

Minutes

New Jersey State Board of Architects

November 14, 2002

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 Howard Horii, RA	(X)	()	()
Vice President Kyu-Jung Whang, RA	(X)	()	()
Board Member Paul DeMassi, RA	(X)	()	()
Board Member Bernard Kellenyi, RA	(X)	()	()
Board Member Frederick Kniesler, CLA	(X)	()	()
Board Member Janice M. Mintz	(X)	()	()
Public Member			
Board Member Alex Garcia, RA	(X)	()	()
Board Member Vacant - Government Member			
Board Member Vacant - Public Member			

OTHERS PRESENT: James S. Hsu, Executive Director, NJ Board of Architects; Michelle Albertson, Deputy Attorney General; Margaret Hinkley, Secretary to the Executive Director, and Jacquilline 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

October 24, 2002

ACTION: Mr. DeMassi motioned to accept the minutes as presented. Mr. Kellenyi seconded the motion. The motion passed unanimously.

IV ANNOUNCEMENTS

The Investigative Inquiry scheduled for 11 am pertaining to ITEM NO. 02-05-03 has been canceled. The inquiry will be rescheduled for a future date.

The Board welcomed new board member, Alex Garcia to the Board. Mr. Garcia is a principle with EL Taller Colaborativo, PC located in Newark. Mr. Garcia expressed he was glad to be apart of the board and is looking forward to working with the Board members.

Executive Director announced the following:

- Former board member Joseph Filippone passed away recently. Mr. Filippone was a contributing member of the board on the national level with his participation on NCARB committees. In memory of Mr. Filippone, the Board had a moment of silence.
- The Division is reorganizing its structure by creating five Managing Executive Director positions to oversee the five categories of the professional and occupational boards. Barbara Cook, Executive Director for the Boards of Electrical Contractors and Master Plumbers, is the Managing Executive Director for the Housing and Structures Related Professions. Those boards include: Architects, Real Estate Appraisers, Engineers, Planners, Electrical Contractors, and Master Plumbers.
- Survey packets from the Eagleton Institute of Politics for board members to complete and return to staff. Once all surveys are received, they will be forwarded to the Division.
- Currently there are 8,200 licensed architects in the State of New Jersey.

V NEW BUSINESS

A. 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-1752 - Permits certain licensed individuals, when advertising, to use their legal names, maiden names or nicknames under certain circumstances.

11/14/02 Board to review and comment.

ACTION: Subsequent to reviewing the bill, Mr. Kellenyi motioned that the board support the bill inasmuch as there is no real impact on the public as long as the advertisement matches the registered name with the Board. Mr. Kniesler seconded the motion. It passed unanimously.

VI 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:

Metz, Jonathan B.	Benic, Venci	Aldea, Valeriu O.
Gaskin, Robert St. Clair	Jarolen, Emil S.	Wente, Larry J.
Zaweski, Steven A.	Ahn, Hee Young	Weber, Herbert E.

Wilhelm, Oliver R. Sullivan, Gerard J. Eichenwald, Lucy A.

Cleary, James P.

ACTION: Mr. DeMassi motioned that the Board grant licensure through reciprocity for the above individuals. Mr. Kellenyi 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 of architecture.

Shah, Abbas A.

ACTION: Subsequent to reviewing the plans, Mr. DeMassi motioned that the Board grant licensure through reciprocity for the above individuals. Mr. Garcia 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:

Koi, Gerald B. Pfaeffle, Christopher Watts, Jonathan V.

Haldeman, Dwight E. Hardy, David E. Parsons III, Roy B.

St. Amand, Daun P. Klancher, Robert J. Anz, Craig K.

Davis, Jeffrey T. Fries, Paul W. Hudson, David C.

Lack, Andy Pidcock, Jeffrey S. Coburn, Brendan R.

Lanni, Lisa M. Key, Randolph S. Steinberg, Sanford P.

Poole, Timothy R. Mosely, Marc B.

ACTION: Mr. DeMassi motioned that the Board grant licensure through reciprocity for the above individuals. Mr. Kellenyi 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:

Perry E. Frenzel - PE William M. Andes Michael Busch Jr.

Christina Marcille Kimberly L. McCarron James Oyefesobi

Manish Vinu Patel Joshua G. Rudolph James Saucedo

Mark Schreiber Kurt A. Vierheilig Robert J. Warshefski

Christopher J. Zehnder Sherard O'Reilly

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

Essex, Marcy J. Hamilton, Glenn E. Rizzo, Deborah
Montlbano, Mark B.

ACTION: Mr. DeMassi motioned that the Board grant licensure to the above individuals inasmuch as they have completed the ARE Examination process. Mr. Whang seconded the motion. It passed unanimously.

D. Certificate/s of Authorization

1 COZZARELLI CIRMINIELLO ARCHITECTS LLC Architecture

727 Joralemon Street
Belleville NJ 07109

Responsible Architect: Robert Cozzarelli - License #AI 09548

Summary: This application for a Certificate of Authorization to offer architectural services is submitted by two New Jersey licensed architects, who owns 100% shares. This application appears to comply with all statutory requirements.

ACTION: Mr. DeMassi motioned that the Board issue a certificate of authorization to Cozzarelli Cirminiello Architects, LLC. Mr. Kellenyi seconded the motion. It passed unanimously.

2 RDK ARCHITECTS, LLC Architecture

115 River Road, Suite 835
Edgewater NJ 07020

Responsible Architect: Rosette D. Khorenian - License #AI 15875

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

ACTION: Mr. DeMassi motioned that the Board issue a certificate of authorization to RDK Architects, LLC. Mr. Kellenyi seconded the motion. It passed unanimously.

3 AE DESIGNWORKS CORPORATION Architecture+

1409 New Road
Northfield NJ 08225

Responsible Architect: Daniel Scott Mascione - License #AI 13364

Summary: This application for a Certificate of Authorization to offer architectural and engineering services is submitted by a New Jersey licensed architect and an engineer who owned 34% each of the shares in business with a non-license individual who owns 32% shares.

ACTION: Mr. DeMassi motioned that the Board reject the application inasmuch as the firm name does not comply with the regulation N.J.A.C. 13:27-3.4(c) which states, the name of a general business corporation which holds a certificate of authorization shall contain the surname of one or more licensed shreholder/s, or a term which describes the professional services which will be provided. Mr. Kellenyi seconded the motion. It passed unanimously.

VIII CLOSED CASES

1 ITEM NO. 02-01-01

Respondent/s: ROTH, Robert

Project: 237 Roosevelt Avenue, Hasbrouck Heights NJ

Board received a consumer complaint alleging unprofessional conduct by Robert Roth. In July 2002, the Board member Perantoni's report was reviewed and the Board unanimously motioned to have the DAG prepare a Letter of Reprimand with a \$500 penalty for violation of N.J.A.C. 13:27-5.1(b). In October 2002, upon reviewing the draft offer of settlement letter, the Board voted to accept the settlement letter and send it to Mr. Roth. On November 14, 2002, the Board reviewed the signed acknowledgment as well as a check in the amount of \$500.00 has been received from Robert Roth. The Board unanimously voted to accept the signed certification and check from Mr. Roth and close out this case. CASE CLOSED.

2 ITEM NO. 02-05-01

Respondent/s: WEINER, George AI 11773

GALE Associates

Project: Manville Board of Education, Manville NJ

Board received a consumer complaint alleging unlicensed practice and unprofessional conduct by George Wiener. GALE Associates does not have a Certificate of Authorization from the Board but has submitted an incomplete application. In July 2002, subsequent to reviewing board member DeMassi's report and some discussion, the Board unanimously voted to have DAG prepare a Provisional Order of Discipline (POD) with a \$5,000 penalty inasmuch as this is a second offense by Mr. Wiener in that he does not have a certificate of authorization for Gale Associates to practice architectural services. In September 2002, subsequent to the Board's review of the POD, the Board unanimously voted to accept the POD as drafted and send to Mr. Wiener. In October 2002, the Board reviewed a response letter with attachments dated September 26, 2002, from William N. Dimin, attorney for Mr. Wiener, opposing the POD. After some discussion, the Board voted to have DAG finalize the Provisional Order of Discipline (POD) in this matter and advise Mr. Wiener of same. On October 24, 2002, DAG advised that she has drafted the Final Order of Discipline (FOD) and is awaiting approval from her supervisors before submitting the FOD to the Board for review. On November 14, 2002, subsequent to reviewing a copy of a Final Order of Discipline, the Board unanimously voted to adopt the draft Final Order of Discipline and send to Mr. Wiener. CASE CLOSED.

2 ITEM NO. 02-02-01

Respondent/s: Scott J. Burnley

Complainant: Design Collaborative

In January 2002, the Board reviewed a January 16, 2002, letter 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 in January 2002. After much discussion, on January 24, 2002, the Board authorized DAG 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. Mr. Burnley was present at the meeting to discuss his brochure with the Board. The Board did provide Mr. Burnley with some guidance pertaining to his brochure. In February 2002, the Board received a complaint form and other documentation against Scott Burnley of AUS/ABA Architecture from John M. Becker, Esq., attorney for Design Collaborative. In April 2002, subsequent to both inquiries, the Board determined to table action in this matter until the transcripts are received.

In May 2002, transcripts from inquiries were forwarded to Board members for review. After some discussion, the Board voted to have DAG draft a letter advising Mr. Burnley violated N.J.S.A. 45:1-21(b), (h) and (o) and N.J.A.C. 13:27-5.4(b) and request that he cease and desist from using the brochure. The board reviewed and approved the draft Settlement Letter to be sent to Mr. Burnley. In July 2002, subsequent to reviewing more correspondence, the Board voted unanimously to have DAG amend the settlement letter to remove references of fraudulent and dishonest advertising and replacing with misrepresentation and forward same to the attorney. Also require Mr. Burnley to provide a certification attesting to the collection and destruction of the 1,000 copies of the brochure. If all copies cannot be collected and destroyed, a statement advising of same must be provided. In September 2002, subsequent to

discussion, a committee of the Board recommends rejecting Mr. Burnley's counteroffer of August 19, 2002. In September 2002, after some discussion, the Board voted to send a strong cautionary letter requesting that Mr. Burnley produce the brochures or an affidavit describing status of the brochures and present the board with an apology letter. In October 2002, The Board approved the draft cautionary letter for Mr. Burnley, which will be mailed. On November 14, 2002, the Board unanimously motioned to accept the letter of apology, certification of the status of the brochures that were distributed and close out this case. CASE CLOSED.

IX PUBLIC COMMENTS

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

X EXECUTIVE SESSION

At 10:15 am Mr. DeMassi motioned that the Board go into Executive Session for the purposes of reviewing the minutes and disciplinary matters before the Board today. Mr. Kniesler seconded the motion. It passed unanimously.

XI NEXT MEETINGS

December 12, 2002 Regular Meeting Union Conference Room

January 9, 2003 Regular Meeting To be announced

XI ADJOURNMENT

At 2pm, Mr. Kniesler motioned that the Board adjourn the meeting inasmuch as all business has been concluded. Ms. Mintz seconded the motion. It passed unanimously.

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Posted February 2003