

MINUTES  
NEW JERSEY STATE BOARD OF ARCHITECTS  
September 28, 2006  
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 Albert Zaccone, RA	(X)	( )	( )
Vice President Janice M. Mintz	(X)	( )	( )
Public Member			
Board Member Paul DeMassi, RA	(X)	( )	( )
Board Member Alex Garcia, RA	(X)	( )	( )
Board Member Diane Goté, CID	(X)	( )	( )
Board Member Howard Horii, RA	(X)	( )	( )
Board Member Bernard Kellenyi, RA	( )	( )	(X)
Board Member Frederick Kniesler, CLA	(X)	( )	( )
Board Member Vacant - Architect Member			
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 Executive Director and staff members Joseph Abello and Jacquiline Folkes of the Board of Architects.

**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**

September 14, 2006

**ACTION:** Mr. DeMassi motioned to approve the minutes as presented. Mr. Horii seconded the motion. It passed unanimously.

**IV ANNOUNCEMENTS**

Mr. Zaccone announced the following:

- At 10:30 am there is an investigative inquiry with the Architect pertaining to ITEM No. 43995.
- At 1 pm there is an investigative inquiry with the unlicensed individual pertaining to ITEM No. 43995.
- Region II NCARB Meeting will be held in Washington, DC. There will be no representation from New

Jersey at the meeting, inasmuch as Mr. Whang, who usually attended the meeting is no longer a member of the board. However, Mr. Whang remains Regional Chair of Region II until his term expires.

Mr. DeMassi announced that he will not be able to attend the next scheduled Joint Committee meeting as well as the Interior Design Committee meeting.

## **V OLD BUSINESS**

1 On September 14, the Board reviewed a letter dated August 9, 2006, from Lenore Lucey, FAIA, of NCARB regarding the Broadly Experienced Architect Program (BEA) is attached for review. The Board requested that DAG speak with the attorney at NCARB concerning this issue.

9/28/06 DAG to report.

**ACTION:** DAG Albertson advised that she spoke with the attorney at NCARB. Clearly, the issue is education. The BEA program establishes credit for life experience and is converted to qualify for NCARB Certification. There appears to be no foreseen problem, however no one who went through the BEA program has applied for licensure in New Jersey. Each applicant will be reviewed individually to determine eligibility for licensure in New Jersey.

2 Exam Candidate #1174332 who has been approved by Board to take the ARE, has requested some special accommodations due to her disability. NCARB has granted her request for additional time, but has denied her request for a reader. On September 14th, DAG Albertson was requested to review the additional material sent in by Exam Candidate #1174332 pertaining to her disability to determine if there is enough information.

**ACTION:** DAG Albertson reported that Exam Candidate #1174332 wants a reader and two test booklets as aids for the exam. Ms. Albertson then spoke with NCARB and it was determined that 'test booklets' as Exam Candidate #1174332 refers to them are really 'scratch books'. Candidates can have unlimited amount of scratch booklets, however, the candidate can only have one scratch booklet at one time and all scratch booklets are turned into the moderator at the exam. DAG Albertson will assist in the language for this letter to Exam Candidate #1174332 advising that she must provide independent evaluation of her medical condition for NCARB to further consider her request for a reader. Also she must be notified that if the Board overrules NCARB's decision and grants a reader that she would not be eligible for NCARB Certification. **VI NEW BUSINESS**

### **A. Landscape Architect Evaluation and Examination Committee**

July 19, 2006 minutes

**Correction:** The meeting which Mr. Kniesler attended was in San Antonio, Texas not Louisville as it states in the minutes.

**ACTION:** Mr. Kniesler also reported the total number of active Certified Landscape Architects is 575. There are 386 Certified Landscape Architects who are in New Jersey and there are 189 who are outside the state. Mr. DeMassi motioned to approve the Landscape Architect Committee minutes as corrected. Mr. Horii seconded the motion. It passed unanimously.

### **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.

A-3213 - Affords homeowners impartial inspections and assistance when repairs are made to new homes

**ACTION:** Mr. DeMassi motioned to advise the Director's office that Architects should be included to perform the impartial inspections in addition to engineers as the bill states. Ms. Mintz seconded the motion. It passed unanimously

#### C Discussion of N.J.A.C. 13:27-7.2 Depiction of existing conditions on a site plan (Land Survey Map)

**DISCUSSION:** Mr. DeMassi stated that some municipalities have policies that when home owner or property owner goes to the building department and inquire about permits. The Zone officials request that the owner indicate on the survey the changes, additions, alterations to their property. Which creates a problem if the survey is copied, you cannot determine which is the actual survey and what was added by the owner. Mr. Garcia suggested that possible a regulation change to make it illegal to alter or change a survey unless permission by the Land Survey is obtained. DAG Albertson suggested possibly inviting a land surveyor member from the Board of Professional Engineer and Land Surveyors Board to meet with the Joint Committee to discuss this issue in preparation of the draft notice addressing the Committee's concerns with the site plan rule for publication in the New Jersey Register with the distribution of the notice to sent to all municipalities.

#### D Correspondence

1 Letter dated September 20, 2006 from Charles J. Collins, RA, who includes an advertisement for All Design - Drafting Service is attached for Board action.

**ACTION:** The Board determined to send a letter advising that the advertisement complies with the Board's regulations and if he has further information to submit same to the Board for review.

2 Letter dated September 21, 2006 from John Becker, attorney with Thompson Becker & Bothwell, LLC, requesting an advisory opinion on the advertising regulation. Specifically he asks "does the new rule on advertising architectural services apply to business cards, so that both the card for a licensed architect and a non-licensed employee of an architectural firm must 'include the name and license number of the architect' on the card? And does the new rule on advertising require that simple marketing items bearing the architectural firm, such as a pen, letter opener or even a t-shirt or baseball hat with the firm's logo be subject to the new rule?"

**ACTION:** Subsequent to discussion, the Board determined to send a letter advising that if the advertisement contains the description of services the license number of the architect should be provided.

### **VII CLOSED CASES**

1 ITEM NO. 46583 - OSTROM, Barbara, ASID

**ACTION:** Subsequent to reviewing the response letter, the Board found insufficient cause for action, however, did issue a cautionary letter advising that she cannot use the word 'architecture' or its derivative on her business cards. Ms. Ostrom should submit a revised business card or proposed business card for the board's file. CASE CLOSED

2 ITEM NO. 46723 - HRUBY, Stephen J. - AI08915

**ACTION:** Mr. Horii reviewed this complaint and reported that Mr. Collins' complaint is that Architects Unlimited did not have a Certificate of Authorization to practice architecture in New Jersey. Upon reviewing the information, it was noted that Architects Unlimited is a PC and a certificate of authorization was not required of the firm. CASE CLOSED.

3 ITEM NO. 38317 - BAKER, Eric - AI011949

**ACTION:** Mr. Kniesler motioned to accept the signed Consent Order from Mr. Baker which indicates his

license will be stayed suspended for one year; he is to pay a penalty totaling \$6378.50; he must attend a board approved continuing education course on codes which must be completed within six (6) months of signing the consent order. Ms. Mintz seconded the motion. It passed unanimously. CASE CLOSED.

4 ITEM NO. 37441 - PRADO, John - Unlicensed

ACTION: Mr. Kniesler motioned to accept the signed settlement letter from Mr. Prado which he agrees to cease and desist from the unlicensed practice of architecture under N.J.S.A. 45:3-10. Ms. Mintz seconded the motion. It passed unanimously. CASE CLOSED.

## **VIII PUBLIC COMMENTS**

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

## **IX EXECUTIVE SESSION**

At 10:30 am Mr. DeMassi motioned to go into Executive session for the purposes of reviewing the matter scheduled for inquiry as well as other executive session items. Mr. Garcia seconded the motion. It passed unanimously.

## **X NEXT MEETINGS**

October 12, 2006 Regular Meeting  
Union Room - 3rd Floor

Four investigative inquiries pertaining to ITEM No. 44501, 44502 and 36191 - 10, 11am, 1 & 2pm

October 26, 2006 Regular Meeting  
Union Room - 3rd Floor

Investigative inquiry pertaining to ITEM No. 44038 - 10:30 am  
Meeting with Expert Witness pertaining to ITEM No. 32709

## **XI ADJOURNMENT**

At 3pm, Mr. Kniesler motioned to adjourn the meeting. Ms. Goté seconded the motion. It passed unanimously.