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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS Subcommittee Meeting with Delaware Technical Community College
MEETING DATE AND TIME:	Wednesday, January 16, 2013 at 2:00 p.m.
PLACE:	Delaware Technical Community College, Jason Technology Center, Room 130 18800 Seashore Highway Georgetown, DE 19947
MINUTES APPROVED:	January 30, 2013

MEMBERS PRESENT

Peter H. Jennings, RA, Professional Member
Richard Wertz, RA, Professional Member
David Pedersen, RA, Delaware Technical Community College
Patrick Ryan, RA, Delaware Technical Community College
Doug Hicks, PhD, Delaware Technical Community College

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Meaghan Jerman, Administrative Specialist II

OTHERS PRESENT

Nancy Payne, Delaware Chapter of AIA

Call to Order

Mr. Jennings called the meeting to order at 2:20 p.m.

Old Business

Review of January 2, 2013 Meeting Minutes

Mr. Pedersen made a motion, seconded by Mr. Wertz to accept the January 2, 2013 meeting minutes as submitted. The motion carried by majority with Mr. Ryan and Dr. Hicks abstaining.

New Business

Mr. Pedersen briefly summarized the progress of the Subcommittee thus far to Mr. Ryan and Dr. Hicks who were not able to attend previous meetings of the group. Mr. Pedersen prepared

and distributed revised copies of the Service Learning Project Agreement form and the Delaware Technical Community College (DTCC) Architectural Learning Project Outline which encompassed the Committee's comments from the previous meeting. Mr. Wertz stated that he felt the revised documents captured the essence of the Subcommittee's feedback.

Mr. Jennings stated that he feels the project agreement needs to contain more language which clearly states an architect is not needed for the project. Mr. Jennings went on to say that it should be clarified within the description of the agreement that the services being offered are not the practice of architecture to ensure an organization does not misconstrue the services being provided. Mr. Jennings reiterated that it has to be clear in the agreement that the end product cannot be used any further than the authorized means as outlined in the agreement. Mr. Ryan stated that in the past there was a misconception about what could be done with the deliverables from previously completed projects by the Architectural Engineering Technology (AET) Program at DTCC. Mr. Ryan stated that DTCC does not want to be competing with practicing architects in Delaware. He cited the Laurel Fire Company and town of Georgetown as examples.

There was further discussion on defining eligible "charitable organizations" for the purpose of the project. The subcommittee discussed appropriate criteria for determining an eligible charitable organization. Mr. Pedersen suggested an eligible organization could be a non-profit organization with no paid employees and a "demonstration of limited resources". Mr. Jennings suggested the organization be asked some financial disclosure questions on the application.

The Subcommittee identified the two major items that needed further discussion as the selection of the organization and what happens to the materials. Mr. Pedersen inquired about work that has been completed by the AET students for the College. Previously, students have been able to measure drawings and DTCC has later accessed these drawings for work to be completed at the College. Mr. Jennings stated that this can be risky and inquired what would happen if there were problems down the line as a result of the students' work. There was discussion on whether it would be appropriate to share drawings with the College for more innocuous purposes such as preparing for an annual gala. Dr. Hicks stated that he felt it would be futile to not be able to share the student's work with the College.

Mr. Ryan expressed difficulty understanding why the Subcommittee has moved forward stating that a licensed architect does not need to be involved in the project. He explained that in his opinion there is a difference between a theoretical project versus the practice of profession when you move outside of the classroom, as these students will be doing. Mr. Ryan stated that as the class will be developing and designing for an organization it should be required that a licensed architect is part of the project. Mr. Wertz stated that if the project is not coming to construction phase he does not believe an architect is not needed. Mr. Ryan stated that as these projects will be "real projects" he is not clear how you differentiate between the two. Mr. Wertz stated that if a licensed architect is required as part of the project then that architect is accepting liability for the project. Mr. Jennings stated that the College would have to ensure that they had an appropriate liability policy to cover the architect if that was the case. There was further discussion about what could be done with the drawings at the conclusion of the project. Dr. Hicks questioned what an organization will do with the drawings if they cannot use them for anything. Dr. Hicks stated that he believed a 3D Revit Image should be allowed to be used by an organization for fundraising. Mr. Jennings stated that this would require a disclaimer on the documents that could not be altered, perhaps by adding a watermark to documents. Dr. Hicks inquired what could be given out to the selected organization that would be appropriate and

safe. Mr. Ryan stated that artist renderings and things that are not technical submissions would be acceptable. Dr. Hicks stated that if they are just providing artist renderings then the liability is reduced significantly.

Mr. Pedersen inquired about the appropriateness of the preparation of “record drawings” of existing buildings with his supervision. Mr. Ryan stated that he does not see this as the practice of architecture. Mr. Pedersen inquired if this type of documentation could be shared with Administrative Services at DTCC. Mr. Wertz and Mr. Ryan agreed that they would not have a problem with this. The subcommittee agreed that the record drawings could be released later if requested by a licensed architect in Delaware as it would contain appropriate disclaimers and the licensed architect would be aware that it was students’ drawings. Mr. Jennings stated that if an architect is involved in any capacity then the architect is accepting some form of liability for the work that is completed. Mr. Jennings further stated that it is important that the students agree with the limited use of the products so they understand the limitations. The committee agreed that as part of the Memorandum of Understanding (MOU) that they will get back together to review the progress of the program within an established period of time.

Mr. Jennings reiterated that there needs to be tight control on the documents. Mr. Jennings stated that he would consider agreeing to the project deliverables consisting of artist renderings and record drawings with limitations. Mr. Wertz agreed that he would not have a problem with removing fundraising from the list of purposes the drawings could not be used for.

Mr. Ryan further outlined the 2 models that were being discussed by the Subcommittee defined by whether a licensed architect would be required to oversee the project. Major differences between the two included whether liability insurance would be necessary, the student’s involvement with the public, and the project deliverables. The subcommittee concluded from this exercise that an “Education Exemption” that blended the two models needed to be developed. The Education Exemption would include the following parameters: No licensed architect required, no liability insurance needed, project deliverables would contain a disclaimer, the client type would be defined, use of deliverables would include Artist Renderings and Record Drawings, the MOU would have a set timeframe to be reviewed and reassessed, and a Board of Architect’s member would present to the Delaware Tech Architectural Engineering students annually about the practice of architecture in Delaware. Mr. Ryan asked that the Attorney General’s office review the practice language in light of what is being proposed and ensure it is in compliance with the statute. Mr. Ryan suggested the Board contact Dan Taylor, NCARB’s legal counsel to make sure we would be consistent with national model law.

Mr. Pedersen will create a summary of the Subcommittee’s discussion and revise the documents to accurately reflect what was discussed during the meeting. Subcommittee members shared final thoughts on the Service Learning Project Agreement and agreed to allow fundraising, public relations, and grant applications as purposes the drawings may be used for. Additionally, the term “charitable” organization will be struck from the agreement and may be revised to state “organization with limited resources”.

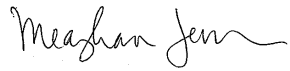
Next Scheduled Meeting

The next meeting will be held on January 30, 2013 at 9:00 a.m. at the Cannon Building, Conference Room A, 861 Silver Lake Boulevard, Dover, DE 19904

Adjournment

With no further business before the subcommittee, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Meaghan Jerman".

Meaghan Jerman
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.