

Minutes

New Jersey State Board of Architects

February 14, 2002

Public Session

I CALL TO ORDER

The regularly scheduled meeting of the Board was called to order at 9:50 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 Janice M. Mintz	()	()	(X)
Public Member			
Board Member Jeanne Perantoni, RA	()	()	(X)
Board Member Kyu-Jung Whang, RA	(X)	()	()

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: Scott Burnley

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

January 24, 2002

ACTION: Ms. Brandon motioned to approve the minutes as presented. Ms. Lopez seconded the motion. Mr. DeMassi abstained. Motion passed.

IV ANNOUNCEMENTS

Executive Director Hsu announced:

- Ms. Perantoni and Ms. Mintz would not be attending today's meeting due to other commitments made prior to today's meeting.
- Memo from John Hartman, advising that travel by board members to conferences would be limited to one member, was distributed to all members for information.

Mr. Kniesler announced that he met with the Executive committee of the NJ Chapter of ASLA. Mr. Kniesler passed on a thank you from ASLA for the Board's support to the closely allied professional inclusion of landscape architects. They (ASLA) have expressed interest in amending the Site Plan Rule, however, representatives from ASLA and would like to meet with the Board to discuss this issue.

DAG Passow announced that she will be retiring in April. She expressed her delight with working with the Executive Director, staff and board members for the past nine years.

Mr. DeMassi announced that he recently attended the IDP Committee meeting in Florida.

Ms. Lopez announced that she recently attended the NCARB's Professional Conduct Committee meeting. What is known as the "piling on" issue has seemed to settle down. The Committee established guidelines in that only cases involving suspension or revocation of a license are reviewed by the Professional Conduct Committee.

V OLD BUSINESS

A Correspondence

1 Letter, dated January 16, 2002, from Scott J. Burnley requesting the Board to review a disclosure form that will be included in his marketing documentation. Mr. Burnley's firm, AUS/Key of B Architecture, was approved by the Board for a certification of authorization at the January 10, 2002, meeting. After much discussion, on January 24, 2002, the Board authorized DAG Passow to advise Mr. Burnley that each of the pictures of projects used in the brochure should attribute the firm he was working for at the time.

2/14/02 Copy of a January 31, 2002, letter from DAG Passow addressed to Scott Burnley for Board's review.

ACTION: Mr. Burnley was present at the meeting to discuss his brochure with the Board. The Board stated to him that the Board will not render an opinion in this matter and give Mr. Burnley an opportunity to express his views to the Board. The Board did provide Mr. Burnley with some guidance pertaining to his brochure. In particular, the Board requested Mr. Burnley should use graphics that relate to his firm/practice. The Board also questioned whether Mr. Burnley had permission to use the photos from projects done while employed at the firm of Design Collaborative. Mr. Burnley stated he had initially. Mr. Burnley thanked the Board for their guidance.

2 On December 13, 2001, the Board reviewed a letter dated December 5, 2001, from Alex Garcia, who is formally requesting a ruling in accordance with Section 45:4B. The Economic Development Authority (EDA) has advertised for professional services for 3 school health and safety projects in Paterson, NJ, and has informed Mr. Garcia's firm that if they "submit a proposal request as an architectural firm, the proposal will automatically be dismissed because EDA has advertised these 3 projects as requiring an engineering lead for the projects." DAG Passow advised the Board that

she and Sandra Y. Dick, DAG, spoke with people from the Economic Development Authority (EDA), who seemed surprised there are rules that state Architects can do projects under the E-Use group classification as stated in N.J.A.C. 45:4B-7. Board office to acknowledge receipt of Mr. Garcia's letter and advise that the Board is looking into this matter. DAG Passow is to draft a letter to EDA advising the Board's position for Board review at next meeting. On January 24, 2002, the Board reviewed another copy of Mr. Garcia's letter as well as a draft letter from DAG Passow addressed to the NJ Economic Development Authority, which the Board accepted and requested that the Executive Director issue the letter on Board letterhead.

2/14/02 Copy of a letter dated January 31, 2002, from Alex Garcia advising the board of more information regarding the NJEDA. Also distributed was a copy of the letter sent by the Board to Karen Franzini for information.

ACTION: Mr. Kniesler advised the Board that Andrew Yosha , from NJ Economic Development Authority, contacted him regarding the Board's letter and requested to set up a meeting with the Board to discuss the matter further.

3 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. On January 10, 2002, the Board reviewed response letters, 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. 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. On January 24, 2002, the Board convened in closed session to reconsider the final order in this matter. In further consideration in the Amelchenko matter the Board has determined to issue a final order which modifies the

POD on Page 2 paragraph 3 to eliminate "has never applied for" and insert "has never completed an application for" prior to "nor possessed the requisite Certificate of Authorization, etc." Ms. Lopez motioned that the Board accept the motion as read by DAG Dick. Ms. Perantoni seconded the motion. It passed unanimously.

2/14/02 Copy of the Final Order of Discipline is attached for Board's information.

ACTION: Duly noted.

VI NEW BUSINESS

A. Correspondence

1 Letter dated January 18, 2002, from Charles M. McAuliffe, AI03263, who requests a waiver from obtaining continuing education due to hardship is attached for review.

ACTION: After some discussion, Ms. Lopez motioned that the Board grant a hardship waiver from obtaining continuing education to Mr. McAuliffe. Mr. Whang seconded the motion. Mr. DeMassi abstained from voting because he felt there was not enough information. Motion carried.

Ms. Lopez motioned that the Board establish a policy in granting waiver. Factors to be considered are age, physical condition, mobility and no complaints pending against a licensee. Mr. Whang seconded the motion. It passed unanimously.

2 Memo dated January 28, 2002, from C. Robert Campbell, President-elect, NCARB, pertaining to the NCARB Committee Application Form for FY'03.

ACTION: Duly noted.

B. Legislation

It is requested by the Division Director's office that the Board review the following bill(s) and advise if a position is taken.

1 S-805 - Proscribes liability of architects in certain circumstances.

ACTION: Duly noted.

2 A-1309 - Provides for public access to government records; protects certain government records from public disclosure; establishes Privacy Study Commission and appropriates \$95,000 to commission.

ACTION: Executive Director Hsu distributed the adopted version of the Bill to the board members, which is much easier to read. The board was advised that the Division of Law is preparing regulations for the Boards pertaining to this newly adopted law.

3 S-1408 - Concerns the ability of professional licensing boards to protect the public.

ACTION: Duly noted.

C Information

NCARB News Clips dated January 23, 2002, entitled, "NCARB Adds New Titles To Continuing Education Monograph Series" is attached for Board's information.

ACTION: Duly noted.

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:

Richard Goetz Frank Nigro

ACTION: Mr. DeMassi motioned that the Board approve the above individuals for licensure through reciprocity. Ms. Brandon 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.

Robert DePippa - no plans received.

Fon Hee

ACTION: Subsequent to reviewing the drawings, Mr. DeMassi motioned that the Board approve Ms. Hee for licensure through reciprocity. Mr. Whang seconded the motion. It passed unanimously.

Mr. DeMassi also motioned that the Board send Ms. Hee a letter advising him to correct her title block so that it complies with the Board rules and to submit a new title block for the Board to review. Ms. Brandon 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:

John A. Collins	Daniel W. Cook	Michael L. Hammond
Joseph P. Mallozzi	John P. Murray	Stuart D. Peaslee
Darren L. Peterson	William D. Rudy	Keith Price
Carl R. Ostberg	Eric P. Gianelle	Gregory Simpson
Robert Soos	Thomas T. Winborne	Harry J. Hunderman
Hughes W. Thompson Jr.	William R. Canino	Kevin Oldland
Steven R. Carpenter	Rochelle B. Pripstein	Frank O. Gehry
Douglas S. DeVeney	Francis Tedesco	

ACTION: Mr. DeMassi motioned that the Board approve the above individuals for licensure through reciprocity. Ms. Brandon seconded the motion. It passed unanimously.

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 submits construction documents to document five years of responsible practice.

Ronald J. Chlebana - no plans received.

Alain Youkel

ACTION: Mr. Whang motioned that the Board approve Mr. Youkel for licensure through reciprocity. Mr. DeMassi seconded the motion. It passed unanimously.

C. Applications for Examination

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

Samuel, Diego Cunha III, Frank Horten, Benjamin
Whitley Jr., Roland Rainbeau, Eric J. Gonzalez, Manuel
McKeown Adamo, Kira

ACTION: Mr. DeMassi motioned that the Board approve the admit the above individuals to the examination 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:

Adamo, Robert M. Amersano, Marc Ellenberger, Thomas
Piccolo, Maria Spagnolo, Matthew J. Widawsky, Warren T.

ACTION: Mr. DeMassi motioned that the Board approve the above individuals for licensure inasmuch as they have completed the examination process. Mr. Kellenyi seconded the motion. It passed unanimously.

D Certificate/s of Authorization

1 SALIENT ARCHITECTS LLC Architecture

45 North Dean Street
Englewood NJ 07631

Responsible Architect: Charles J. Whelan - License #AI 15162

Summary: This application for a Certificate of Authorization to offer architectural services only is submitted by two New Jersey licensed architects who equally share 100% ownership. This application appears to meet all statutory requirements.

ACTION: Ms. Brandon motioned that the Board issue a certificate of authorization to Salient Architects LLC. Mr. DeMassi seconded the motion. It passed unanimously.

2 O'SULLIVAN ARCHITECTS, INC. Architecture

PO Box 1058
Flemington NJ 08822

Responsible Architect: Keith T. Chambers - License #AI 11569

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

ACTION: Ms. Brandon motioned that the Board issue a certificate of authorization to O'Sullivan Architects, Inc. Mr. Horii seconded the motion. Mr. Whang and Mr. DeMassi voted nay. Motion passed.

VIII PUBLIC COMMENTS

Scott Burnley was present to discuss his brochure for his firm with the board.

IX EXECUTIVE SESSION

At 1:45 pm, Mr. DeMassi motioned that the Board go into Executive Session for the purposes of reviewing the minutes and disciplinary matters before the Board today. Ms. Brandon seconded the motion. It passed unanimously.

X NEXT MEETINGS

	Regular Meeting	
February 28, 2002	Two Investigative Inquiries are scheduled pertaining to ITEM NO. 01-09-02	Union Conference Room
March 14, 2002	Regular Meeting	Union Conference Room

XI ADJOURNMENT

At 3pm, Mr. Kellenyi motioned that the Board adjourn the meeting inasmuch as business has been discussed. Ms. Lopez seconded the motion. It passed unanimously.

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