



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | BOARD OF ARCHITECTS |
| MEETING DATE AND TIME: | Wednesday, October 5, 2011 at 1:30 p.m. |
| PLACE: | 861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware |
| MINUTES APPROVED: | November 2, 2011 |

MEMBERS PRESENT

Kenneth Freemark, RA, Professional Member, President
Joseph Schorah, Public Member, Secretary
Kevin Wilson, RA, Professional Member
John Mateyko, RA, Professional Member
Prameela Kaza, Public Member
Brian Lewis, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Nicole M. Williams, Administrative Specialist II

ABSENT

Jean McCool, RA, Professional Member, No longer on the Board
Elizabeth Happoldt, Public Member
Peter H. Jennings, RA, Professional Member

OTHERS PRESENT

None

Call to Order

Mr. Freemark called the meeting to order at 1:42 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the September 7, 2011 meeting. Ms. Kaza made a motion to accept the minutes as submitted, seconded by Mr. Lewis. Motion carried unanimously.

Unfinished Business

Review and Discussion of Proposed Regulation Changes

The Board tabled this agenda discussion until the November meeting.

Status of Complaints - None

Mr. Freemark stated to the Board information he received regarding practice of architecture involving a State agency. The Board reviewed the document. Mr. Kerber advised that it appears it is a job description and that the requirements of the position should clearly state that a Delaware architect license is required. Mr. Freemark suggested sending the agency a letter reminding them that their requirements must state that the requirement for the position is to have a Delaware licensed architect. The Board further discussed. Mr. Kerber stated that since the issue has been raised that a letter should go out to the agency regarding how the position information reads and that the job requirement should state in need of a licensed Delaware architect to fulfill the position. Mr. Kerber will draft a letter to be sent on behalf of the Board from the Division.

Final Order for J. Matthew Pearson

Mr. Kerber provided the Final Order to the Board for signatures. Mr. Wilson made a motion to accept the Final Order as submitted, seconded by Mr. Mateyko. Motion carried unanimously. The Board signed the order.

Review of Tabled Application for Catherine Cherry

Ms. Cherry has been a registered architect for a long time and has practiced mainly in the State of Maryland. In review of Ms. Cherry's application she does not meet the NAAB accredited degree requirement as she has a Bachelor of Science in Architecture, Planning and Preservation received in 1989. Mr. Freemark stated to send her a letter advising that she go through the Broadly Experienced Architect (BEA) route to NCARB certification. Ms. Kaza made a motion, seconded by Mr. Wilson to send a letter to Ms. Cherry advising her to seek reciprocity through NCARB's BEA program. Ms. Williams will send the decision letter to Ms. Cherry on behalf of the Board.

New Business

Review of Certificate of Authorization Applications

Ms. Kaza made a motion to ratify the listing of issued Certificate of Authorization applications, seconded by Mr. Wilson. Motion carried unanimously.

Review of Reciprocity Applications – NCARB Certificate – Ratify Listing

David Woodward
Marvin Kemp
Demetrios Comodromos
Gary Snider (reapplication)
Emmanuel Mdingi

Ms. Kaza made a motion, seconded by Mr. Lewis to ratify the above listing of approved NCARB certified architects. Motion carried unanimously.

New Complaint Assignments

There were no new complaints.

Review of Application for Louis DeLosso

Ms. Williams explained Mr. DeLosso's situation as he requested to retire to his license in 2009 to avoid appearing before the Board to avoid a show cause hearing. When he was initially licensed the discipline he received in 1998 from the States of PA and NJ was not noted in the minutes and his license was approved. Additionally Mr. DeLosso did not disclose the disciplines he received in both states on his original application and not on the current reapplication either. The Board discussed. Mr. Kerber advised to propose to deny based on the failure to disclose disciplines received in PA and NJ and reapplying after he requested to "retire" the license once he was selected in 2009 for audit of his continuing education and seal. A motion was made by Mr. Mateyko to propose to deny the application for (1) the reprimands he received in the States of NJ and PA, (2) the erroneous certification that he met the continuing education requirement during the 2009 audit (3), the pseudo retirement request once selected for audit to avoid penalty, (4) his failure to previously disclose NJ and PA disciplines on initial application in 2003, and (5) his failure to disclose disciplines in PA and NJ on current application, seconded by Ms. Kaza. Motion carried unanimously.

Mr. Wilson suggested amending Rule 6.8.2 regarding the language for retiring a license and reapplying. Mr. Freemark suggested amending the rule to state that at the time of reapplication the applicant had to have retired the license with all license requirements met and in good standing. Mr. Mateyko advised to have the stipulation that if the license was not in good standing at the time then a specified period of time must have lapsed before being able to reapply. Mr. Schorah suggest to included a separate section regarding retiring a license in the regulations. Mr. Wilson stated to have the language read that the retired license must be in good standing at the time of reapplication and if not then the applicant cannot reapply at all. Mr. Wilson will look at NCARB's model law regarding retiring a license and reapplying and report back to the Board.

Section 311 Issuance and Renewal of Certificate of Registration – Discussion to Revise Statute Language

Ms. Williams advised that the current late fee language refers to a prorated fee which is not the Division policy for fees. The Board will modify the language to the model language of the Division for late renewal fees for both the architect and certificate of authorization licenses. Ms. Williams will send language to Mr. Kerber to draft a bill for the Board to review at the November meeting.

Ms. Kaza left the meeting at 2:15 p.m.

Other Business Before the Board (for discussion only)

Mr. Freemark stated that he and Mr. Mateyko had discussed follow up regarding complaint orders that involve penalties. Mr. Mateyko advised of some sample language; cease and desist orders should be complied with within 10 days of the order; and the person shall send a letter to all and any prospective clients notifying them that he or she is not a licensed architect and not able to provide any type of architect services. Mr. Freemark added that in the case that a person does not comply with the first order and then is brought before the board for a second time for the same infraction then the fine should be significantly increased. Mr. Kerber advised that the current language does increase the penalty by a large amount for a second offense of practicing without a license. The Board further discussed. Mr. Kerber agreed to add to the order notification of the civil penalty for a second offense of practicing without a license. Mr. Mateyko made a motion to add to Mr. Pearson's board order to add the second offense civil penalty language to the order,

seconded by Mr. Freemark. Motion carried unanimously. Mr. Kerber will amend the order. The Board determined that all future orders similar to this case will use the same language regarding the penalty increase for second offenses and so forth.

Public Comment

There was no public comment.

Next Scheduled Meeting

The next meeting will be held on December 7, 2011 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Ms. Schorah made a motion to adjourn the meeting, seconded by Mr. Mateyko. The motion carried unanimously. The meeting adjourned at 2:46 p.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II