



CANNON BUILDING  
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STATE OF DELAWARE  
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>BOARD OF ARCHITECTS</b>
MEETING DATE AND TIME:	<b>Wednesday, February 1, 2012 at 1:30 p.m.</b>
PLACE:	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
MINUTES APPROVED:	<b>March 7, 2012</b>

#### **MEMBERS PRESENT**

Kenneth Freemark, RA, Professional Member, President  
Joseph Schorah, Public Member, Secretary  
John Mateyko, RA, Professional Member  
Peter H. Jennings, RA, Professional Member  
Richard Wertz, RA, Professional Member  
Kevin Wilson, RA, Professional Member  
Elizabeth Happoldt, Public Member  
Brian Lewis, Public Member  
Prameela Kaza, Public Member

#### **DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

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

#### **ABSENT**

None

#### **OTHERS PRESENT**

Nancy Payne, AIA Delaware

#### **Call to Order**

Mr. Freemark called the meeting to order at 1:35 p.m.

#### **Review and Approval of Minutes**

The Board reviewed the minutes of the January 4, 2012 meeting. Ms. Kaza made a motion to accept the minutes as submitted, seconded by Ms. Happoldt. Motion carried unanimously.

### **Disciplinary Hearings - Updates**

#### **07-03-10 – Cheryl Payne**

Mr. Kerber advised that this hearing was continued as the prosecuting attorney and the respondent are currently working out a consent agreement which will be ready for Board review at the March meeting.

#### **07-05-10 – Tim Tenerovich – Dismissed by the AG's Office**

Mr. Kerber informed the Board that the official dismissal letter from the Attorney General has been provided to the Board. The Board reviewed the letter from the AG as to the grounds for dismissal for this case. The Board discussed. Mr. Kerber advised that this complaint could come back before the board if additional information is received and a cause found for prosecuting the case. Mr. Freemark advised that he was not contacted by the assigned Investigator for the Division for this complaint as he was the contact person. The Board further discussed. Mr. Kerber will follow up with this matter and report back to the Board if there is any additional information.

### **Unfinished Business**

#### **Status of Complaints**

07-02-10 – Gregory Hasting: The Board set the hearing date for complaint 7-02-10 against Gregory Hastings for 4/4/2012 at 1:30 p.m. if the prosecuting attorney is available that date.

07-04-10 – The Board reviewed the revised consent agreement. Ms. Kaza made a motion to accept the consent agreement as presented, seconded by Mr. Jennings. Motion carried unanimously.

07-01-11 – Mr. Freemark stated he was the assigned contact person and advised that the case has been dismissed. Mr. Kerber advised that Mr. Collin's had discussed with the Board at a prior meeting that he will look into having the dismissal letters forwarded to the Board administrators for distribution to the Board members.

Mr. Jennings inquired about the date that an actual complaint is received and when it is filed. Ms. Williams advised that the dates are different as the date the investigators receive the complaint is different than the date the complaint is filed for assignment to the Board. Mr. Jennings asked that Ms. Williams provide the dates of when the complaint actually comes to investigators and when it is filed. Ms. Williams will follow up on this matter and update the Board at the next meeting if all information is available by that time.

### **New Business**

#### **New Complaints to Assign a Contact Person**

07-01-12 (New Castle Co. – Unlicensed Activity) – Complaint was assigned to Mr. Schorah.

#### **Ratification of Certificate of Authorization Applications**

Mr. Jennings made a motion to ratify the two certificates of authorizations issued to NuTec Design Associates, Inc and Studio 22, Inc, seconded by Ms. Kaza. Motion carried unanimously.

#### **Ratification of Reciprocity Applications – NCARB Certificate**

Ronald Henry  
Melanie Friedman  
William Feeney  
Jesse Oak  
Carolyn Jones  
Mark Nakatani  
Laura Reed

Mr. Wilson made a motion, seconded by Mr. Schorah, to ratify the above listing of approved NCARB certified architects by reciprocity. Motion carried unanimously.

#### Review of Correspondence from 2011 Non-Compliant Audits

George Badger – The Board will move forward with scheduling a Rule to Show Cause (RSC) hearing for the April meeting. Mr. Schorah made a motion to set the hearing date for George Badger for 4/4/2012 at 1:30 p.m., seconded by Ms. Kaza. Motion unanimously carried.

Dirk Muits – The Board reviewed and discussed Mr. Muits's reply. The Board discussed reducing the fine regarding his situation. Mr. Lewis advised to be careful of reducing the fine as it could set a precedent for these issues. Mr. Wilson stated that this situation like some of the others in the recent past have been proactive in immediately taking CE credits to satisfy the audit deficiency unlike others who have not responded back at all nor have an excusable reason for why they did not satisfy the audit. Mr. Schorah made a motion for a \$1,000 fine and to waive the RSC hearing if the licensee accepts the Board's offer, seconded by Ms. Happoldt. Motion unanimously carried.

Michael Hauptman – The Board reviewed and discussed Mr. Hauptman's letter. Mr. Schorah made a motion to reduce to the fine to \$1,000 and to waive the RSC hearing if the licensee accepts the Board's offer, seconded by Ms. Kaza. Motion unanimously carried.

Robert Greenberg – The Board reviewed and discussed Mr. Greenberg's letter. Mr. Freemark made a motion to that Mr. Greenberg must either pay the \$1,500 fine and submit proof of the required CE to waive the RSC hearing or request a hearing before the Board, seconded by Ms. Happoldt. Motion unanimously carried.

Perry Willis – The Board reviewed and discussed Mr. Willis's letter. Ms. Kaza made a motion to keep the \$1,500 penalty and submit the required CEs as stated in his letter or come before the Board for a hearing, seconded by Mr. Schorah. Motion unanimously carried.

Mr. Jennings stated for the record that other states have been fining in excess of \$2,000 for noncompliance with continuing education requirements not only for the architect profession but also other professions as well.

Ms. Williams requested that the Board amend the agenda to add Mr. Charles R. Maroney's letter of response for the Board to review. Mr. Schorah made a motion to amend the agenda to add Mr. Maroney's letter for Board review, second by Ms. Kaza. Motion carried unanimously. The Board reviewed and discussed Mr. Maroney's letter. Mr. Wertz made a motion to reduce the fine to \$1,000 and waive the RSC hearing if he accepts the Board's offer, seconded by Mr. Mateyko. Motion unanimously carried. Ms. Kaza left the meeting at 2:13 p.m.

#### Discussion of March 22-24 Regional Meeting and Selection of Delegates

Mr. Jennings advised that Mr. Wertz is interested in attending this regional meeting in Nashville. Mr. Jennings briefly explained some of the topics that will be discussed at the regional meetings outside of election of officers. Ms. Williams will forward the request for State funding to Ms. Bailey for Mr. Wertz to attend. Mr. Schorah left the meeting at 2:35 p.m.

#### Report to the Board of Architects on the January 24, 2012 Architects/Engineers Joint Advisory Committee (JAC) Meeting

Mr. Freemark advised the Board of those that attended the JAC meeting and that the next meeting is scheduled for April 9th. Mr. Freemark stated there was some discussion with the fire marshal at the meeting about who seals plans as they had some discussion on applying for the design/build projects that are occurring in Sussex County. Mr. Freemark further stated that there is more cooperation between the architects and the engineers now than there has been in the past. Mr. Freemark

advised the Board to notify Ms. Williams if any of them would like to attend the next JAC meeting to be held in April.

**Other Business Before the Board (for discussion only)**

Mr. Mateyko reminded the Board that they should really work towards developing a “boiler plate” letter to be sent out that will point out the legislative basis for people who do not have the CE as required by the rules.

**Public Comment**

There was no public comment.

**Next Scheduled Meeting**

The next meeting will be held on February 1, 2012 at 1:00 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, Mr. Schorah made a motion to adjourn the meeting, seconded by Mr. Lewis. The motion carried unanimously. The meeting adjourned at 2:47 p.m.

Respectfully submitted,



Nicole M. Williams  
Administrative Specialist II