

**NEW JERSEY
STATE BOARD OF ARCHITECTS
MINUTES**

February 5, 2004

Public Session

I CALL TO ORDER

The regularly scheduled meeting of the Board was called to order at 9:35 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 Zacccone, 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

January 22, 2004

ACTION: Mr. DeMassi motioned to approve the minutes as presented. Ms. Mintz seconded the motion. The motion passed unanimously.

IV ANNOUNCEMENTS

Mr. DeMassi announced that the Joint Committee met as a "committee" of the committee due to a lack of quorum, so no official action could be taken at the meeting however, recommendations were made which will have to be ratified at the next meeting. The issue of who can seal fire sprinkler plans was discussed and it was recommended that both professions are permitted.

Mr. Horii announced that eight to ten delegates from China will visit The Grad firm from 10-12, then Executive Director is arranging lunch at a restaurant in the Ironbound section of Newark. Fong of The Grad firm is making name tags, which will contain the English spelling and the common Chinese spelling of the delegates names. Then the delegation is off to Philadelphia to tour the firm of Walt Grimm.

Ms. Gote' announced that the interior Design Examination and evaluation Committee has scheduled its first meeting for May 5, 2004.

Mr. Whang announced the following:

IDP Liaison list was distributed to all members for their information.

He recently attended the NCARB ARE Subcommittee meeting in Salt Lake City, Utah. It was the second meeting of the year for the Committee. The next meeting is scheduled for May 1, 2004 in Vancouver Canada.

Applications for board members to apply for an NCARB Subcommittee appointment will be mailed out in the near future. The deadline is sometime in April. He urged the board members to appl for a subcommittee.

In addition to President and Executive Director, Messrs. DeMassi, Zaccone and Horii expressed interest in attending the NCARB Joint Regional Spring Meeting in New York City.

V OLD BUSINESS

No business was discussed.

VI NEW BUSINESS

A. Correspondence

Letter dated January 27, 2004, from William R. Miller, RA, who seeks guidance from the Board on how to proceed with plans prepared by an architect that is now deceased.

ACTION: Mr. DeMassi motioned to table this issue until staff can research past minutes for any other previous actions pertaining to this issue. Ms. Mintz seconded the motion. The motion passed unanimously.

Staff distributed a previous action taken on how a second architect would handle drawings prepared by an architect who passed away before the project was completed.. After some discussion, Mr. DeMassi motioned to send a letter citing N.J.A.C. 13:27-5.1 and advising based on the information provided the has determined all revisions should be of your own plans, which include your own title block. The plans by the deceased architect

can be reviewed for compliance with codes, however, you are not allowed to affix your title block to his plans without the permission from the heirs. Mr. Zaccone seconded the motion. The motion passed unanimously.

B Information

Memo dated January 29, 2004, from John Laping, Secretary, Middle Atlantic Conference, pertaining to the 2004 Joint Spring Meeting scheduled for April 1-3, 2004, at the Crowne Plaza Times Square Manhattan in New York City. Reservations should be no later than February 27, 2004. The agenda is attached for Board review and 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:

Scheuzger, Brian G.
Sander, Robert A. Jr.
Massa, Richard
Wilklow, David W.
Klimas, Stephen B.

ACTION: Mr. DeMassi motioned to license the above individuals through reciprocity. Mr. Zaccone seconded the motion. The motion 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 of architecture.

Ray, Kashi N.

ACTION: Subsequent to reviewing the plans submitted, Mr. DeMassi motioned to license Kashi Ray through reciprocity. Mr. Zaccone 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:

Rahimian, Mohammad	Cox, Michael D.	Yueh, Vincent W.
Leone, Roy A.	Johnson, Anthony E.	Wolstenholme, John
Claypool, Byron A.	Elizalde, John S.	Toates, John F.
Assefa, Daniel	Harrington, James M.	Steppan, Mark B.
Ruprecht, Arthur R.		

ACTION: Mr. DeMassi motioned to license the above individuals through reciprocity. Mr. Zaccone seconded

the motion. The motion 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 of architecture.

Plaza, Paul-Jean
Spencer, Constance

ACTION: Subsequent to reviewing the plans submitted the above individuals, Mr. DeMassi motioned to license same through reciprocity. Mr. Zaccone 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:

Steven G. Keyek
Chintan Desai
Anika M. Phillips

ACTION: Mr. DeMassi motioned to admit the above individuals to the ARE process. Ms. Mintz 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:

Donnelly, Marc J.
Oujo, Arturo
Shang, Ming T.B
Giammona, Paul V.

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

D. Certificate/s of Authorization

1 The Stubbins Associates Architects LLC Architecture 1030 Massachusetts Ave Cambridge MA 02138

Responsible Architect: Scott Simpson - License #AI02227

Summary: This application for a Certificate of Authorization to offer architectural services only is submitted by two New Jersey licensed architects who equally own 50% of the shares. This application appears to comply with all statutory requirements.

ACTION: Mr. Zaccone motioned to issue a Certificates of Authorization to The Stubbins Associates Architects LLC Mr. DeMassi seconded the motion. The motion passed unanimously.

2 HMFH Architects, Inc. Architecture 130 Bishop Allen Drive Cambridge MA 02139

Responsible Architect: Laura Wernick - License #AI06383

Summary: This application for a Certificate of Authorization to offer architectural services only is submitted by

two New Jersey licensed architects who own more than two-thirds of the shares in business with three unlicensed individuals who own less than one-third of the shares. This application appears to comply with all statutory requirements.

ACTION: Mr. Zaccone motioned to issue a Certificate of Authorization to HMFH Architects, Inc. Mr. DeMassi seconded the motion. The motion passed unanimously.

3 Fanning/Howey Associates, Inc. Architecture
1200 Irmscher Blvd.
Celina OH 45822

Responsible Architect: Daniel R. Mader - License #AI014714

Summary: This application for a Certificate of Authorization to offer architectural services only is submitted by an Ohio based corporation owned by six New Jersey licensed architects in business with an unlicensed individual who owns less than one-third of the shares. This application appears to comply with all statutory requirements.

ACTION: Mr. Zaccone motioned to issue a Certificate of Authorization to Fanning/Howey Associates, Inc. Mr. DeMassi seconded the motion. The motion passed unanimously.

4 Quality Alternatives Architecture & Engineering LLC Architecture+
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. He 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.

ACTION: 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.

VIII CLOSED CASES

ITEM NO. 97-01-01

Respondent/s: SPATARO, Joseph - AI0 8258

Complaint: N.J.A.C. 13:27-3.4(a); N.J.A.C. 13:27-5.1(b); N.J.A.C. 13:27-6.7(a)

Project: New Residence for Mr. and Mrs. Shippers, 313 Ocean Ave, Belmar

Summary: In January 1997, the Board received a consumer complaint pertaining to the above individual. Upon receiving additional information, in February 1997, the Board invite Mr. Spataro in for an investigative inquiry. Subsequent to the inquiry, in April 1997, the Board unanimously found Mr. Spataro negligent for failure to analyze and design the structural system for the single family residence in Belmar; he failed to take into consideration the provisions of the Uniform Construction Code in the design and preparation of the construction documents for the residence in Belmar, as set out in N.J.A.C. 13:27-5.1(b); he violated N.J.A.C. 13:27-3.4(a) in that based upon correspondence received by the Construction Official of Belmar, Joseph Spataro is using the name S Land Construction Company for the practice of architecture; he violated N.J.A.C. 13:27-6.7(a) in that the title block does not include the address and license number of the architect. The Board voted unanimously to assess the following penalties to Mr. Spataro \$2,500 for negligence, \$500 for the use of an impersonal name and \$500 for title block violation. In January 1999, the Board reviewed: a December 15, 1998, memo from DAG Rubin, concerning a 6-month delay in holding the formal hearing at the Office of Administrative Law (OAL); a January 27, 1999, letter from Mr. Spataro to DAG Rubin, regarding a settlement offer; and, a letter from DAG

Rubin to Mr. Spataro dated January 27, 1999, confirming receipt of his letter and his intention to relay it to the Board. The Board voted unanimously to reject Mr. Spataro's offer and issue a final offer: payment of \$2,500 in civil penalties; payment of Board's costs of investigation not to exceed \$7,500; a minimum 2 year suspension of his license; and successful completion of the structural design component of an accredited Bachelor of Architecture program. On February 13, 2003, the Board reviewed a January 30, 2003, letter from Gail M. Cookson, Esq., attorney for Mr. Spataro, requesting a commitment from the board that a pass/fail grade is acceptable to demonstrate "successful completion" in accordance with the Consent Order. After some discussion, the Committee of the Board recommended that if Mr. Spataro "tested out" on the structures course, the Board would accept that in accordance with the Consent Order. On February 27, 2003, with the February 13, 2003 minutes ratified, DAG Albertson sent a letter to Ms. Cookson advising that if Mr. Spataro "tested out" on the structures course, the Board would accept it in accordance with the Consent Order. In December 2003, the Board unanimously voted to have Executive Director Hsu send a letter to Mr. Spataro pertaining to his attendance and passing a structures courses as required by the Board in the Consent Order. In January 2004, the Board reviewed letters from Joseph J. Discenza, attorney for Mr. Spataro along with a January 23, 2004 letter from Rima Taher, Ph.D., Special Lecturer, NJIT pertaining to Mr. Spataro's courses. After much discussion, the Board voted to accept the attorney's letter that Mr. Spataro has completed the items outlined in the consent order and close this case. Mr. Whang opposed the motion. The motion passed. CASE CLOSED.

IX PUBLIC COMMENTS

Michael Soriano, AIA Liaison, commented on earlier board discussion pertaining to second architect handling drawings prepared by an architect who passed away before the project was completed. Perhaps a regulation to cover such instances as a dismissed architects in addition to a deceased architect. Also he announced that AIA-NJ Board of Directors and Trustees are meeting tonight and he will report the discussion from today.

X EXECUTIVE SESSION

At 12:40 pm, Ms. Mintz motioned to go into executive session for the purposes of reviewing the minutes and disciplinary matters before the board today. Mr. Zaccone seconded the motion. It passed unanimously.

XI NEXT MEETINGS

February 26, 2004
Regular Meeting Union Room - 3rd Flr
Investigative Inquiry is scheduled for 11 am pertaining to Complaint #25079

March 11, 2004
Regular Meeting Union Room - 3rd Flr

XII ADJOURNMENT

At 3 pm, Ms. Mintz motioned to adjourn the meeting inasmuch as all business has been discussed. Mr. Zaccone seconded the motion. It passed unanimously.