

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

MINUTES OF THE SEPTEMBER 2, 2015 OPEN PUBLIC MEETING

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Architects ("the Board") was held on September 2, 2015 at 1000 Washington Street, Room 1A, Boston, MA.

Board Members Present:

Stephen Schreiber
Margo Jones
Diane Georgopoulos

Observers:

Abbie Goodman
Kyle Sturgeon
Lem Charney
Beth Lindell Graver
John Nunneri

DPL Staff Present:

Clinton Dick, Executive Director
Charles Kilb, Legal Counsel
Christopher Carroll, Chief of Investigations
Sarah Wilkinson, Assistant Chief of Investigations
Eric Funk, Licensure Specialist

1. Call to Order:

Meeting was called to order at 9:47 a.m. by S. Schreiber, Acting Chairman.

2. Topic: Board Review and Acceptance of the May 6, 2015 Open Public Session meeting minutes.

Discussion:

Draft Minutes of the July 1, 2015 Open Public Session meeting were reviewed.

Action:

A motion was made by D. Georgopoulos, seconded by M. Jones, to accept the July 1, 2015 Open Public Session meeting minutes. Motion passed unanimously.

3. Topic: Chief Investigator Christopher Carroll and Assistant Chief Investigator Sarah Wilkinson Presentation regarding the Office of Investigations

Discussion:

Board was presented with an overview of the Division of Professional Licensure's Office of Investigations (OI) and how they can be of assistance to the Architect Board.

Christopher Carroll and Sarah Wilkinson both spoke about what types of matters they investigate and their willingness to assist with outreach.

No formal action required.

4. Topic: Regulation Changes

Discussion:

The Board members commenced review of the regulations by reviewing 231 CMR 2.00 and 3.00. The following topics came up during the course of the review:

- a. S. Schreiber discussed the August 31, 2015 NCARB press release announcing the first 13 accredited architectural programs accepted for participation in the NCARB Inaugural Integrated Path Initiative. The initiative encourages programs that are NAAB accredited to propose pre-graduation integration of education, experience requirements and the opportunity to take each of the six divisions of the new Architect Registration Examination (ARE) 5.0. As a result, Mr. Schreiber raised the question of whether 231 CMR 3.02(2)(c) would need to be changed to accommodate the candidates from these programs taking the new ARE. Board Counsel responded that this would not be a problem as the new draft of section 3 will govern pre-requisites to registration, not pre-requisites to take the ARE. Mr. Schreiber thereafter added that, per the draft, the Board retains for itself the power to approve or reject such novel educational programs.
- b. D. Georgopoulos raised the question of whether 231 CMR 3.02(2)(a) should be amended regarding the 21 years of age restriction to become registered. Board Counsel noted that under this draft, the ARE can be taken prior to turning 21 years of age, which seemed to be the main concern regarding age, but as drafted, registration would still require the candidate to be 21 years of age. Based on this, the members decided to make no changes to the draft.
- c. D. Georgopoulos raised the question of 231 CMR 3.02(2)(b) and what constitutes good moral character. Board Counsel stated that typically this involves reviewing criminal records and/or history of other types of disciplinary actions in Massachusetts or other states to ensure applicants would be safe in practicing architecture. Counsel noted that such matters have historically fallen within the discretion of the Board and thus does not represent a change.
- d. A member of the public, K. Sturgeon, inquired about the expected approval timeframe of the draft regulations. Board Counsel explained the process and indicated that implementation may take several months, but ideally by March of 2016.

- e. S. Schreiber asked if all sections of the draft regulations needed to be implemented at the same time. Board Counsel indicated that, if desired, the Board could de-couple sections 2 and 3 from section 4, which members of the public and non-attending Board members had expressed great interest in modifying. The members noted that in the future, it may be advisable to review the regulations and make more frequent changes to avoid having a large number of changes occurring at once.
- f. A member of the public, J. Nunneri, stated that the American Institute of Architects (AIA) was putting together a working group to propose options for replacement of the term "Intern" as NCARB no longer recognizes the term. There is a December 2015 timeframe for the presentation of the potential new term(s). It was noted that this topic may be an issue the Board could address in its regulations in the future, though the use of the term "architect" for such non-architects could be problematic. The Board members decided there was no need to address the issue in the present regulation draft as Mr. Nunneri agreed to notify the Board of developments as this issue is being reviewed.

M. Jones moved to accept the draft regulations at 231 CMR 2.00 and 3.00 and D. Georgopoulos seconded. Motion passed unanimously.

No formal action taken on 231 CMR 4.00, which will be addressed at the next Board meeting.

5. Topic: Comments on NCARBs New IDP Program

Discussion:

Present internship rules (known as "IDP") bar credit for internship work more than five years in the past, the new NCARB rule would give credit to some of this work so long as the applicant meets certain performance based qualifications set by NCARB. NCARB has requested feedback from every state board regarding this proposal.

M. Jones moved to send a written comment to NCARB supporting their new IDP Program and D. Georgopoulos seconded. Motion passed unanimously.

6. Topic: Possible Memorandum to other State Agencies Regarding Architecture Licensure/Contractual Requirements

Discussion:

No formal action was taken on this agenda item.

7. Topic: New England Conference of Architectural Registration Boards Fall Meeting (NECARB)

Discussion:

S. Schreiber provided an overview of the upcoming meeting to be held in New Haven, CT in October 2015. The Executive Director reminded Board members that they would need to submit travel authorization forms and ethics disclosures at least three weeks prior to the meeting.

8. Topic: NCARB Data Sharing

Discussion:

Board Counsel noted that NCARB has been notified that, until the switch to e-licensing is finalized, the agency is unable to dedicate information technology staff to create a special online connection with NCARB's servers. However, it was noted that NCARB can only be given public information, which is already available to any requestor, as the Board and agency cannot legally share personally private information such as dates of birth or social security numbers. No formal action taken.

9. Topic: Handbook for Building Officials

Discussion:

No formal action was taken on this agenda item.

10. Topic: FARB on-line database

Discussion:

No formal action was taken on this agenda item.

11. Topic: Board Member Terms

Discussion:

The Executive Director informed all Board Members that they need to re-apply should their term be expiring.

12. Topic: Reinstatement Applications

Discussion:

Applications reviewed by the Board:

- Jeffrey Causey, License #7227
- Thomas E. Hall, License #10053
- Michael Manfredi, License #10863
- Stephan K. Potts, License #30550
- Edward M. Stanley, License #8446
- James G. McAvoy, License #5165
- Kenneth J. MacKenzie, License #31012

Action:

A motion was made by M. Jones to accept all application with the exception of McAvoy and MacKenzie. D. Georgopoulos seconded. Motion passed unanimously.

A motion was made by S. Schreiber, seconded by D. Georgopoulos, not to approve the application the reinstatement application of Kenneth J. MacKenzie, License #31012 based on 231 CMR 3.05(4) at this time. The applicant needs to provide a current NCARB record. This motion passed unanimously.

Application for James G. McAvoy, License #5165 was removed from the reinstatement list as his license was only lapsed one cycle and does not require Board approval. No formal action taken.

13. Topic: Emeritus Applications

Discussion:

Applications reviewed by the Board:

Robert W. Hoyer, License #4322
Olga Kahn, License #7382
Frederick S. Scott, License #4063
Charles Worcester, License #3606
Alan Sparber, License #10445
Donald R. Conlon, License #2194
Christopher Hussey, License #2033

Action:

A motion was made by S. Schreiber, seconded by D. Georgopoulos, to accept all emeritus applications. This motion passed unanimously.

14. Correspondence

No correspondence available for discussion.

15. Items not reasonably anticipated by the chair 48 hours prior to the meeting:

CEU Audit Review - The Executive Director noted that audits are to remain at 5% at this time. No formal action required.

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

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.

17. 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.

18. Quasi Judicial Session

At 12: 25 PM, D. Georgopulos moved to suspend the open meeting to enter into Quasi Judicial Session pursuant to G.L. c. 30A, s. 18 for the Board to review the Final Decision and Order in AR 13-011. The motion was seconded by M. Jones. The motion passed.

D. Georgopulos moved to return to Open Session at 12:30 PM. The motion was seconded by M. Jones. Public Session resumed at 12:30 PM.

19. 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 the following investigative matters: AR 15-046, AR 15-048, and AR 15-053. Motion passed.

D. Georgopulos 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:

- AR 15-046: Refer to the Office of Prosecutions
- AR 16-006: Refer to the Office of Prosecutions
- AR 15-001: Refer to the Office of Prosecutions

20. Adjournment

D. Georgopulos motioned to adjourn the meeting. The motion was seconded by S. Schreiber and passed unanimously. The Board adjourned the meeting at 12:41 p.m.

Respectfully submitted,


Eric Funk
Licensure Specialist

List of documents relied upon in open session:

1. Meeting agenda
2. Draft minutes
3. Draft of 231 CMR 2.00, 3.00, and 4.00
4. Applications for licensure

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

First Name	Middle Initial	Last Name
Hee Jung		Choi
James	T	Setzler
James	C	Forren
Roslyn	M	Dudas
John	G.C.	Harden
Ashley	A	Merchant
Gregory	C	Hill
Erica	M	Lelierre
Jeffrey	A	Benea
Justin	C	Hedde
Wai-Ming		Kuo
Andrew	P	Shveda Jr
Tyler	R	Thompson
Michael	C.	Barron
Andrew	J	Silipo
Daniel	R	Estes
Kathleen	A	Courtney
Krysta	R	Levandowski
Amelia	M	Thrall
Mary	K	McCarthy
Cheryl		Wolfe
Yang	T	Chan
Robert	E	Smith
Sang Eun		Lee
Meghan	A	McNamara
Neil		Silva
Dennis	M	Greenwood
Anthony	C	Guma
Ian	A	Carney
Christopher	B	Shafer
Katie	L	Cressall

Nicholas	S	Lavita
Christopher	A	Nastasia
Elizabeth	R	Hedde
Yoo Jung		Lee
Jody	P	Barker
Christopher	P	Aubin
Steven	J	Keene
Ian	C	Kenney
Maxwell	A.C.	Ng

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

First Name	Middle Initial	Last Name
Stephan	D	Claren
Gary	L	Kohn
Dennis	C	Spina
Michael	W	Engledow
Joseph	J	Lomonaco
Arthur	L	Kay
George	L	Shmidheiser
Thomas	A	Cornelius
Tamar		Warburg
Philip	A	Hamm
James	T	Lalli
Christopher	W	Arner
Marc	T	Geftman
Michael	J	Boone
Mark	R	Heckman
Aaron	W	West
Patrick	M	Croke
Joseph	P	Bleehash
Brian	D	Phillips
Michael	J	Grab
John	S	Guiman
Howard	B	Glatstein
Elizabeth	R	Mitchell
Kurk	L	Schmitz
Jeffrey	W	Ganthner

Johan		Reyes
Allison	N	Young
Michael	Z	Starr
Mark	D	Shermeyer
Paulo	C	Vicente
Bonita	M	Cook
Jeffrey		Geisinger
Rainer		Schrom
Marc	J	Breetz
Kathryn		Lillich
Graham	L	Thomas
Darrell	A	Swanson
Lauren	B	Braren
Charles	E	Passarotti
John	H	Heiman