COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

FINAL MINUTES

MEETING OF:

STATE ARCHITECTS LICENSURE BOARD

TIME: 9:03 A.M.

PenNSYLVANIA DEPARTMENT OF STATE
Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

September 13, 2018
State Architects Licensure Board
September 13, 2018

BOARD MEMBERS:

John R. Hill, RA, President
Philip M. Leinbach, RA, Vice President
Katelin Lambert, Deputy Commissioner, Bureau of Professional and Occupational Affairs
Adam Hough, Office of Attorney General, Bureau of Consumer Protection
Douglas E. Carney, RA
Darryl R. Hamm, Public Member
Mary E. McClenaghan, RA - Absent
Jerry K. Roller, RA

BUREAU PERSONNEL:

Ariel E. O’Malley, Esquire, Board Counsel
Robert B. Armour, Esquire, Board Prosecution Liaison
Amanda Li, Board Administrator

ALSO PRESENT:

Amal Mahrouki, Director of Legislative Affairs,
American Institute of Architects-Pennsylvania
Bruce Johnson, Architect, American Institute of Architects-Pennsylvania
Peter M. Good, Esquire, Caldwell & Kerns, P.C.
Christopher Johnson, Architect, American Institute of Architects-Pennsylvania
State Architects Licensure Board
September 13, 2018

The regularly scheduled meeting of the State Architects Licensure Board was held on Thursday, September 13, 2018. John R. Hill, RA, President, called the meeting to order at 9:03 a.m. Katelin Lambert, Deputy Commissioner, was not present at the commencement of the meeting.

Roll Call
[Roll call was taken. A quorum was noted to be present.]

Pledge of Allegiance
[The Pledge of Allegiance was recited.]

Introduction of Audience Members
[President Hill requested the introduction of audience members.]
[President Hill noted two hearings scheduled for later in the meeting.]

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Approval of Minutes of the May 10, 2018 meeting

PRESIDENT HILL:

We can get started with a review and discussion on the minutes of the May 10 meeting. Does anybody have any comments, corrections, additions, or deletions to the minutes that were posted?

[The Board discussed corrections to the minutes.]

PRESIDENT HILL:

Any other comments, corrections, additions, or deletions? If not, can I hear a motion to approve the minutes as amended?

MR. CARNEY:

So moved.

MR. ROLLER:

Second.

PRESIDENT HILL:

All those in favor? Any opposed? All right, the minutes, as amended, are approved.
The motion carried unanimously.

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Report of Prosecutorial Division

[Robert B. Armour, Esquire, Board Prosecution Liaison, presented the Consent Agreement for File No. 15-41-12464.]

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Report of Board Counsel

[Ariel E. O’Malley, Esquire, Board Counsel, noted two Adjudications and Orders, as well as two hearings scheduled for later in the meeting. She also referred to the Draft License Requirements Revision and Digital Signature rulemaking (16A-4111) for discussion later in the meeting.

Mr. Roller expressed his concern as to the length of time to resolve cases, noting a lack of inattention or a lack of diligence by the prosecution. Ms. O’Malley discussed the Department’s and prosecution’s awareness of the issue. She explained the process for resolving cases. Mr. Armour will report Mr. Roller’s concern to his division, and Ms. O’Malley will discuss this issue also with her superiors.

President Hill also noted the Draft License Requirements Revision.

Mr. Carney discussed President Hill’s comments]
regarding the language that the candidate demonstrates successfully completing a minimum of six semesters in a National Architectural Accrediting Board (NAAB) and the National Council of Architectural Registration Boards (NCARB) approved Integrated Path to Architectural Licensure (IPAL) program may apply to take the Architect Registration Examination (ARE).

Mr. Carney noted the requirement for 90 credit hours, negating the need for individuals to take semesters or summer programs.

Mr. Roller suggested that an applicant must submit a letter from the program noting the completion of 50 percent of the requirements. President Hill questioned whether the Board was comfortable with deferring to NCARB’s administration about IPAL and their determination for the exam process, which would eliminate No. 1, the candidate's demonstration of successfully completing the program.

The Board discussed relying on the National Council of Architectural Registration Boards (NCARB) to manage the requirements with the National Architectural Accrediting Board (NAAB) NAAB.

Ms. O’Malley suggested adding language that reserves the Board’s ability to set up a standard, noting that regulations take a minimum of two years.
Mr. Carney questioned the reference on page eight, where Section 9.61(a)(1) refers to Section 9.41(a), (b), or (c).

The Board discussed deleting the Canadian Architectural Certification Board (CACB) because the generics part of the Mutual Recognition Agreements (MRA).

Sections 9.41(b), regarding a bachelor’s degree, and 9.41(d), regarding the broadly experienced architect, were also discussed. The Board noted the three years practical experience in addition to the Architectural Experience Program (AXP). Mr. Leinbach suggested an addition in No. 5 for (b) and (c), where architects outside the jurisdiction of NCARB must also comply with (d).

Duplications in Section 9.88 verification of IDP or (AXP completion) and Section 9.49(b) diversified training requirements (adoption of AXP) were noted. There was identical language as to the recordkeeping requirement.

Ms. O’Malley discussed next submitting the exposure draft to stakeholders for comments and alterations. President Hill commented that there would be future opportunities to make additional comments and revisions.]
PRESIDENT HILL:

As far as a consensus vote to move this ahead as the way it stands currently.

MR. CARNEY:

So moved.

MR. LEINBACH:

Second.

PRESIDENT HILL:

All those in favor? Any opposed?

[The motion carried unanimously.]

[Douglas E. Carney, RA, exited the meeting at 9:45 a.m. and reentered the meeting at 9:54 a.m.]

[The Board recessed from 10:07 a.m. until 10:13 a.m.]

[A Formal Hearing was held from 10:13 a.m. until 10:46 a.m. in the matter of the Provisional Denial of the Architect Registration Examination Approval Application of Joshua James Schneider, File No. 18-41-005169.]

[A Formal Hearing was held from 10:48 a.m. until 11:12 a.m. in the matter of the Provisional Denial of]
the Architect Registration Examination Approval
Application of Jonathan David Kuntz, File No. 18-41-005796.]

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Regulations/Statute

[Ariel E. O’Malley, Esquire, Board Counsel, addressed the Digital Signature Rulemaking Annex and Preamble that Mr. Blackburn drafted. Ms. O’Malley noted that the exposure draft was sent to the stakeholders, and there was not a single comment. She stated Mr. Blackburn requested a motion from the Board to proceed with the proposed rulemaking.

President Hill referred to correspondence from Mr. Shusterman regarding legal comments. The Board discussed the controls and verifications of an electronic seal, as well as defining a secure electronic seal as the individual’s stamp or imprints.]

PRESIDENT HILL:

The motion request is to promulgate as proposed.

MR. CARNEY:

So moved.

MR. LEINBACH:

Second.
PRESIDENT HILL:

I hear a motion and a second. Any
further discussion on it? Hearing none.
All those in favor, say aye. Any
opposed?

[The motion carried unanimously.]

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Applications

[John R. Hill, RA, President, noted applications for
reciprocal licensing.

President Hill also noted matters for discussion
in Executive Session.]

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Report of Commissioner – No Report

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Report of Board President

[John R. Hill, President, noted Governor Wolf’s job
licensing reform proposal related to the elimination
of unnecessary hardships towards licensing, leading to
job creation in the Commonwealth.

President Hill had no additional information
regarding the Education Evaluation Services for
Architects (EESA) evaluations for the National
Architectural Accrediting Board (NAAB) equivalency and
was deferring to NCARB for coverage on that.
President Hill noted NCARB’s Commitment to the Diversity Policy.

Mr. Hamm stated the National Board recognizes diversity shortfall and encourages states to address that in their configuration of Board members.

An outreach program called Architecture/Construction/Engineering (ACE), which introduces high school students to the field, was noted.

President Hill noted the Region 2 Architects, Educators, and Practitioners Symposium October 4-5, 2018, at Drexel University. He noted the goal to connect individuals in architectural education programs with the idea of what to expect to gain experience and obtain licensure in the profession.

President Hill discussed the NCARB Member Board Chairs/Member Board Executives Summit on October 12 and 13, 2018, in St. Louis, MO. He stated the conference will focus on agendas that Boards are sharing across all of the jurisdictions.

President Hill noted the NCARB FY18 Annual Report and correspondence for review.

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Report of Board Administrator – No Report

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Miscellaneous
[President Hill discussed the draft newsletter, noting the letter that was approved but could not be posted.

Ms. O’Malley edited the letter as it offered an advisory opinion and was meant for general communication to the leaders of the organization to explain the issue. She explained that disseminating information to the general public, including licensing population, would be an advisory opinion.

President Hill addressed a letter regarding the listing of partners on letterhead, noting it to be part of a regulation requirement, requesting the Board’s thoughts on maintaining that regulation.

Ms. O’Malley stated the Board has the authority to waive a regulation.]

MS. O’MALLEY:

If everyone is in agreement, when I make all of the other adjustments to the Annex that you talked about earlier, I will add that section and remove it from your regulations. In the interim, understanding that the majority of the Board seems to be on the same page, you could have a motion to waive the Board Regulation Section 9.163(2).

MR. ROLLER:
So moved.

MR. HAMM:

Second.

PRESIDENT HILL:

We have a motion and a second. Anymore discussion on 9.163(2), removing the letterhead requirement? Hearing none. All those in favor, say aye. Opposed?

[The motion carried unanimously.]

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 11:50 a.m. the Board entered into Executive Session with Ariel E. O’Malley, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on matters that are currently pending before the Board and receiving the advice of Counsel. The Board returned to Open Session at 1:07 p.m.]

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MOTIONS

MS. O’MALLEY:

The Board was just in Executive Session conducting quasi-judicial deliberations on matters that are currently pending before the Board as well as receiving advice of Counsel.
We are going to skip No. 2 for now but will come back to it once we get a representative from the commissioner’s office.

We will start with items 3 and 4. I believe that we are going to entertain a motion to approve the draft Adjudications as the final Adjudications of the Board in the cases of David B. Trievel Jr. at File No. 17-41-14383 as well as Michael A. Dicicco at File No. 18-41-01248.

MR. CARNEY:
So moved.

MR. ROLLER:
Second.

PRESIDENT HILL:
I hear a motion and a second. Any further discussion among any of these items? Hearing none. All those in favor, say aye. Opposed?

[The motion carried unanimously.]

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MS. O’MALLEY:
Moving on to the hearing, I believe the
Board would entertain a motion for Counsel to draft an Order granting licensure to Joshua James Schneider at File No. 18-41-005169.

CHAIRPERSON HILL:
Do I hear a motion?

MR. CARNEY:
So moved.

MR. LEINBACH:
Second.

PRESIDENT HILL:
I have a motion and a second. Any further discussion on this matter? Hearing none. All those in favor, say aye. Opposed?

[The motion carried unanimously.]

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MS. O’MALLEY:
Moving on to Item No. 6, I believe the Board would entertain a motion for Counsel to draft an Adjudication and Order in accordance with discussions in Executive Session in the matter of Jonathan David Kuntz at File No. 18-41-005796.
CHAIRPERSON HILL:
   Do I hear a motion?
MR. ROLLER:
   So moved.
MR. LEINBACH:
   Second.
PRESIDENT HILL:
   I have a motion and a second. Any further discussion on the matter? Hearing none. All those in favor, say aye. Opposed?

[The motion carried unanimously.]

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MS. O’MALLEY:
   In regards to items 9 and 10, the applications of Troy Vernon Bankert and Thomas Lopez, those two items will be scheduled for an informal conference at the next Board meeting.

   Moving on to Item No. 11, I believe the Board would entertain a motion to provisionally deny the application of Andrew Richard Roehl.

MR. CARNEY:
   So moved.
MR. HAMM:

Second.

PRESIDENT HILL:

I hear a motion and a second. Any further discussion? Hearing none. All those in favor, say aye. Opposed?

[The motion carried. Mr. Roller opposed the motion.]

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MS. O’MALLEY:

I believe the Board would entertain a motion to approve the applications of Don Ritchie Smith II at Item No. 12, William Merrick Merriman at Item No. 13 as well as Lori Ann Casino at Item No. 14.

MR. CARNEY:

So moved.

MR. HAMM:

Second.

PRESIDENT HILL:

We have a motion and a second. Any further discussion on those items? Hearing none. All those in favor, say aye. Opposed?

[The motion carried unanimously.]
Katelin Lambert, Deputy Commissioner, entered the meeting at 1:04 p.m.]

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MS. O’MALLEY:

I believe the Board would entertain a motion to accept the Consent Agreement as the final disposition of File No. 15-41-12464, and I would further note the recusals of Doug Carney as well as Jerry Roller.

PRESIDENT HILL:

Do I hear a motion?

MR. HAMM:

So moved.

MR. LEINBACH:

Second.

PRESIDENT HILL:

I have a motion and a second. Any further discussion on it? Hearing none. All those in favor, say aye. Opposed?

[The motion carried. Mr. Carney and Mr. Roller recused themselves from deliberations and voting on the motion. The Respondent’s name in that file is Janice M. Woodcock, RA.]
**Miscellaneous**

[President Hill noted 2019 Board meeting dates. He noted a change in the September date to Thursday, September 5, 2019.]

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**Adjournment**

PRESIDENT HILL:

Do I hear a motion to adjourn?

MR. CARNEY:

So moved.

MR. HAMM:

Second.

PRESIDENT HILL:

All those in favor?

[The motion carried unanimously.]

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[There being no further business, the State Architects Licensure Board Meeting adjourned at 1:08 p.m.]
CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Architects Licensure Board meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Architects Licensure Board meeting.

Adam Beck,
Minute Clerk
Sargent’s Court Reporting Service, Inc.
### STATE ARCHITECTS LICENSURE BOARD
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