

# MINUTES

## NEW JERSEY STATE BOARD OF ARCHITECTS

March 11, 2004

Public Session

### I CALL TO ORDER

The regularly scheduled meeting of the Board was called to order at 9:30 am in the Union Conference Room on the third (3rd) floor at 124 Halsey Street, Newark, New Jersey.

PARTICIPANTS	PRESENT	ABSENT	EXCUSED
President Kyu-Jung Whang, RA	(X)	( )	( )
Vice President Paul DeMassi, RA	(X)	( )	( )
Board Member Alex Garcia, RA	(X)	( )	( )
Board Member Diane Gote`	(X)	( )	( )
Board Member Howard Horii, RA	(X)	( )	( )
Board Member Bernard Kellenyi, RA	(X)	( )	( )
Board Member Frederick Kniesler, CLA	(X)	( )	( )
Board Member Janice M. Mintz	(X)	( )	( )
Public Member			
Board Member Albert Zaccone, RA	(X)	( )	( )
Board Member Vacant - Government Member			
Board Member Vacant - Public Member			

**OTHERS PRESENT:** Michelle Albertson, Deputy Attorney General; James S. Hsu, Executive Director; Margaret Hinkley, Secretary to the Executive Director, and staff members Jacquilline Folkes and Joseph Abello of the Board of Architects.

**ALSO PRESENT:** Michael Soriano, AIA Liaison.

### 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 Record and the Atlantic City Press.

### **III APPROVAL OF MINUTES**

**February 26, 2004**

**ACTION:** Mr. Zacone motioned to approve the minutes as presented. Mr. Garcia seconded the motion. The motion passed unanimously.

### **IV ANNOUNCEMENTS**

Executive Director Hsu announced the following:

- Division of Consumer Affairs mailed a letter to approximately 8000 NJ licensed architects advising that all general business corporations and limited liability companies, which provide or offer to provide architectural services in New Jersey, must obtain a certificate of Authorization from the Board of Architects. The Board office received approximately 1500 phone calls pertaining to this letter and over 300 applications for Certificates of Authorization were mailed out. Also, this letter will be included in the licensing package, which is sent out to all newly licensed architects.
- Certified Landscape Architects and Professional Planners renewal forms will be mailed out this week to all licensees.

Mr. DeMassi announced that he requested more Building Design Services Act charts from the AIA and has passed them along to Executive Director Hsu.

Mr. Garcia, Mr. DeMassi and Mr. Horii advised the Board that they have signed up to serve on a NCARB Sub-Committee. They are awaiting confirmation of their appointments to the committees, if they are selected to serve.

Mr. Kniesler reported that he and Executive Director Hsu recently attended the CLARB Spring Meeting in Chicago, Illinois. Discussions were held regarding the CLARB Operating Budget and issues regarding the mission of the organization, such as a centralized continuing education system/reporting format. Twenty-four of the forty-eight jurisdictions which certifies or regulates landscape architects, require continuing education. New Jersey requires 30 hours however, the national average of required continuing education is 24 hours. New Jersey's regulations on continuing education are used as a model regulation for the other states. The CLARB Annual meeting will be held in September.

### **V OLD BUSINESS**

No business was discussed

### **VI NEW BUSINESS**

#### **A. Correspondence**

1 Letter dated February 28, 2004, was received from Douglas Wicks regarding indemnification agreements by certain roofing material suppliers that indemnified design professionals up to \$25,000 from lawsuits if they specify that manufacturer's product, which may be a possible conflict of interest with the Board's regulations.

**ACTION:** Mr. DeMassi motioned to send a letter advising that while the Board believes an architect who enters into such an agreement may be in violation of its regulations, this determination would be made on a case-by-case basis and based on the individual facts presented. Also request that he provide any additional information in his possession. Ms. Mintz seconded the motion. The motion passed unanimously.

2 Letter dated March 8, 2004, was received from Kevin Furman, General Counsel for NVR, Inc., (a homebuilder

doing business in New Jersey under the trade name of Ryan Homes) seeking the Board's guidance whether NVR, Inc./Ryan Homes is required to obtain a certificate of authorization.

**ACTION:** Ms. Mintz motioned to have DAG Albertson prepare letter advising that the Board has determined that NVR, Inc. is required to obtain a Certificate of Authorization pursuant to N.J.S.A. 45:3-18 which provides that a corporation offering to provide architectural services in New Jersey must obtain a Certificate of Authorization. Inasmuch as NVR, Inc. employs architects licensed in New Jersey who prepare plans for homes to be built for consumers, which is an architectural service. Also enclose an application for a Certificate of Authorization. Mr. Horii seconded the motion. The motion passed unanimously.

## **B Information**

Letter dated March 3, 2004, was received from Christiana Claudino commending Susan Sheffmaker' professionalism on the project she did for Ms. Claudino is attached for Board information.

**ACTION:** Duly noted. This letter will be filed in Ms. Sheffmaker's license file.

## **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:

Petermann, Michael A. Yanku, Barry M. Hough, Craig E.  
Patey, John R. Sammel, David J. Weisz, Claire D.  
Levine, Daniel J.

**ACTION:** Mr. DeMassi motioned to license the above individuals through reciprocity. Mr. Zacccone seconded the motion. The motion 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:

Main, Austin D. II Adams, Richard D. Jr. Stephenson, Robert A.  
Gutterman, Lawrence M. Kittredge, Neil P. Lezenby, Constance A.  
Woo, Youngmin Doban, Geoffrey R. Kuchinsky, Richard M.  
Green, Michael W. Raymond, Gene S. Dellinger, Dennis A.  
Wallace, Kevin L. Rensi, Robert A. Brundige, Marc W.  
Close, Paige C. Dunlap, Leland S. Pospula, Richard M.  
Aliber, Jennifer Priest, Kenneth A. Rosenberg, Jordan S.  
Campbell, Paul R.

**ACTION:** Mr. DeMassi motioned to license the above individuals through reciprocity. Mr. Zacccone seconded the motion. The motion passed unanimously.

### **C. Applications for Examination**

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

Emily V. Bula            Jeffrey M. Curry    William J. Kurus  
Jaime Laga             Marc R. Nemergut   Nicholas Pristash  
Paul R. Schmeck, Jr.   Mack T. Shoaf

**ACTION:** Mr. DeMassi motioned to admit the above individuals to the ARE process. Mr. Zacccone seconded the motion. The motion passed unanimously.

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

Javier, Joseph  
Luna, Juan  
Marcille, Mark  
McChesney, Matthew

**ACTION:** Mr. DeMassi motioned to license the above individuals inasmuch as they have completed the ARE process. Mr. Zacccone seconded the motion. The motion passed unanimously.

### **D. Certificate/s of Authorization**

**1 THE LESSARD ARCHITECTURAL GROUP INC. Architecture**  
**8603 Westwood Center Drive - Ste 400**  
**Vienna VA 22182**

Responsible Architect: Christian J. Lessard - License #AI 012196

Summary: This application for a Certificate of Authorization to offer architectural services only is submitted by four New Jersey licensed architects in which one own 100% of the shares in business with two non-licensed individuals. This application appears to comply with all statutory requirements.

**ACTION:** Mr. Zacccone motioned to issue a Certificate of Authorization to The Lessard Architectural Group Inc. Mr. Kellenyi seconded the motion. The motion passed unanimously.

**2 ANDERSON BROWN HIGLEY ASSOCIATES INC. Architecture**  
**1621 N. Lincoln Street**  
**Wilmington DE 19806**

Responsible Architect: Peter C. Anderson - License #AI 08512

Summary: This application for a Certificate of Authorization to offer architectural services only is submitted by four New Jersey licensed architects who own more than two-third of the shares, in business with two non-licensed individuals. This application appears to comply with all statutory requirements.

**ACTION:** Mr. Zacccone motioned to issue a Certificate of Authorization to Anderson Brown Higley Associates

Inc. Ms. Mintz seconded the motion. The motion passed unanimously.

**3 QUALITY ALTERNATIVES ARCHITECTURE & ENGINEERING LLC**  
**3 Werner Way - Ste 200**  
**Lebanon NJ 08833**

Responsible Architect: Antonette Mitterando - License #AI016264

Summary: This application for a Certificate of Authorization to offer architectural and engineering services is submitted by an individual licensed in both disciplines. She owns two-thirds of the corporation and he is in business with Corona Associates that owns one-third of the corporation. This application appears to comply with all statutory requirements. On February 5, 2004, after some discussion, this matter was tabled until the issue of whether a foreign corporation holding shares in a firm applying for a certificate of authorization, needs to be registered to do business in New Jersey.

**ACTION:** After much discussion, Mr. DeMassi motioned to table this matter and request the name of the person in responsible charge for Corona Associates. Mr. Zacccone seconded the motion. Mr. Horii opposed the motion. The motion passed.

## **VIII PUBLIC COMMENTS**

Michael Soriano, AIA Liaison, reported to the Board that a contingent of approximately 25 members of AIA New Jersey had just returned from the AIA's National Grassroots Leadership and Government Affairs Conference in Washington, DC the week previous. AIA members met with their Senators and Representatives on Capital Hill to bring forth AIA National's position on two Federal Bills; S. 1637, also known as the "Jobs Bill", this legislation could mean a 3% tax cut on gross domestic receipts for architectural firms, and re-authorization of the TEA-3 (Transportation Equity Act) "Highway Bill" with an AIA Sponsored amendment to incorporate a study to make sure that the \$ 300 billion plus bill includes provisions to enhance "Livable Communities" through "Smart Growth Initiatives" throughout the United States.

## **IX CLOSED CASES**

### **ITEM NO. 17551)**

**Respondent/s: RABINOWITZ, Philip - AI08439**

**Complaint: Alleges contractor prepared drwgs for bldg. permits**

**Project: Horizons of Plainfield**

Summary: The Board received a complaint alleging that the contractor prepared the drawings that were submitted for building permits and had the owners certify that they prepared the drawings. Subsequent to reviewing this matter, the Board motioned unanimously to issue a Settlement Offer Letter with a penalty of \$4,000 to Mr. Rabinowitz for the violations of N.J.S.A. 45:4B-10(b) in that the engineering work outside of his office was not obtained as per the statute; and N.J.A.C. 13:27-7.2(a)1 in that he failed to credit the Land Surveyor and date of the survey appropriately. On March 11, 2004, the Board unanimously voted to accepted the signed acknowledgment from the Settlement Offer letter as well as the check in the amount of \$4,000 and closed this case. CASE CLOSED.

## **X EXECUTIVE SESSION**

At 11 am, Mr. Zacccone motioned to go into Executive Session for the purposes of reviewing the minutes and disciplinary matters before the Board today. Mr. Kniesler seconded the motion. The motion passed unanimously.

## **X NEXT MEETINGS**

March 25, 2004 Regular Meeting Union Room - 3rd Flr  
Investigative Inquiry scheduled pertaining to ITEM NO. 25079

April 8, 2004 Regular Meeting Union Room - 3rd Flr

## **XI ADJOURNMENT**

At 3pm, Mr. DeMassi motioned to adjourn the meeting inasmuch as all business has been discussed. Mr. Horii seconded the motion. The motion passed unanimously.