



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, May 2, 2012 at 1:00 p.m.</b>
PLACE:	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
MINUTES APPROVED:	<b>June 6, 2012</b>

#### **MEMBERS PRESENT**

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

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

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

#### **ABSENT**

Prameela Kaza, Public Member

#### **OTHERS PRESENT**

Perry A. Willis, RA  
Julia LaBadia, Wilcox and Fetzer Court Reporter

#### **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 March 7, 2012 meeting. Mr. Wertz made a motion to accept the minutes as submitted, seconded by Ms. Happoldt. Motion carried unanimously.

### **Rule to Show Cause Hearings**

See attached hearing minutes below for George Badger, Perry Willis and Leonard Messina.

#### **Eric Lagerberg and Peter Lazor**

Hearings postponed.

### **Unfinished Business**

#### **Status of Complaints**

07-02-10 – The Board reviewed the consent agreement for Gregory Hastings. Mr. Wertz stated that the current consent appears to be “light” in sanctions. Mr. Kerber stated the stipulations of the consent which included a cease and desist and a fine of \$1,250.00 to be paid within 30 days of the Board’s acceptance of this order. Mr. Schorah made a motion to accept the agreement as submitted, second Ms. Happoldt. Motion carried unanimously. The Board moved back to the hearing for Mr. Willis.

07-03-10 – The Board reviewed the consent agreement for Cheryl Payne. Mr. Mateyko made a motion to accept the consent as submitted, seconded by Mr. Jennings. Motion carried unanimously.

07-10-10 – The Board reviewed and signed the Final Order for John B. Hendrickson.

#### **Review of Board Order for Rules and Regulations**

The Board reviewed and signed the Final Order for the Rules and Regulations. Ms. Williams addressed the new continuing education requirement with the Board regarding the language about the late renewal, specifically Rule 6.5.3. The Board discussed the language and stated that the calendar year has to state January 1 to December 31 and that the renewal form will need to be modified to accommodate the new regulation changes. The Board, Mr. Jennings and Mr. Wilson will also look at how other states manage their renewals when continuing education has to be completed on a calendar year of January 1 to December 31. Mr. Wertz inquired about the final order not including emeritus status. Mr. Jennings stated that once the annual meeting is over, the Board will seek to include the emeritus status in the regulations by noticing it for another public hearing. There was no further discussion.

#### **Report on the Nashville Regional Meeting**

Mr. Wertz provided the Board with an update on the outcomes of the Regional Meeting. There was no further discussion by the Board.

#### **Review and Discussion of Quarterly Newsletter**

Ms. Williams stated that the newsletter has been posted on the website and a mass email will go out to all licensees providing them a link to the Board’s newsletter. The Board will provide the new continuing education changes as a topic in their next newsletter issue.

### **New Business**

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

There were no new complaints to assign.

#### **Review of Direct Application by Reciprocity**

Mr. Wilson stated that Mr. Barnhardt’s application was in order and ready for licensure. Mr. Wilson made a motion to approve Mr. Barnhardt for licensure, seconded by Mr. Jennings. Motion carried unanimously.

Review of Application for Richard Hurdle – Discipline in PA

Mr. Schorah stated that Mr. Hurdle is NCARB certified but answered affirmative to having been disciplined in another jurisdiction, Pennsylvania, in which he was issued a \$1,000 citation. Mr. Hurdle has paid the fine and is in good standing with the State of PA and with NCARB. Mr. Schorah made a motion to approve Mr. Hurdle for licensure, seconded by Ms. Happoldt. Motion unanimously carried.

Ratification of Certificate of Authorization Applications

Mr. Wilson made a motion to ratify the certificates of authorization licenses issued to SGS Architects Engineers Inc., Richard L. Bowen + Associates Inc., and Cooper Carry Inc., seconded by Ms. Happoldt. Motion carried unanimously.

Ratification of Reciprocity Applications – NCARB Certificate

Mr. Jennings made a motion, seconded by Ms. Happoldt, to ratify the listing of approved NCARB certified architects by reciprocity. Motion carried unanimously.

Anthony Shinsky	Llewellyn Pendleton
Stephen Cold	Peter Stromberg
Stuart Rosenberg	Michael Ratliff
Steven Lockett	Scott Maloney
William Glaser	Carl Galioto
Blair Leach	Mark Guiliani
Donald Barry	David Bagnoli
Michael Twichell	Jonathan Penney
Marc Bigley	Mark Bromeier

License Requirement for Federal Projects in DE

Ms. Williams advised the Board that an architect contacted the Division to state that he is over a Federal project in Delaware but is not licensed in the State. Because it is a Federal project does he need to be licensed in the State to complete the project? Mr. Kerber advised that the current law does not provide this exemption, however the Federal law trumps State law. Mr. Kerber will research the issue more and report back to the Board at the next meeting.

Discussion on Attendance for Annual Conference in June 2012

Mr. Jennings inquired who would be interested in attending the conference as there would be no cost to the State for attending. Mr. Schorah stated that he will be in elections and cannot attend. Mr. Mateyko stated he will volunteer to attend the conference. Mr. Schorah made a motion to approve Mr. Jennings and Mr. Mateyko as delegates to vote on behalf of Delaware for the conference, seconded by Ms. Happoldt. Motion unanimously carried.

Other Business Before the Board (for discussion only)

There was no other business before the Board for discussion.

Public Comment

There was no public comment.

Next Scheduled Meeting

The next meeting will be held on June 6, 2012 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, Mr. Freemark made a motion to adjourn the meeting, seconded by Mr. Wilson. The motion carried unanimously. The meeting adjourned at 3:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams". The signature is written in black ink and is positioned above the printed name and title.

Nicole M. Williams  
Administrative Specialist II

### **HEARING – George R. Badger**

The Delaware Board of Architects held a hearing on May 2, 2012 at 1:30 p.m. on the Second Floor in Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

**PRESENT:** Kenneth Freemark, Brian Lewis, Peter Jennings, Kevin Wilson, Joseph Schorah, Richard Wertz, Elizabeth Happoldt, John Mateyko

**PURPOSE:** Rules to Show Cause Hearing

**PRESIDING:** Kenneth Freemark, President

**BOARD STAFF:** Nicole Williams, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Andrew Kerber, DAG.

**COURT REPORTER PRESENT:** Julia LaBadia, Wilcox and Fetzer

**TIME STARTED:** 1:38 p.m.

Mr. Kerber stated for the record the purpose of the hearing to show cause as to why Mr. Badger's Delaware architect registration should not be suspended or revoked due to noncompliance to the Board's continuing audit. Mr. Kerber stated for the record that Mr. Badger was not present. The Board reviewed the audit documents for Mr. Badger. Ms. Williams provided testimony as to the deficiency in Mr. Badger's audit and the correspondence that was sent notifying Mr. Badger of the deficiency.

Mr. Schorah made a motion to fine Mr. Badger \$2,500 for noncompliance of the continuing education audit, seconded by Mr. Jennings. Motion carried unanimously. Mr. Badger has to 30 days to pay the penalty from the effective date of the Board's final order. The hearing adjourned at 1:42 p.m.

Mr. Freemark made a motion to amend the agenda to move on to Mr. Messina's hearing next, seconded by Mr. Jennings. Motion carried unanimously.

### **HEARING – Leonard Messina**

The Delaware Board of Architects held a hearing on March 7, 2012 at 2:30 p.m. on the Second Floor in Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

**PRESENT:** Kenneth Freemark, Brian Lewis, Peter Jennings, Kevin Wilson, Joseph Schorah, Richard Wertz, Elizabeth Happoldt, John Mateyko

**PURPOSE:** Rules to Show Cause Hearing

**PRESIDING:** Kenneth Freemark, President

**BOARD STAFF:** Nicole Williams, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Andrew Kerber, DAG.

**COURT REPORTER PRESENT:** Julia LaBadia, Wilcox and Fetzer

**TIME STARTED:** 1:48 p.m.

Mr. Kerber stated for the record the purpose of the hearing to show cause as to why Mr. Messina's Delaware architect registration should not be suspended or revoked due to noncompliance to the Board's continuing audit. Mr. Kerber stated for the record that Mr. Messina was not present. The Board reviewed the audit documents for Mr. Messina. Ms. Williams provided testimony as to the deficiency in Mr. Messina's audit and the correspondence that was sent notifying Mr. Messina of the deficiency.

Mr. Schorah made a motion to fine Mr. Messina \$2,500 for noncompliance of the continuing education audit, seconded by Mr. Freemark. Motion carried unanimously.

Mr. Messina has 30 days to pay the penalty from the effective date of the Board's final order. The hearing adjourned at 1:50 p.m.

### **HEARING – Perry A. Willis**

The Delaware Board of Architects held a hearing on March 7, 2012 at 1:45 p.m. on the Second Floor in Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

**PRESENT:** Kenneth Freemark, Brian Lewis, Peter Jennings, Kevin Wilson, Joseph Schorah, Richard Wertz, Elizabeth Happoldt, John Mateyko

**PURPOSE:** Rules to Show Cause Hearing

**PRESIDING:** Kenneth Freemark, President

**BOARD STAFF:** Nicole Williams, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Andrew Kerber, DAG.

**COURT REPORTER PRESENT:** Julia LaBadia, Wilcox and Fetzer

**TIME STARTED:** 2:00 p.m.

The hearing notice for Mr. Willis's hearing was noticed for 2:45 p.m. instead of 1:45 p.m. The Board allowed Mr. Willis to have his hearing at 2:00 p.m. instead since he was present.

Mr. Kerber stated for the record the purpose of the hearing to show cause as to why Mr. Willis's Delaware architect registration should not be suspended or revoked due to noncompliance to the Board's continuing audit. Mr. Kerber stated for the record that Mr. Willis was present.

Mr. Willis was sworn in by the court reporter. Mr. Willis provided his testimony to the Board. Mr. Willis showed proof of completion of the deficient continuing education. The Board cross-examined Mr. Willis. The Board went off the record for deliberations at 2:20 p.m.

The Board went back on the record at 2:27 p.m. Ms. Happoldt made a motion to only fine Mr. Willis \$750 in recognition of his having to appear last month and the meeting was cancelled due to lack of quorum. Ms. Happoldt amended her motion to fine Mr. Willis \$750 for noncompliance to the continuing education requirement to be paid within 90 days of the Board accepting the order, seconded by Mr. Jennings. Motion carried unanimously. The hearing adjourned at 2:30 p.m.