

ARCHITECTURAL LICENSING BOARD

Tel. No. (860) 713-6145

August 14, 2009

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

The six hundred and eighty eighth meeting of the Architectural Licensing Board, held on July 17, 2009, was called to order by Chairman Mr. S. Edward Jeter at 8:37 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 Lucille Trzcinski	Board Member Board Member Board Member Chairman/Board Member Board Member
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Board Members Not Present:	None
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Others Present:	Robert M. Kuzmich Steven J. Schwane Peter R. Huntsman Bruce Spiewak	License and Applications Specialist/Department of Consumer Protection Administrative Hearings Attorney/Department of Consumer Protection Attorney General's Office, Board Counsel AIA/CT
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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: occtrades@ct.gov

1. Old Business

1A. Submission of the minutes of the May 21, 2009; for review and approval. Mr. Hurd noted a correction was noted on page six, Agenda Item 2N (1); the words "they will be sending" are repeated and shall be corrected. *As such, the Board voted, unanimously, to approve the minutes as amended herein. (Hurd/Briggs)*

1B. Report from Mr. Robert Hurd regarding his review of Records for Mr. Emmanuel Juan for admission to the Architect Registration Examination at the request of the National Council of Architectural Registration Boards. Mr. Hurd noted Mr. Juan informed him that he asked the NCARB to forward his file to New York State and not Connecticut. The Connecticut Board received this file, by error, from the NCARB. At Mr. Hurd's request, Mr. Kuzmich confirmed this with the NCARB.

1C. Report from Mr. David Barkin regarding his review of Records for Mr. Michael J. Berger for admission to the Architect Registration Examination. Mr. Barkin noted that he just received Mr. Berger's Record on July 14, 2009 and was not able to complete his review in time for today's meeting. Mr. Barkin will be interviewing Mr. Berger in the near future and will have his report in time for the September 18, 2009 meeting.

2. New Business

2A. In the matter of: Thaddeus M. Stewart; Docket No. 05-362; for discussion by the Board. The Board discussed, in detail, a letter sent to them from Mr. Stewart dated May 18, 2009. This letter was sent by him in response to a communication he received by the Board dated April 1, 2009. Essentially, through multiple correspondences, Mr. Stewart has asked the Board to grant him relief from some of the conditions set forth in the Board's January 20, 2006 Final Decision and Order including removing the probationary status placed on his Connecticut architect license.

Mr. Stewart's latest letter, again, asks the Board to grant him "professional relief regarding the probationary status" of his architectural license. In this letter, Mr. Stewart describes a course he has taken at the University of New Haven which he claims includes "all aspects of structural engineering". In addition, Mr. Stewart addresses other elements of the Board's *Final Decision and Order* issued to him. These include the requirement that all structural elements of any architectural work he does be reviewed and sealed by a licensed Connecticut Professional Engineer and that he be reexamined in the *General Structures and Lateral Forces* Sections of the *Architect Registration Examination* with passing grades.

Upon a review and discussion of the course he completed at the University of New Haven, *CE 409 Concrete Design and Construction*, the Board does not believe that this

course satisfies the educational criteria portion of their *Final Decision and Order* as detailed by the descriptions of the four courses contained therein.

Further, the Board concluded that until such time as all of the elements of their *Final Decision and Order* have been satisfied, there will be absolutely no deviation from the requirements set forth therein. Mr. Stewart shall be notified in writing of the Board's response to his May 18, 2009 letter.

2B. The following candidates have passed the *Architect Registration Examination* and are recommended by the Department of Consumer Protection for licensing as Architects in the State of Connecticut; the Board voted, unanimously, to approve the following individuals for licensing as architects in Connecticut. (Briggs/Barkin)

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| 1. Christopher D. DeFiore | 4. Hans P. Hansen |
| 2. Sabrina W. Foulke | 5. Antonio Lacapra |
| 3. Adriano K. Guedes | |

2C. 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/Briggs)

1.	Anway, Randall R.	Waiver of Examination; New York	(NCARB File No. 111376)
2.	Binette, Michael D.	Waiver of Examination; District of Columbia	(NCARB File No. 69616)
3.	Brasgalla, Stephen	Waiver of Examination; Florida	(NCARB File No. 47019)
4.	Bruno, Gary J.	Waiver of Examination; New York	Direct
5.	Burdette, Stephen C.	Waiver of Examination; Maryland	(NCARB File No. 72395)
6.	Carlson, Edward	Waiver of Examination; California	Direct
7.	Castner, Joseph A.	Waiver of Examination; Massachusetts	(NCARB File No. 40003)
8.	Daly, Patrick R.	Waiver of Examination; California	(NCARB File No. 105663)
9.	Hom, Gorham Y.	Waiver of Examination; New York	Direct
10.	Kamen, Scott A.	Waiver of Examination; New York	Direct
11.	Karle, Kenneth H.	Waiver of Examination; New Jersey	Direct
12.	Killeen, Ann	Waiver of Examination; California	(NCARB File No. 139464)
13.	Kundig, Thomas W.	Waiver of Examination; Washington	(NCARB File No. 77238)
14.	Lamb, William G.	Waiver of Examination; California	Direct
15.	Marner, Laurence	Waiver of Examination; New York	(NCARB File No. 57111)
16.	O'Leary, William J.	Waiver of Examination; South Carolina	(NCARB File No. 51762)
17.	Rice, Robert C.	Waiver of Examination; Delaware	(NCARB File No. 62072)
18.	Sage, Jennifer	Waiver of Examination; New York	(NCARB File No. 65286)
19.	Scaglione, Peter	Waiver of Examination; New York	Direct

20.	Shamamian, Oscar	Waiver of Examination; New York	(NCARB File No. 140381)
21.	Solfrian, Scott M.	Waiver of Examination; New York	Direct
22.	Spence, David M.	Waiver of Examination; New Jersey	(NCARB File No. 104622)
23.	Vopel, Jr., William H.	Waiver of Examination; Tennessee	(NCARB File No. 37042)

2D. 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: (Briggs/Barkin)*

Cassetty Architecture PC
901 West Main Street
Hendersonville, Tennessee 37075

J. Clinton Cassetty, CEO
Connecticut Lic. No. 10991

2E. 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)*

Simpson Gumpertz & Heger Associates, Inc.
41 Seyon Street, Building 1, Suite 500
Waltham, Massachusetts 02453

Vince Cammalleri, Director
Connecticut Lic. No. 10677

2F. Update from the Trade Practices Division regarding Complaints; for the Board's information. The Board acknowledged the report and asked what the number of outstanding complaints is. This was the purpose in asking for this type of report. Ms. Briggs stated that the original purpose of this chart as it was originally proposed was to tell the Board how complaints were getting tracked through system. The chart given to the Board today shows no progression analysis. Mr. Spiewak noted that the received date shown on the complaint is 06-26-09 and the report dates are from 05-13-09 to 06-29-09. He questions why this complaint is not listed on the report as "received".

Mr. Kuzmich will contact Mr. Maloney and communicate this information from the Board and ask him if he can attend their September meeting.

2G. Update from Mr. Steven Schwane from the Consumer Protection's Legal Division regarding any Board issues.

1. Mr. Schwane stated that at their last meeting, the Board had asked him to prepare a statement to be given to persons not licensed as architects listing what such persons could not do in the architectural area. He presented his first draft to the Board at today's meeting for their review and discussion.

Mr. Schwane noted that two of the Board's past Declaratory Ruling's address the use of the term "architectural" with different conclusions. Ms. Briggs raised the issue of free speech relative to one of these past Declaratory Rulings since the subject is legally allowed to provide architectural design services of a certain category and yet cannot legally say to people that he is providing the same.

Mr. Schwane stated that this may be an area of the law that addresses the use of the first amendment that has changed since the time of the ruling. This question was asked to the Board's Attorney Mr. Huntsman. Mr. Spiewak has the exact same doubts about the past ruling since there are exemptions to the architectural licensing law. One of these exemptions is for residential design for single family homes regardless of the size and square feet. In this case Mr. Spiewak stated that if an individual is advertising "architectural design" for single family homes only, then it appears that this individual would be exempt from the prohibition of use of the term architect because they are providing architectural services lawfully because of the exemption in the law. He further stated that although this case may be a result of a fault in the law, the fact remains that this is no violation of the statutes.

Ms. Briggs noted that she believes that although the exemption may allow architectural design on a limited basis, the individual can not call themselves an "architect". Mr. Huntsman cited statutory limitations that limit the use of the title "architect". After significant discussion among all, the Board asked that Mr. Schwane and Mr. Huntsman reexamine the draft the Board has before them today regarding use of the term "architect" in light of the past Declaratory Rulings to determine whether this draft uncovers a lack of clarity in the actual statutes that may need to be addressed. This matter will be addressed again at the Board's September 18, 2009.

2. Mr. Schwane stated he attended a recent meeting with Commissioner Farrell dealing with issues coming out of the Professional Engineers and Land Surveyor's Board. The issue deals with electronic seal and signatures. The Department of Transportation (DOT) will make a presentation to the Engineers Board about how they would like to work with that Board to assure that the DOT can receive and use digital plans within the confines of the existing laws. The end result was that Commissioner Farrell requested that Mr. Schwane coordinate a meeting with the three Chairpersons of the Architect, Landscape Architect, and Engineer's Boards, Peter Huntsman, and the Commissioner. Mr. Schwane will communicate by e-mail with all parties involved to determine a date for the meeting.

3. Mr. Schwane stated that the State Library Regulations were rejected without prejudice. The Legislative Commissioners Office did not like the definition of *maps* and *plans*.

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

1. Ms. Briggs stated that at the NCARB Annual Meeting, it was announced that examination candidates were posting solutions on an internet based forum for use by others who will be taking the test in the future. NCARB is estimating that the cost for corrective measures to remedy this problem will exceed one million dollars. In addition, they are disciplining the individuals involved for violating the confidentiality rules in terms of disclosing the contents of the examination and/or using improperly disclosed contents. NCARB declined prosecution on these individuals and it appeared that any settlement will be civil and not criminal.

Ms. Briggs is asking what discipline rights, if any, does the Board have should this happen in the future to Connecticut candidates. She believes that the Board should not wait until these candidates pass the test and come before the Board for a license to address this issue. Mr. Huntsman stated that the Board does have some rights in that they can look at the conduct of such individuals contemporaneous with the activity itself.

However, some questions were raised when Mr. Kuzmich detailed the Direct Registration process that Connecticut participates in with the NCARB. A determination needs to be made in terms of whether or not a candidate is under the authority of this Board while the candidate is in the testing process. As such, the Board asked both Mr. Huntsman and Mr. Schwane to investigate this matter and report back to them at their September 18, 2009 Board Meeting.

The meeting adjourned at 9:58 AM. (Barkin/Hurd) The next regular meeting of the Architectural Licensing Board is scheduled for Friday, September 18, 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