



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, January 6, 2010 at 1:00 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	February 3, 2010

MEMBERS PRESENT

Jean McCool, RA, Professional Member, President
C. Terry Jackson, RA, Professional Member
Gregory Kindig, RA, Professional Member
Joseph Schorah, Public Member, Secretary
Kenneth Freemark, RA, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Kay Warren, Deputy Director, Division of Professional Regulation
Anne Marie Johnson, Deputy Attorney General
Nicole M. Williams, Administrative Specialist II
Renee Holt, Administrative Specialist II

ABSENT

Toni Bush Neal, Public Member
Arden Bardol, RA, Professional Member

OTHERS PRESENT

Melissa Rhoads
Nicholas Tricarico
Lonnie Siemonsma
John A. Martucci
Vincent T. Bailey, Court Reporter
Mike Wheedleton

1.0 CALL TO ORDER

Mr. Jackson arrived at 1:47 p.m. Ms. McCool called the meeting to order at 1:47 p.m. Ms. McCool welcomed the two new members Prameela Kaza who replaced Sandra Mifflin and Gregory Kindig who replaced Alvin French. Ms. Kaza was not in attendance for today's meeting.

2.0 ELECTION OF OFFICERS

Ms. Williams advised that this agenda item was an error as the Board elected their officers back in June of 2009. The Board struck this item from the agenda.

3.0 HEARING: Nicholas J. Tricarico

Mr. Kerber called the hearing to order at 1:50 p.m. and introduced the case to the Board. Mr. Kerber made his opening statement and presented the Board with the Administrative Hearing Brief submitted by Ms. Rhoads, who is representing Mr. Tricarico.

Ms. Rhoads presented background information of the administrative hearing brief she prepared to the Board and had Mr. Tricarico provide his explanation.

Mr. Tricarico was sworn in and presented his case. Mr. Tricarico and Ms. Rhoads provided their closing statements.

The Board went off the record at 2:24 p.m. and held deliberations.

The Board went back on the record at 2:32 p.m. Mr. Schorah made a motion to dismiss the proposal to deny and renew Mr. Tricarico's license, seconded by Mr. Jackson. The motion carried unanimously.

The Board moved to agenda item 7.0, Public Comment, in order for Mr. Wheedleton to address the Board with an update regarding the matter of Construction Contract Administration Services for architects.

4.0 REVIEW and APPROVAL OF MINUTES

The Board reviewed the minutes from the October 7, 2009 meeting. Ms. McCool advised to amend a section of the minutes under section 3.0 regarding the discussion of educational program limitations. A motion was made by Mr. Schorah, seconded by Mr. Freemark to approve the minutes with the amendment. The motion was unanimously carried.

5.0 UNFINISHED BUSINESS

Final Decision and Order: Peter J. Vyverberg

The Board reviewed and signed the final decision and order for Peter J. Vyverberg. No further action taken. Ms. Williams advised the Board that Mr. Vyverberg has fulfilled all requirements as stipulated in this order and he can now be issued a license.

Review of Unlicensed Activity Letters

Mr. Kerber advised that there has not been any new activity but does have two new, possibly related, facilities to send the letters. Mr. Kerber advised that both facilities had the same architect named.

Strategic Planning

The Board had no discussion on this matter.

Discussion of Educational Program Limitations – Mr. Kerber

Mr. Kerber advised that he had reviewed the letter but did not have it for the meeting today. Ms. McCool advised that at the last meeting in October, Ms. Reardon advised that Ms. McCool should sign the letter and then send the letter out. Mr. Kerber advised that he will contact Ms. Reardon and follow up with the Board at the February meeting.

4.0 New Business

Review of Reciprocity Applications – NCARB Certificate – Ratify Listing

Ms. Williams advised the Board that they need to ratify the listing of issued licenses for those architects who applied by Reciprocity with NCARB Certificate.

A motion was made by Mr. Freemark, seconded by Mr. Jackson to ratify the listing. The motion was unanimously carried.

Ms. McCool and Ms. Williams explained the NCARB ratify licensure listing process to Mr. Kindig.

Review of Reciprocity Applications

The Board reviewed the reciprocity applications for Scott Pugh, Timothy Kerner, Brian O'Donnell, Michael Nelson, and David Helpern.

Mr. Jackson made a motion, seconded by Mr. Freemark to approve Mr. Pugh's application for licensure. Motion carried unanimously.

Ms. McCool made a motion, seconded by Mr. Freemark to approve Mr. O'Donnell's application for licensure. Motion carried unanimously.

Mr. Freemark made a motion, seconded by Mr. Schorah to approve Mr. Nelson's application for licensure. Motion carried unanimously.

Mr. Freemark made a motion, seconded by Mr. Schorah to approve Mr. Helpern's application for licensure. Motion carried unanimously.

Mr. Jackson advised the Board of the disciplinary action taken by the State of Pennsylvania on Mr. Kerner's PA architect license. Mr. Jackson made a motion, seconded by Mr. Freemark to approve for licensure. Motion carried unanimously.

Review of Applications by Written Examination

The Board reviewed the applications to sit for the ARE exam for John Martucci, Yvonne Polk, and Christopher Donahue.

Mr. Freemark made a motion to approve above three to sit for the exam, seconded by Mr. Jackson. Motion carried unanimously.

Mr. Martucci attended the meeting and thanked the Board for their cooperation.

Complaint Assignments and Reassignments

Complaint 07-02-09 assigned to Mr. Freemark

Complaint 07-03-09 assigned to Mr. Freemark

Complaint 07-04-06 reassigned to Ms. McCool

Complaint 07-02-08 reassigned to Mr. Schorah

2009 Audits

The Board reviewed the updated 2009 audit correspondence received from A. Stevens Krug, Hue Grant, Leo J. D'Aleo, D. Ronald Brasher, Kevin M. Morand, and Charles W. Bowen.

Mr. Freemark made a motion, seconded by Mr. Schorah to approve Mr. Krug's 2009 audit documentation. Motion carried unanimously.

Ms. McCool advised the Board of Mr. Hue's letter addressed to the Board. Ms. McCool advised that Mr. Grant will need to appear for the Board. Mr. Freemark made a motion, seconded by Mr. Schorah, to send Mr. Grant a show cause hearing letter as he was deficient in the audit. Motion carried unanimously.

Ms. McCool advised that Mr. Brasher needs a hearing. Ms. McCool made a motion seconded by Mr. Freemark to send Mr. Brasher a show cause hearing. Motion carried unanimously.

Mr. Jackson advised the Board that Mr. Moran submitted a letter showing proof of completion of the additional 12 HSW hours needed to complete the audit but were completed after the renewal date. Ms. McCool made a motion, seconded by Mr. Jackson to send a show cause hearing letter. Motion carried unanimously.

Mr. Schorah made a motion, seconded by Mr. Freemark to send Mr. Bowen a show cause hearing letter. Motion carried unanimously.

Mr. Freemark advised the Board of Mr. Aleo's audit documentation need further information. Ms. Williams will send a letter requesting Mr. Aleo to send in certificates showing proof of attendance to conferences he attended.

Ms. Williams also advised the Board of the deficient audits as well. There were 27 deficient audits and 17 no response audits in addition to the above listed audits that will need show cause hearings.

Ms. Warren entered the meeting at 3:43 p.m.

Mr. Kerber advised that in order to make the process better he will refer to the statute to look into sending the licensees a letter to pay a fine and submit proof of their 24 hours of CEs which will not be applied to the 2009 renewal or appear before the board. The amount of the fine will be \$2,500. Mr. Kerber will draft a letter.

6.0 Other Business Before the Board (for discussion only)

No other business before the Board.

7.0 Public Comment

Mr. Wheedleton addressed the Board with an update from his findings of the September 2009 meeting regarding Construction Contract Administration Services. There were questions regarding this matter. Mr. Wheedleton had completed some research and compiled a brief commentary for the Board to review. He discussed his findings with the Board. Mr. Wheedleton advised that the Construction Contract Administration Services (hereinafter CCAS) document that must be completed by the architect is somewhat confusing and needs further clarification. Mr. Freemark advised that there is a similar dilemma regarding designing and building. Mr. Kerber advised that the statute required that the Board develop this form regarding CCAS. The Board thanked Mr. Wheedleton for his input regarding CCAS.

8.0 Next Scheduled Meeting

The next meeting will be held on February 3, 2010 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

9.0 Adjournment

There being no further business before the Board, Mr. Freemark made a motion seconded by Mr. Jackson to adjourn the meeting at 3:46 p.m. The motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink that reads "Nicole M. Williams". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nicole M. Williams
Administrative Specialist II