North Carolina (NC) State Board of Dental Examiners decision demonstrates a misinterpretation of the Supreme Court decision.

J. Miller then asked if any Board members wished to provide comment.

J. Miller stated that the work done thus far on the proposed new regulations addresses the ACEC's concerns but he feels that a written response should be provided by the Board and that it should be provided to the National and Local organizations as well.

J. Miller indicated that a written response would be provided to ACEC which prompted further discussion.

D. Georgopoulos stated that a written response should be provided as long as it was carefully worded to indicate that the Board would consider the recommended changes proposed in the ACEC's letter. She stated that considering the thorough review of the draft regulations by ACEC and their detailed response letter, the Board should not simply thank them for their comments but should provide a more respectful written response indicating that the Board would consider the recommended changes.

M. Jones stated that she was in favor of accepting a draft response to ACEC's letter in line with a recommendation by C. Kilb that it largely refrain from addressing the substance of the regulations but agrees to carefully consider ACEC's comments as it proceeds.

D. Georgopoulos then motioned that the Board should agree to consider the recommended changes after the public comment period as state as such in written response to the ACEC. The motion was seconded by M. Jones. This motion was withdrawn by D. Georgopoulos.

J. Miller then asked C. Kilb to explain the mechanism by which the proposed changes to 231 CMR 2.00 and 3.00 move forward. C. Kilb indicated that the draft regulations had been forwarded internally as agreed upon at the last Board meeting on 11/4/2015 and cautioned that if the Board voted to make changes to the regulations prior to the public comment period it could impact the process. C. Kilb further stated that speculating on the timetable for review and approval to move forward with a public hearing would not be fruitful.

Thereafter, J. Miller opened the meeting to public comment.

B. Lundell Garner provided comment that MA is one of only eight remaining states working on adopting the revised IDP and one of only five still working on adopting the revised ARE program.

J. Nunnari stated that the AIA Board has not changed their position regarding the proposed regulatory changes. He stated that the AIA Board is in agreement with the AR Board on the matter and indicated that the AIA may issue an official letter stating such.

D. Georgopoulos proposed that C. Dick draft the response letter to ACEC and that the Chair review the letter. She further stated that the meeting minutes should reflect the Board's detailed discussion of the matter.

A motion was made by Ms. Georgopoulos, seconded by Ms. Jones, and unanimously approved by the Board to have C. Dick draft a written response to the ACEC that would be reviewed by the Chair and to have the meeting minutes reflect the Board's in-depth discussion regarding the ACEC's comments.

5. Topic: Email from Deborah Constantini regarding reciprocity without a NCARB certificate

Discussion:

Application and supporting email from D. Constantini regarding reciprocity without an NCARB record was reviewed by the Board.

Action:

A motion was made by S. Schreiber to direct D. Constantini to NCARB's Broadly Experienced Architect program to satisfy the education requirement for certification. The motion was seconded by D. Georgopoulos. Motion passed unanimously.

6. Topic: Reinstatement Applications

Discussion:

Applications reviewed by the Board:

Tim Morrison, License #30659

Dennis Findley, License #6570

Jeffrey K. Griffin, License #10257

Action:

A motion was made by J. Miller to accept all applications. S. Schrieber seconded. Motion passed unanimously.

It should be noted that post meeting, it was determined that T. Morrison's license was only lapsed one cycle and therefore, his request for reinstatement was unnecessary. He has since paid the requisite late fee and his license is now current.

7. Topic: Reciprocity Applications

Discussion:

Application reviewed by the Board:

A. Berman

Action:

A motion was made by J. Miller to direct A. Berman to NCARB's Broadly Experienced Architect program to satisfy the education requirement for certification. The motion was seconded by S. Schreiber. Motion passed unanimously.

8. Topic: Peter Dimeo CEU Waiver Request

Discussion:

Board considered the written request of a CEU waiver by P. Dimeo.

Action:

A motion was made by S. Schreiber to grant the waiver request. The motion was seconded by C. Sapers. Motion passed with a vote of four. M. Jones voted no.

9. Items not Reasonably Anticipated by the Chair

No items available for discussion.

10. Correspondence

No correspondence available for discussion.

11. Investigative Conference

At 12:31 PM, S. Schreiber moved, seconded by M. Jones, to suspend the public meeting and enter into closed investigative session under G.L. c. 112, § 65C to discuss investigative matters. Motion passed.

D. Georgopoulos moved to return to Open Session at 12:40 PM. The motion was seconded by M. Jones. Public Session resumed at 12:40 PM.

Report of actions taken in Investigative Conference:

- SA-AR-16-021: Close the staff assignment with no further action
- SA-AR-16-022: Close the staff assignment with no further action
- AR-15-009: Dismiss without prejudice
- AR-16-017: Schedule an Investigative Conference
- AR-16-019: Dismiss without prejudice

For the record, S. Schreiber recused himself from any discussion related to AR-16-019 as he was the complainant. In addition, J. Miller, M. Jones, D. Georgopoulos, and C. Sapers all signed Disclosure of Appearance of Conflict of Interest forms for AR-16-019.

12. Topic: Board Staff Review the attached list of Applications for First Time Candidates:

Action:

The Board was provided a list (attached as Item A) of applicants for 1st Time Licensure who received licenses. No formal action required by Board.

13. Topic: Board Review the attached list of Applications for Reciprocity:

Action:

The Board was provided a list (attached as Item B) of applicants for Reciprocity who received licenses. No formal action required by Board.

14. Adjournment

Respectfully submitted,



Eric Funk
Licensure Specialist

Item A: List of Applicants for 1st Time Licensure who received licenses.

Please see attached list below.

Item B: List of Applicants for Reciprocity Licensure who received licenses.

Please see attached list below.

Documents referred to during the meeting

Draft Minutes

Correspondence from ACEC

Email from Deborah Constantini

Correspondence from Peter Dimeo

Applications

Initial Licenses Issued since the January 20, 2016 Board Meeting:

New		
First Name	Middle Initial	Last Name
Imelda	R	Barnhurst
Peter	J	Bloechl-Anderson
Tavis	S	Frankel
William	A	Lorigan
Danielle	E	McDonough
Wonyeop		Seok
Samantha	G	Stone
Jessica	L	Timmer
Benjamin	T	Williams
Lawson	R	Wulsin
Carrie	L	Leneweaver
Derrick	J	Nickerson
Nicholas	M	Paolucci
Caitlin	G.K.	Taylor
Kathryn	J	Wetherbee
Gabrielle	R	Aitcheson
Emmanuel	V	Andrade
Arturo		Arroyo
Catherine		Callaghan
Anna	K	Edlund
Danielle	M	Fontaine
Peter	M	Hanley
Keith	S	Lagreze
Michelle	E	Lanney
Keith	T	Loranger
John	E	Matz

New		
First Name	Middle Initial	Last Name
Ryan	M	McShera
Stephan	A	Messinger
Ian	D	Miller
Nikul	M	Patel
Hannah	M	Pierce
Michael	J	Ricciuti
Johannes	W	Ubben
Jennifer	C	Vachon
Leah	R	Weinberg
Ariel	F	Brain
James	R	Christianson
Heath	T	Cody
Robert	MN	Crosby
Shaun	M	Dempsey
David	M	Fenchel
Benjamin	P	Franceschi
Jiayun	A	Hodges
Megan	N	Kielty
Nicholas	P	Landry
Martin	V	Lu
Robert	M	Potish
Julien	C	Jalbert
Maneesha	M	Nabar
Nacim		Nowrouzi
Nikolas	P	Pappastratis
Christina	M	Porter
Katherine	E	Signell

Reciprocity Licenses Issued Since the January 20, 2016 Board Meeting:

Reciprocity		
First Name	Middle Initial	Last Name
Babak		Eslahjou
Jeanne	K	Gang
Darrel	E	Hebenstreit
John	A	Nahra
Gerald	A	Otterson
Suzanna	B	Schroeder
Alan	M	Schlossberg
Carsten	M	Voecker
Steven	A	Kolber
John	H	Caveney
Marjorie	K	Dickstein
Ronald	W	Doebler
Xuan		Fu
John	H	Kamus
Stuart	M	Lachs
Justin	J	Martinkovic
Dan	L	Russell
Michael	M	Vernich
Robert	D	Weaver
Peter	L	Amara
Michael	T	App
Paul	V	Ashworth
Christopher	T	Cote
Luis	E	Flores Paz
William	HG	Gatchell
Miriam	E	Gee
Domenic		Giordano
Pamela	S	Jerome
Susan	N	Kougias
Molly	SK	McGowan
Robert	C	Robicsek
Thomas		Salazar

Reciprocity		
First Name	Middle Initial	Last Name
Thomas	A	Schuelke
Richard	A	Stokes
Joseph	B	Watson
Patrick	D	Westerlund
Shawn	C	Basler
Deborah	L	Berke
Andrew	P	Cohen
Robert	B	Dean
Francine	R	Monaco
David	A	Shove-Brown