

New Jersey State Board of Architects

January 10, 2002

Public Session Minutes

I CALL TO ORDER

The regularly scheduled meeting of the Board was called to order at 10:10 am in the Union Conference Room on the third (3rd) floor at 124 Halsey Street, Newark, New Jersey.

PARTICIPANTS		PRESENT	ABSENT	EXCUSED
President	Frederick Kniesler, CLA	(X)	()	()
Vice President	Howard Horii, RA	(X)	()	()
Board Member	Barbara Brandon	(X)	()	()
	Public Member			
Board Member	Paul DeMassi, RA	(X)	()	()
Board Member	Bernard Kellenyi, RA	(X)	()	()
Board Member	Vivian G. Lopez, Esq.	(X)	()	()
	Government Member			
Board Member	Jeanne Perantoni, RA	()	()	(X)
Board Member	Kyu-Jung Whang, RA	()	()	(X)
Board Member	Vacant	()	()	()

OTHERS PRESENT:

James S. Hsu, Executive Director, NJ Board of Architects; Shirley Passow, Deputy Attorney General; Margaret Hinkley, Secretary to the Executive Director, and Tom Dolan, Board of Architects.

ALSO PRESENT:

Sandra Y. Dick, DAG

II OPEN PUBLIC MEETINGS ACT

The statement required by Chapter 231, public laws of 1975, the "Open Public Meetings Act," was read and it was announced that notice of this meeting was prepared in the office of the Board of Architects and mailed to the Secretary of State, the Newark *Star-Ledger*, the Trenton *Times*, the Camden *Courier-Post*, the Bergen *Record* and the Atlantic City *Press*.

III APPROVAL OF MINUTES

December 13, 2001

Ms. Perantoni and Mr. Whang were inadvertently marked excused when, in fact, they were both present at the December 13, 2001 meeting.

ACTION: Mr. DeMassi moved that the Board vote to accept the minutes as corrected. Ms. Lopez seconded the motion. It passed unanimously.

IV ANNOUNCEMENTS

Executive Director Hsu announced that DAG Sandra Y. Dick, Counseling DAG for the Amelchenko matter will be present for discussion at 10 am.

Mr. DeMassi announced that he recently attended the NCARB IDP Committee Meeting in Las Vegas, Nevada. He advised that the California Board administers an additional exam to the ARE and he was able to receive a copy of the Candidate's brochure the other board members to review. The Pass/fail rate of college students is lower than that of the reciprocal applicants who take this additional examination. The next IDP Committee meeting will be in Key West, Florida at the end of this month.

Mr. DeMassi also reminded the board members present to submit their mentor stories to him by January 15th so that he could forward them to NCARB.

Mr. Kniesler announced that CLARB has two online continuing education courses that have received AIA and NCARB approval/recognition for continuing education credits. The cost is \$35 for the online course.

Executive Director Hsu announced that the Interior Designers Certification Bill had no movement since May and is considered dead. Senate Bill 2112 which would make Certified Landscape Architects a closely allied professional has passed both houses and is awaiting the Governor's signature.

V OLD BUSINESS

1 ITEM NO. 99-10-02

Respondent/s: AMELCHENKO, Paul - AI06187

Complainant: Charles & Rebecca Krikorian

Complaint: Unprofessional Conduct

Project: 208 First Avenue, Blk 1, Lot 5, Belmar NJ

Summary: On May 10, 2001, a Provisional Order of Discipline was filed in this matter for the suspension of Mr. Amelchenko's license for two years. A response, dated June 6, 2001, was received from Michael Wilbert, Esq., attorney for Paul Amelchenko. DAG Passow's response to Mr. Wilbert's letter requesting the Board consider dismissal or modification of the charges in the Provisional Order of Discipline issued against his client is attached. On November 8, 2001, the matter was submitted to the Board to consider finalization of the Provisional Order of Discipline (POD). The above mentioned documents are attached for Board review. DAG Sandra Dick, counseling attorney for the Board in this matter, was present for discussion. Two additional letters were received for review and consideration in this matter -- one is from Michael Wilbert, Esq., dated November 5, 2001 and the other letter is a handwritten letter from Mr. Amelchenko. The Board determined there is reason for further hearings in this matter, however, as there have been varying claims regarding the testimony as contained in the transcripts of the 1996 and 2000 investigative inquiries regarding Mr. Amelchenko. The Board has determined to give both parties an opportunity to review those transcripts and to present argument to the Board about whether the board's preliminary findings as detailed in the Provisional Order of Discipline (POD) should be upheld, modified or rejected. Therefore, the Board is forwarding a copy of the transcript of the investigative inquiries to the parties and permitting them to make whatever arguments they wish regarding the truthfulness of Mr. Amelchenko's testimony for a period of 10days from receipt of the communication. Following which at the Board's next meeting those documents will be reviewed and a final determination will be made in this matter. The above was motioned by Ms. Lopez and seconded by Mr. Horii, the Board unanimously voted for the

above action. In December the transcripts from the 1996 inquires have been received and will be forwarded to DAG Passow and Mr. Amelchenko's attorney for a written response by the next meeting.

1/10/02 Response letters, one dated December 27, 2001, from Michael E. Wilbert, Esq., attorney for Mr. Amelchenko and one dated January 7, 2002, from DAG Shirley Passow for Board review.

Mr. Kellenyi moved that the Board vote to go into Executive Session for the purposes of reviewing recent submissions and deliberating this matter. The outcome will be announced in Public Session at the end of Board deliberations. Mr. DeMassi seconded the motion. It passed unanimously.

After deliberating this matter for 45 minutes, Mr. DeMassi moved that the Board vote to go into public session for the purposes of announcing the Board's position in the Amelchenko matter. Mr. Kellenyi seconded the motion. It passed unanimously.

The Board convened in closed session to deliberate in this matter. Mr. Kniesler requested that DAG Sandra Y. Dick read the motion of the Board after deliberating in this matter. The following motion was passed unanimously:

The Board, having considered all submissions of parties as determined to modify the Provisional Order of Discipline (POD) via the issuance of a Final Order of Discipline (FOD) as follows:

As to the FINDINGS OF FACT:

Paragraph 5 Page 2 eliminate "and failing to testify truthfully as to the non-existence of a Certificate of Authorization."

Paragraph 8 Page 3 eliminate "but failed to produce plans in a timely fashion."

Paragraph 9 Page 3 eliminate "two separate" and "April 25, 1996 and"

As to the CONCLUSIONS OF LAW:

Paragraph 3 Page 4 eliminate "This was also a second offense."

As to the Ordered Provisions:

Page 4 Paragraph 1 modify to provide for a two year period of suspension with one year active and one year stayed. Clarify that respondent may not engage in the profession until 1 year active suspension is served and respondent complies with paragraph 2 regarding the appearance before the Board.

Paragraph 3 modify to clarify that this entire matter is a second offense.

A Final Order of Discipline will more fully explain the Board's rationale in this matter.

ACTION: Mr. DeMassi moved the motion of the Board as read by DAG Sandra Dick. Ms. Lopez seconded the motion. It passed unanimously.

VI NEW BUSINESS

A. Information

1 NCARB News Clips dated December 20, 2001, entitled Energy-Conscious Architecture Monograph Updated and Revised.

ACTION: Duly noted.

2 Agenda for the Joint Regional Meeting of NCARB - Regions 1, 2, and 3 to be held April 4-7, 2002, at the

Renaissance Portsmouth Hotel in Portsmouth, Virginia.

ACTION: Mr. Kniesler, Mr. DeMassi, Mr. Kellenyi, Ms. Lopez and Executive Director Hsu expressed interest in attending the Joint Regional meeting of NCARB.

B. Landscape Architect Evaluation and Examination Committee

November 14, 2001 minutes

ACTION: It was motioned by Mr. Kellenyi and seconded by Mr. DeMassi, the Board unanimously voted to accept the minutes of the Landscape Architect Committee.

C Correspondence

1 Letter dated January 2, 2002, was received from David Engdahl, AIA, Senior Vice President, The Haskell Company, regarding the AIA Design-Build Handbook, and requesting the Board to review the attached summary of New Jersey's jurisdiction and provide corrections, clarifications or additional information on this issue. Deadline for replying is February 1, 2002.

ACTION: Since the information provided by Mr. Engdahl for the Board to review did not contain any information about LLCs and LLPs or the Design/Build Contract Rules adopted August 2001, the Board directed the Executive Director to forward same to Mr. Engdahl for his information and inclusion in his summary.

2 Letter dated January 2, 2002, was received from Daniel A. Pulone, Jr., requesting a waiver of Continuing education under N.J.A.C. 13:27-8.15, due to having a disease that requires treatment three times a week.

ACTION: Ms. Brandon moved to grant Mr. Pulone a waiver from complying with the continuing education requirement for the 8/1/2001 to 7/31/03 period. Ms. Lopez seconded the motion. It passed unanimously.

3 Letter dated January 2, 2002, was received from John J. Veisz, AIA, who inquires whether the use of an electronic signature on architectural tracings is legal and acceptable by the State Board of Architects.

ACTION: The Board requested DAG Passow research the issue of electronic signatures and whether the Board previously discussed the matter. Also determine if any legal issues surround this item.

VII REVIEW OF APPLICATIONS

A. Direct Applications for Reciprocal Licensure

The following individual/s applied for reciprocity based on a license held in another state and are recommended for licensure:

Schultz, Brent W.

ACTION: Mr. DeMassi moved that the Board vote to license Mr. Schultz through reciprocity. Mr. Horii seconded the motion. It passed unanimously.

The following individual/s applied for reciprocity based on a license held in another state and submits construction documents to document five years of responsible practice.

Fon Hee

ACTION: Subsequent to reviewing the drawings submitted, Ms. Lopez moved that the Board vote to request a complete set of construction drawings from Mr. Hee for the Board to review. The drawings he submitted were incomplete. Mr. DeMassi seconded the motion. It passed unanimously.

B. Applications for Reciprocal Licensure / NCARB

The following individual/s applied for reciprocity based on a license held in another state and certification by the National Council of Architectural Registration Boards and are recommended for licensure:

Louis Allevato John C. Workley Mortimer Marshall, Jr.
John M. Brengle Ross Cready James H. Croft
James Heffner, III John Diebboll Kao-Hwa Lee
Alvaro F. Diaz William Kendall Thomas D. Kincaid

ACTION: Mr. DeMassi moved that the Board voted to license the above individuals through reciprocity. Mr. Kellenyi seconded the motion. It passed unanimously.

David S. Soleau

ACTION: Mr. DeMassi moved that the Board voted to license Mr. Soleau through reciprocity. Ms. Brandon seconded the motion. It passed unanimously.

BOARD REVIEWED

Vince Cammalleri

ACTION: Subsequent to reviewing the file, Mr. DeMassi moved that the Board vote to license Mr. Cammalleri through reciprocity. Mr. Horii seconded the motion. It passed unanimously.

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C. Applications for Examination

The following applicant/s applied for admission to the Architectural Registration Examination and are recommended by staff:

Chiang, Valerie Jost, Daniel E. Kadish, Brett J.
Martin, Kevin M. Bunn, Kimberly Matos, Allende
Santos-Garcia, Sandra

ACTION: Mr. DeMassi moved that the Board vote to admit the above individuals to the ARE process. Mr. Kellenyi seconded the motion. It passed unanimously.

Pentlicky, Matthew C.

ACTION: Mr. DeMassi moved that the Board vote to admit Mr. Pentlicky to the ARE process. Mr. Kellenyi seconded the motion. It passed unanimously.

The following applicant/s have completed all Divisions of the Architectural Registration Examination and are submitted to the Board for licensure:

McGee, Thomas D. - PE Edwards, Tracey Murphy, Sean P.

Siegel, Steven

ACTION: Mr. DeMassi moved that the Board vote to license the above individuals inasmuch as they have completed the ARE process. Mr. Kellenyi seconded the motion. It passed unanimously.

D. Certificate/s of Authorization

1 M&V ARCHITECTURE LLC Architecture

401 Jefferson Street - Ste 3
Hoboken NJ 07030

Responsible Architect: Frank J. Minervini - License #AI 12576

Summary: This application for a Certificate of Authorization to offer architectural services only, is submitted by a New Jersey licensed architect, who owns two third percent of the shares, in business with a non-licensed individual who owns one-third percent of the shares. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to M&V Architecture LLC. Mr. Kellenyi seconded the motion. It passed unanimously.

2 HOFFMAN ARCHITECT INC. Architecture

432 Washington Avenue
North Haven CT 06473

Responsible Architect: John J. Hoffman - License #AI 08259

Summary: This application for a Certificate of Authorization to offer architectural services only, is submitted by a New Jersey licensed architect, who owns 100% of the shares. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to Hoffman Architect Inc. Mr. Kellenyi seconded the motion. It passed unanimously.

3 WILLIAM M. BROWN III, AIA, LLC Architecture

23 Nassau Road
Verona NJ 07044

Responsible Architect: William M. Brown - License #AI 11892

Summary: This application for a Certificate of Authorization to offer architectural services only, is submitted by a New Jersey licensed architect, who owns 100% of the shares. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to William M. Brown III, AIA, LLC. Mr. Kellenyi seconded the motion. It passed unanimously.

4 ARCHITECTURE D+U, LLC Architecture+

368 Broadway - Ste 518
New York NY 10013

Responsible Architect: Eric Allen Cohen - License #AI 10073

Summary: This application for a Certificate of Authorization to offer architectural and closely allied professional services, is submitted by two New Jersey licensed architects, who own 100% of the shares. This application appears to

meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to Architecture D+U, LLC. Mr. Kellenyi seconded the motion. It passed unanimously.

5 AUS/KEY OF B ARCHITECTURE Architecture

155 Gaither Drive - PO Box 1050
Moorestown NJ 08057-1050

Responsible Architect: Scott Burnley - License #AI 14392

Summary: This application for a Certificate of Authorization to offer architectural services only, is submitted by a New Jersey licensed architect, who owns two-third percent of the shares, in business with AUS, INC. who own one-third percent of the shares. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to AUS/Key of B Architecture. Mr. Kellenyi seconded the motion. It passed unanimously.

6 NEIGHBORHOOD PLANNING & ARCHITECTURAL Architecture

DESIGN, INC.
T1 Farmhouse Lane
Morristown NJ 07960

Responsible Architect: John K. Samuels III - License #AI 14141

Summary: This application for a Certificate of Authorization to offer architectural services only, is submitted by a New Jersey licensed architect, who owns 70% of the shares, in business with a non-licensed individual who owns 30% of the shares. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to Neighborhood Planning & Architectural Design, Inc. Mr. Kellenyi seconded the motion. It passed unanimously.

7 GRAN ASSOCIATES ARCHITECTS & PLANNERS LLC Architecture

345 Hudson Street
New York NY 10014

Responsible Architect: Warren Gran - License #AI 04681

Summary: This application for a Certificate of Authorization to offer architectural services only, is submitted by three New Jersey licensed architects, who own 100 percent of the shares. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon moved that the Board vote to issue a Certificate of Authorization to Gran Associates Architects & Planners LLC. Mr. Kellenyi seconded the motion. It passed unanimously.

VIII PUBLIC COMMENTS

Seeing no one from the public present, Mr. Kniesler proceeded to the next item on the agenda.

IX EXECUTIVE SESSION

At 10:40 am, Mr. Kellenyi moved that the Board vote to go into Executive Session for the purposes of deliberation in the Amelchenko matter. The outcome will be announced in Public Session at the end of Board deliberations. Mr. DeMassi seconded the motion. It passed unanimously.

At 1 pm, Mr. DeMassi moved that the Board vote to go into Executive Session for the purpose of clarifying an item in the motion made in public session. Mr. Kellenyi seconded the motion. It passed unanimously.

At 1:50 pm, Mr. Kellenyi moved that the Board vote to go into Executive Session for the purpose of reviewing disciplinary matters on the executive session agenda. Mr. DeMassi seconded the motion. It passed unanimously.

X NEXT MEETINGS

	Regular Meeting	
January 24, 2002	Investigative Inquiry - ITEM NO. 01-05-01	Union Conference Room
February 14, 2002	Regular Meeting	Union Conference Room

XI ADJOURNMENT

At 3:30 pm, Mr. DeMassi moved that the Board vote to adjourn the meeting. Mr. Horii seconded the motion. It passed unanimously.

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