

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

F I N A L M I N U T E S

MEETING OF:

**STATE ARCHITECTS LICENSURE BOARD
VIA VIDEOCONFERENCE**

TIME: 10:36 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

September 9, 2021

1 State Architects Licensure Board
2 September 9, 2021
3
4

5 BOARD MEMBERS:
6

7 Philip M. Leinbach, RA, President
8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Darryl R. Hamm, Vice President, Public Member
11 William J. Bates, RA
12 Jonathan Burns, Deputy Attorney General, Office of
13 Attorney General
14 Mary E. McClenaghan, RA
15 Aram Piligian Jr., RA
16 Jerry K. Roller, RA, Secretary
17
18

19 BUREAU PERSONNEL:
20

21 C. William Fritz II, Esquire, Board Counsel
22 Dean F. Picarella, Esquire, Senior Counsel
23 Ray Michalowski, Esquire, Senior Board Prosecutor
24 Angela L. Solomon, Esquire, Board Prosecution
25 Liaison
26 Amanda Li, Board Administrator
27 Marc Farrell, Deputy Policy Director, Department of
28 State
29
30

31 ALSO PRESENT:
32

33 Amal Mahrouki, Director of Legislative Affairs,
34 American Institute of Architects of Pennsylvania
35 Jen Smeltz, Republican Executive Director, Senate
36 Consumer Protection & Professional Licensure
37 Committee
38 Matthew M. Haar, Esquire, Saul Ewing Arnstein
39 & Lehr LLP
40 Stephen M. Swarney, JD, Executive Director, American
41 Institute of Architects Pennsylvania
42
43
44
45
46
47
48
49
50

1 State Architects Licensure Board

2 September 9, 2021

3 ***

4 The regularly scheduled meeting of the State
5 Architects Licensure Board was held on Thursday,
6 September 9, 2021. Philip M. Leinbach, RA, President,
7 called the meeting to order at 10:36 a.m.

8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs, was not present
10 at the commencement of the meeting.

11 ***

12 Roll Call

13 [President Leinbach acknowledged that Mr. Hamm is
14 present but having technical difficulties and
15 requested Mr. Roller to call the roll. A quorum was
16 noted to be present.]

17 ***

18 Meeting Instructions/Introduction of Attendees

19 [Amanda Li, Board Administrator, provided instructions
20 to be followed during the virtual meeting.

21 Ms. Li noted the meeting was being recorded, and
22 those who continued to participate were giving their
23 consent to be recorded.

24 Ms. Li also provided an introduction of those in
25 attendance.]

1 ***

2 Approval of minutes of the July 9, 2021 meeting

3 PRESIDENT LEINBACH:

4 Our next order of business is the
5 approval of the minutes. Are there any
6 questions, comments, or clarifications
7 that are needed on those minutes?

8 [The Board discussed corrections to the minutes.]

9 PRESIDENT LEINBACH:

10 I am not seeing any other input. Would
11 somebody offer a motion to approve the
12 minutes as amended?

13 MS. MCCLENAGHAN:

14 Motion.

15 MR. BATES:

16 Second.

17 PRESIDENT LEINBACH:

18 Any further discussion? If not, Mr.
19 Roller would you take a roll call vote
20 to approve the minutes?

21

22 Mr. Leinbach, yes; Mr. Hamm, yes; Mr.
23 Bates, yes; Mr. Burns, yes; Ms.
24 McClenaghan, yes; Mr. Piligian, yes; Mr.
25 Roller, yes.

1 [The motion carried unanimously.]

2 ***

3 Report of Prosecutorial Division

4 [Angela B. Lucci Solomon, Esquire, Board Prosecution
5 Liaison, provided an update regarding cases per the
6 Board's request at the last meeting.]

7 Ms. Solomon reported 25 open cases with none
8 older than 2020. She noted the total overall open
9 number of cases for the Bureau of Professional and
10 Occupational Affairs is 14,500. She mentioned that
11 the Board has a very small amount of open cases
12 because their licensees are very law-abiding and
13 follow the rules.

14 Ms. Solomon also reported 68 closed files between
15 January 1 and September 1. She noted 18 cases were
16 closed with a warning letter and 3 resulting in fines,
17 whether it was a citation or a consent agreement, and
18 10 of them were application cases. She explained that
19 prosecution does not have a large role in application
20 cases and usually defer those to the Board. She
21 reported 37 cases were closed as not warranted, where
22 there may not have been enough evidence, witness
23 testimony, or jurisdiction to move forward.

24 Ms. Solomon addressed the process of moving cases
25 through the system, where complaints are given a case

1 number, investigated, and reviewed to determine if the
2 case is worth prosecuting. She noted that a case may
3 take a year or two to be resolved because of the
4 thorough investigation prior to making a decision on a
5 case.

6 Ray Michalowski, Esquire, Senior Board
7 Prosecutor, informed the Board that they would see a
8 typical biennial bump in the number of cases because
9 of just finishing renewals and receiving reports of
10 reciprocals. He noted individuals are required to
11 report criminal convictions within 30 days. He noted
12 reciprocals are a large part of the Board's cases,
13 including CE and other types of cases.

14 Mr. Michalowski stated some of the smaller cases
15 are closed to avoid the piling on aspect, but they do
16 look for practice issues that occurred in other states
17 and would bring those to the Board, generally in the
18 form of a consent agreement. He noted smaller cases
19 are just moved to that state and closed with a warning
20 letter.

21 Mr. Michalowski addressed unlicensed practice in
22 other states, where someone is essentially using
23 Pennsylvania as a state to work out of but violate the
24 laws in a number of sister states. He noted that
25 Pennsylvania and other states close minor cases to

1 avoid piling on that can happen with multistate
2 licensure.

3 President Leinbach requested verification that
4 Pennsylvania is passing on continuing education
5 violations because Pennsylvania does not have a
6 continuing education requirement, even though someone
7 violated their license in another location.

8 Mr. Michalowski stated President Leinbach is
9 correct, noting two Supreme Court cases in
10 Pennsylvania, where a violation in another state
11 cannot be made if there is no match or equivalent to a
12 violation in Pennsylvania and is not actionable in
13 Pennsylvania on a reciprocal basis. He stated a
14 comparison or equivalent can be found in a lot of
15 other cases, except for CE.

16 Mr. Michalowski explained that other boards do
17 not ask prosecution to violate CE perpetrators in
18 other states but ask prosecution to inform the Board
19 administrator to make sure that they are included in a
20 continuing education audit. He commented that not
21 having CE is a sore point for the Board and is hoping
22 it is resolved this session.

23 President Leinbach understood why prosecution
24 does not pile on with the CE requirement, but he had
25 seen a number of reciprocal actions from Nevada that

1 has disciplined a licensee in Pennsylvania and our
2 state has hit them with that reciprocal penalty
3 because of a violation of another state's requirement.
4 He commented that individuals who are not keeping up
5 their CE and lie about it is worthy of looking at
6 because even though Pennsylvania does not have the
7 requirement, it is a measure of that state's standing
8 of the licensee keeping up with the requirements,
9 whether it is continuing education or any other
10 requirement.

11 Mr. Michalowski addressed the audit process and
12 continuing professional education (CPE) violations,
13 where individuals would be charged with violating both
14 the CPE statute and with making a false statement to
15 the Board.

16 Mr. Michalowski reported that the largest number
17 of practice-related cases for the Board is internet
18 complaints, where someone improperly put something on
19 social media that would imply that they are an
20 architect but are not. He stated the individual would
21 receive a cease and desist order, which gets them to
22 take it down and is much quicker than going through
23 the adjudicatory process.

24 Mr. Michalowski commented that prosecution could
25 charge those with CE violations ethically and some

1 people would pay, but it would be inappropriate for
2 them as attorneys. He also noted that some people
3 would take it to an attorney, and the attorney would
4 know Pennsylvania law because a lot of the defense
5 counsel are former prosecutors and counsel from their
6 own division and would lose with the hearing examiner.

7 Ms. Solomon informed that Board that she filed an
8 order to show cause in one case in the past month,
9 which and would be going to a hearing, a default
10 motion, or a consent agreement.]

11 ***

12 Report of Board Counsel

13 [C. William Fritz II, Esquire, Board Counsel, provided
14 a Status of Cases Report for the Board's review. He
15 noted nothing disciplinary as of August 21. He
16 mentioned the hearing on the application case would be
17 soon. He noted the latest on the application case is
18 that there was a prehearing conference and would be
19 reflected in the hearing.

20 Mr. Fritz stated the regulations would be
21 discussed either before or after the hearing.

22 Mr. Fritz noted the legislative initiative for CE
23 was resubmitted and started to move again. He
24 mentioned currently awaiting administration's opinion
25 and hoped to have additional information for the next

1 meeting.

2 Mr. Fritz noted placing General Revisions back on
3 the agenda in anticipation of Act 41 and the seal and
4 signature regulation starting to wrap up soon, so the
5 Board can start to refocus back on the General
6 Revisions. He mentioned the annex is the same one
7 approved at a meeting a few years ago.

8 Mr. Fritz referred to the seal and signature
9 regulation, noting a vote on the final annex and final
10 preamble would be necessary after Board discussion
11 with the goal of getting that completed by the end of
12 the year.]

13

14 Regulations/Statute

15 [C. William Fritz II, Esquire, Board Counsel, noted
16 regulations and the statute would be discussed after
17 the hearing.]

18

19 Applications

20 [C. William Fritz II, Esquire, Board Counsel, noted
21 three applications for discussion during Executive
22 Session.]

23

24 [A Formal Hearing was held from 11:14 a.m. until
25 12:04 p.m. in the Matter of the Appeal of the

1 Provisional Denial of the Application to Reciprocal
2 Licensure of Owen Carr, Case No. 21-41-011316.]

3 ***

4 [The Board recessed for lunch from 12:07 p.m. until
5 12:37 p.m.]

6 ***

7 Regulations/Statue

8 [Philip M. Leinbach, RA, President, referred to 16A-
9 4121 regarding General Revisions. He suggested
10 utilizing the new language "administered" by NCARB
11 where it says "operated" by NCARB at § 9.2 under the
12 Architectural Experience Program (AXP) for
13 consistency.

14 Mr. Fritz offered to make them both
15 "administered."

16 President Leinbach referred to § 9.41(a)(1)
17 regarding a bachelor's degree, recommended including
18 the word "Board" to approved MRA for it to read,
19 "Board-approved MRA."

20 President Leinbach referred to § 9.41(b)(3) and
21 recommended "in addition to three years of AXP
22 training" to read, "in addition to time required to
23 complete AXP" because some may take three years and
24 some may take five years, so it is AXP plus. He also
25 suggested changing "for a total of six years" to read,

1 "For a combined minimum total of six years" to
2 preserve the three years of experience that the act
3 references but recognizes that AXP could take three
4 years but may take five.

5 Mr. Roller commented that a number of people have
6 AXP records that go beyond the minimum hours total and
7 may not be complete, where somebody has 5,000 to 6,000
8 hours in an AXP record, and should be able to count
9 some of that. He noted that the excess hours could
10 count toward additional years of experience, not
11 necessarily toward AXP. He noted AXP requires a
12 minimum of 3,740, then it is roughly three years.

13 Mr. Piligian commented that the paragraph does
14 not say the applicant has to complete the AXP training
15 as written and only requires three years of training.

16 President Leinbach mentioned that Mr. Piligian's
17 point is spot on and agreed with Mr. Roller but
18 recommended leaving that at the Board's discretion.

19 Mr. Fritz will make the change of "three years"
20 to "in addition to completion of AXP training" and
21 change "for a total of six years" to "for a combined
22 minimum total of six years."

23 Mr. Bates referred to § 9.41(c) regarding an
24 associate's degree, where it may have been copied
25 incorrectly from the bachelor's degree section under

1 § 9.41(c)(3), "has completed at least six years of
2 practical experience in the practice of architecture
3 in addition to the AXP. He suggested changing it to
4 be consistent to the one above. He also noted it says
5 for a total of "six" years and should say "a minimum
6 total of nine."

7 ***

8 [K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs, entered the
10 meeting at 12:40 p.m.]

11 ***

12 [President Leinbach referred to § 9.41(d) and §
13 9.41(d)(1), where an architect licensed by experience
14 is capitalized. He mentioned that there is no by
15 experience program at NCARB and suggested it be lower
16 case. He noted that has evolved with different
17 terminology and nomenclature within NCARB over time.

18 Mr. Fritz informed new Board members that context
19 in brackets would be deleted and underlined context is
20 an addition.

21 President Leinbach noted a typo in § 9.46(c)(4)
22 and suggested changing 9.46(a) to 9.46 (a).

23 Mr. Roller referred to 9.46(a) and suggested
24 changing it to "may apply directly to the Board"
25 instead of "may apply directly to NCARB." He

1 mentioned an issue with candidates applying directly
2 to NCARB and the Board stopping that.

3 President Leinbach mentioned an issue with some
4 individuals reviewing things at NCARB and acting as
5 though they fully understood Pennsylvania regulations
6 and statues. He noted that thought was the Board did
7 not want to penalize the people who have a National
8 Architectural Accrediting Board (NAAB) degree because
9 with the NAAB degree and completion or in the process
10 of completing AXP, the individual can apply to sit for
11 the exam.

12 President Leinbach commented that the question
13 was whether the Board did not want them taking the
14 Architect Registration Examination (ARE) until
15 completion the AXP, which would create a wrinkle with
16 the Integrated Path to Licensure (IPAL) candidates
17 that start and do experience simultaneous with their
18 education, their AXP was ongoing, and they can take
19 exams.

20 Mr. Roller noted being fine with them taking
21 those but having had issues where NCARB-approved
22 individuals would not have technically been approved
23 had they come through the application process.

24 President Leinbach referred to § 9.46(b), where
25 candidates who do not have a NAAB-accredited degree

1 must apply directly to the Pennsylvania Board, where
2 those who have not started out with the two critical
3 likes of the NCARB certificate have to come to
4 Pennsylvania to see if they will give a thumbs up as
5 well. He noted it takes some administrative
6 responsibility off of Ms. Li and her staff for the
7 ones that are going to be slam dunks with a NAAB
8 degree and the AXP.

9 President Leinbach commented that it is making
10 the path a little easier for potential licensees by
11 taking a little bit of time out of the process to get
12 them to a license quicker if they are already down the
13 path of the NAAB and AXP.

14 Ms. McClenaghan referred to § 9.49a.(a) and
15 suggested changing "six years' practical experience"
16 to "six years of practical experience."

17 Ms. McClenaghan referred to § 9.62(a)(2) and
18 recommended changing "shall to submit a portfolio" to
19 "shall submit a portfolio."

20 President Leinbach referred to § 9.62(a)(2), "a
21 letter of recommendation from each of the applicant's
22 employers/supervisors on the projects contained in the
23 portfolio." He suggested two letters accompany two
24 projects and five letters accompany five projects but
25 may be the same person for all five if the individual

1 works for the same firm.

2 Mr. Roller commented that this is reciprocal, so
3 somebody has a license and can practice independently.
4 He noted that meeting an NCARB Certificate in Section
5 9(a) of the statute makes all that moot, where an
6 NCARB Certificate is prima facie evidence of meeting
7 the requirement and not needing to jump down to item
8 (b), which would potentially take you to the
9 regulation. He commented that rather than being
10 redundant and creating a loophole or an impediment to
11 let the act say what the act says.

12 President Leinbach referred to § 9.62(b) and
13 suggested placing a comma before and after "exclusive
14 of education time."

15 Mr. Fritz addressed the annex for 16A-4111
16 regarding the digital signature and seal for final
17 approval. He informed the Board of comments received
18 from the Independent Regulatory Review Commission
19 (IRRC) and changes to the annex that add a little more
20 detail due to IRRC's concerns.

21 Mr. Fritz addressed IRRC's questions on
22 electronic sound, symbol, or process, where it was
23 determined change that to "electronic image" because
24 the image would encompass the sound, symbol, or
25 process.

1 Mr. Fritz noted the word "design" was added in
2 front of documents to keep it in line with the act.
3 Mr. Fritz noted "adopted by person" was changed to
4 "adopted by licensee or architect" per IRRC's
5 recommendation.

6 Mr. Roller questioned how someone could be an
7 architect and not be a licensee, where they need to
8 have a Pennsylvania seal and need to be a licensee in
9 order to submit something to Pennsylvania.

10 President Leinbach commented that it implies that
11 somebody other than an architect who is a licensee of
12 some sort could potentially apply the seal if using
13 both licensee and architect.

14 Mr. Roller suggested changing it to "licensed
15 architect."

16 Mr. Fritz confirmed the change from "licensee or
17 architect" to "licensed architect."

18 Mr. Fritz noted IRRC suggested changing "seal" to
19 "seal and signature" under the definitions of sole
20 control and verification.

21 Mr. Fritz referred to § 9.141(a), noting the word
22 "identical" for clarity.

23 Mr. Fritz referred to § 9.141(b)(2), noting the
24 addition of the word "design" in three areas and the
25 addition of "the seal and signature on the first page

1 of final or complete design documents may be
2 impressed, stamped, or digital."

3 Ms. McClenaghan commented that it should be on
4 every page.

5 President Leinbach further explained that every
6 sheet of drawings gets a seal. He mentioned that
7 jurisdictional requirements might say the first page
8 of project specifications has a seal applied to it but
9 not every page is a specification. He suggested
10 striking "on the first page" to read "the seal and
11 signature of final or complete design documents may be
12 impressed, stamped, or digital."

13 President Leinbach commented that current
14 regulations state only the first page, but there may
15 be a jurisdiction that requires every sheet and for
16 the specifications to be stamped.

17 Ms. McClenaghan referred to where it says
18 facsimile or digital seals shall appear on all
19 subsequent pages of plans and suggested changing it to
20 "design documents" instead of "plans."

21 Mr. Fritz noted having questions on whether to
22 change that because plans also is a term used
23 throughout the act.

24 President Leinbach suggested utilizing "design
25 documents" to be consistent.

1 acceptable, stating this would address the
2 jurisdictions that state the first page has to be a
3 wet seal.

4 President Leinbach commented that it puts that
5 original digital wet seal, raised seal on that first
6 page to comply with the act and those requiring
7 something more, then so be it.

8 Mr. Fritz referred to § 9.141(b)(4), noting the
9 addition of "design" again and that § 9.141(b)(5) was
10 changed from "documents" to "drawings, specifications,
11 and other design documents to be consistent with the
12 act."

13 Mr. Piligian questioned whether any consideration
14 was given to when a digital seal is used to having the
15 documents locked, where once a seal is put on with a
16 password, it cannot be changed at all in a lot of the
17 programs.

18 Mr. Fritz noted addressing that in the preamble,
19 where a licensee using the digital seal is responsible
20 for utilizing a security program to ensure that if any
21 changes are made to a design document after the
22 licensee affixes a digital seal, that validates the
23 previous work.

24 President Leinbach commented that he and Mr. Hamm
25 worked through this previously with a lengthy

1 electronic seal and signature document about six years
2 ago, where giving a specific definition depending on
3 how Adobe does it versus Bluebeam does it versus
4 AutoCAD gets too far down into the weeds. He
5 mentioned it is better to stay at the higher level
6 because it is going to be biometrically locked in the
7 future with an eye scan or thumbprint.

8 Mr. Fritz referred to § 9.141a.(a), where
9 drawings, specifications, and other design documents
10 that are signed using a digital signature must have an
11 electronic authentication.

12 Mr. Fritz would make the minor edits discussed
13 and requested Board approval of the final annex and
14 preamble.]

15 PRESIDENT LEINBACH:

16 Would somebody make a motion to that
17 effect?

18 MR. BATES:

19 So moved.

20 MR. PILIGIAN:

21 Second.

22 PRESIDENT LEINBACH:

23 Any discussion further on that? If not,
24 Mr. Hamm would you please call the roll
25 for approving that motion?

1

2

Mr. Leinbach, yes; Mr. Hamm, yes; Mr.

3

Bates, yes; Mr. Burns, yes; Ms.

4

McClenaghan, yes; Mr. Piligian, yes; Mr.

5

Roller, yes.

6

[The motion carried unanimously. The vote was to

7

provisionally accept the annex and preamble to the

8

digital seal and signature regulation as amended based

9

on the discussion held today.]

10

11

[C. William Fritz II, Esquire, Board Counsel, provided

12

an Act 41 update. He mentioned trying to get

13

engineers, landscape architects, and architects all

14

finished at once. He noted engineering is done and

15

was sent to the Office of General Counsel (OGC) last

16

week. He would be matching the Board's Act 41 with

17

that one and received no comments from IRRC.

18

Mr. Fritz again noted the legislative initiative

19

for CE was resent and is back in the active category,

20

being viewed by multiple people.]

21

22

Report of Board President

23

[Philip M. Leinbach, RA, President, noted House Bill

24

1258 regarding the Interior Designer Registration Act

25

would be discussed later.

1 President Leinbach addressed the NAAB School
2 invitation and suggested requesting their attendance
3 for the October meeting. He asked Board members to
4 provide specific topics or questions for the invite
5 letter before the early part of next week, noting he
6 would also ask the school for topics they would like
7 to discuss.

8 Mr. Bates mentioned the subject of professional
9 ethics, noting it would be interesting to hear NAAB
10 comment on educational requirements.

11 Ms. McClenaghan suggested the topic of equity,
12 diversity, and inclusion.

13 President Leinbach announced that the NCARB
14 Region 2 Student/Educator/Practitioner (SEP) Symposium
15 has been deferred to next year due to the situation
16 with COVID and the availability of meeting in person.
17 He noted Region 2 should be pushing some information
18 out on that. He believed the tentative plan is for
19 the afternoon of October 14.

20 President Leinbach noted the NCARB Pre-Board of
21 Directors Teleconference is on Thursday, September 16,
22 2021, at noon and encouraged everyone to join the
23 conference.

24 President Leinbach stated the PSI Services LLC
25 (PSI) migration is in full force, and it is

1 anticipated that it would take place by February 2022.
2 He noted updates to the whiteboard to make that more
3 user friendly and some function in the calculator to
4 store more numbers. He mentioned there is a link
5 online for those who wish to try that.

6 President Leinbach informed the Board that online
7 testing issues are decreasing with overall technical
8 issues down to less than 1 or 2 percent. He noted
9 most issues occur during online exams with
10 connectivity issues of the users. He mentioned they
11 are seeming to get more engaged and use the 30-minute
12 setup call, but NCARB continues to work to message
13 that and things are improving.

14 President Leinbach addressed PA Outreach, noting
15 Ms. McClenaghan has offered to attend as a
16 representative from the Pennsylvania Board along with
17 NCARB. He thanked Ms. McClenaghan and welcomed others
18 to join.

19 President Leinbach mentioned receiving responses
20 from the Analysis of Practice Survey, informing
21 everyone that it is their opportunity to have their
22 voices heard to speak to issues, such as the
23 importance of professional practice.

24 President Leinbach noted NCARB correspondence for
25 the Board's review.

1 provided.

2 MR. BATES:

3 Second.

4 PRESIDENT LEINBACH:

5 Any further discussion? Hearing none.

6 Mr. Hamm would you please call the roll?

7 Mr. Leinbach, abstain; Mr. Hamm, yes;

8 Mr. Bates, yes; Mr. Burns, yes; Ms.

9 McClenaghan, yes; Mr. Piligian, yes; Mr.

10 Roller, yes.

11 [The motion carried. Philip Leinbach abstained from
12 voting on the motion.]

13 ***

14 Public Session

15 [Philip M. Leinbach, RA, President, requested an
16 update on House Bill 1258 regarding the Interior
17 Designer Registration Act.

18 Stephen M. Swarney, JD, Executive Director,
19 American Institute of Architects Pennsylvania, stated
20 the Interior Design Legislative Coalition
21 of Pennsylvania (IDLCPA) asked AIA specifically in a
22 legislative meeting with a lot of staff and some
23 representatives for registration under the Attorney
24 General's Office with signing and sealing privileges.

25 Mr. Swarney commented that a section of the bill

1 that they offered, House Bill 1258, also includes a
2 section that prohibits the ability of any local or
3 code officials to send any plans for review by any
4 other professionals. He noted AIA attended several
5 meetings with them throughout the years.

6 Mr. Swarney commented that the group is claiming
7 that AIA refuses to talk or meet with them, but Mr.
8 Swarney personally found 63 emails and had several
9 meetings. He noted AIA worked hard to provide the
10 group with compromised language that satisfied some of
11 their major issues over the years, including the fact
12 that some adjoining states, particularly New York and
13 New Jersey, had such registrations.

14 Mr. Swarney mentioned that the group is stating
15 that they are not allowed to bid federal jobs,
16 although they fail to produce any evidence of that.
17 He believed AIA agreed to exactly what they asked for,
18 which is a registration under the Attorney General's
19 Office; however, AIA did strip out signing, sealing,
20 and a few things like that but was part of the
21 compromise.

22 Mr. Swarney noted that AIA has not heard back
23 from them on that compromise, and it appears that AIA
24 has not offered enough to satisfy IDLCPA because they
25 now want something akin to what passed in North

1 Carolina.

2 Mr. Swarney commented that IDLCPA's testing has
3 improved but testing still falls short on health,
4 safety, and welfare issues and in code areas. He
5 stated AIA continues to educate legislators in
6 disparities and differences in education and testing
7 and is very careful not to disparage the profession of
8 interior design.

9 Amal Mahrouki, Director of Legislative Affairs,
10 American Institute of Architects Pennsylvania,
11 highlighted the fact that only 12 states allow signing
12 and sealing for interior designers. She noted
13 providing compromise language similar to New York and
14 New Jersey and is hoping that IDLCPA keep their good
15 faith request and honor their good faith effort when
16 they said they would compromise as well.

17 Mr. Swarney stated the American Institute of
18 Architects (AIA) of Pennsylvania is also disappointed
19 that there is no continuing education. He commented
20 that it ties right back to this particular issue in
21 this bill and cannot find anybody who disagrees with
22 or opposes continuing education for the profession.
23 He noted AIA wants to be a good partner and look for
24 other ways to bring continuing education to
25 Pennsylvania without compromising other positions.

1 President Leinbach announced receiving a memo for
2 an upcoming Pre-Board of Directors call. He stated
3 the NCARB Board of Directors are going to have an
4 external engagement with the Council for Interior
5 Design Qualification (CIDQ) at the September meeting.

6 President Leinbach noted already throwing some
7 questions over there about the alphabet soup of the
8 interior licensing professional organizations and
9 associations relative to whether they are all pulling
10 in the same direction and represent CIDQ equally.

11 President Leinbach commented that there are a lot
12 of components out there with different goals in mind
13 and is part of the problem. He noted being with CIDQ
14 directly, which ties into a review of a two-year task
15 force in reviewing the interior design educational
16 requirements. He noted the committee does not exist
17 this year, and the Board is taking that up directly
18 and deciding where to go with that.

19 Mr. Hamm commented that in the many years of
20 discussing continuing education, the initiative, and
21 the legislature regarding interior designers, there is
22 no progress or no better hope of delinking the two
23 issues.

24 Mr. Swarney stated IDLCPA is in favor of
25 continuing education when asked, but every time the

1 continuing education bill gets moving, it gets
2 amendments to it that are directly related to some
3 form of licensing for interior designers.

4 Mr. Swarney mentioned being surprised after
5 coming so far in a compromise and giving IDLCPA
6 everything they asked for in this particular bill,
7 aside from the fact of continuing education, and not
8 hearing back from them. He also noted addressing all
9 of the points except for the signing and sealing, and
10 there has been no compromise on their end.

11 Mr. Hamm questioned whether President Leinbach
12 said NCARB does not have the Interiors Task Force.

13 President Leinbach noted there is no Interiors
14 Task Force and Jim Mickey may have been the last chair
15 of that group. He mentioned they completed their
16 assessment, and the report would be part of their
17 discussion information.

18 President Leinbach stated they are supposed to be
19 engaging with Thom Banks, the CEO of CIDQ, their
20 president-elect, past president, and director, Erin
21 Jennings. He mentioned there are no representatives
22 from the other interior design alphabet soup
23 organizations, but apparently, two of the groups are
24 talking about merging into one.

25 Mr. Swarney requested verification of whether you

1 can fail all of the health, safety, and welfare part
2 of the NCIDQ Exam and still pass. He also requested
3 information as to whether or not the Governor and the
4 department is in support of this bill.

5 Ms. Mahrouki stated the Governor's Office and
6 Attorney General's Office do not have a problem with
7 it, which was said at a meeting with the IDLCPA and
8 House Consumer Affairs Committee.

9 Mr. Swarney commented that no other state
10 certifies and allows interior designers to sign and
11 seal without other professionals looking at the
12 documents, and Pennsylvania would be the only state in
13 the country that does that if House Bill 1258 passes
14 as it sits.

15 Mr. Swarney stated Pennsylvania is rarely number
16 one on something like this, especially when it clearly
17 is not a good path to take without oversight of a
18 licensing-type board to review that profession and did
19 not believe Pennsylvania had any interest in being the
20 only state that does it like this.

21 President Leinbach requested clarification when
22 stating the department supports it and whether they
23 are talking about the Attorney General's Office, not
24 the Department of State or BPOA.

25 Ms. Mahrouki noted that to be correct.

1 Mr. Piligian questioned whether there was an
2 update on the length of repose in Pennsylvania.

3 Ms. Mahrouki stated Senator Laughlin introduced
4 Senate Bill 833, which was referred to the Senate
5 Judiciary Committee. She noted forming a full platoon
6 of support to talk about that bill. She stated the
7 bill would reduce the statute of repose from 12 years
8 to 6 years in the Commonwealth of Pennsylvania. She
9 mentioned that the bill just dropped a couple of weeks
10 ago, and AIA is doing their due diligence and
11 scheduling meetings with all members of the Senate
12 Judiciary Committee.

13 President Leinbach thanked Mr. Swarney and Ms.
14 Mahrouki for their time and patience.]

15

16 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
17 1:54 p.m. the Board entered into Executive Session
18 with C. William Fritz II, Esquire, Board Counsel, for
19 the purpose of conducting quasi-judicial
20 deliberations. The Board returned to open session at
21 3:07 p.m.]

22

23 [K. Kalonji Johnson, Commissioner, Bureau of
24 Professional and Occupational Affairs, reentered the
25 meeting during Executive Session.]

1 ***

2 MOTIONS

3 MR. FRITZ:

4 The Board met in Executive Session and
5 conducted quasi-judicial deliberation in
6 the following matters: The Board would
7 entertain a motion to provisionally deny
8 the Application for Reciprocal Licensure
9 of Chad Peterson.

10 PRESIDENT LEINBACH:

11 Is there a motion?

12 MS. MCCLENAGHAN:

13 I'll make a motion.

14 PRESIDENT LEINBACH:

15 Is there a second?

16 MR. BATES:

17 Second.

18 PRESIDENT LEINBACH:

19 Any discussion? Hearing none. Mr. Hamm
20 would you please call the roll?

21
22 Mr. Leinbach, yes; Commissioner Johnson,
23 aye; Mr. Hamm, no; Mr. Bates, yes; Mr.
24 Burns, yes; Ms. McClenaghan, yes; Mr.
25 Piligian, yes; Mr. Roller, no.

1 [The motion carried. Darryl Hamm and Jerry Roller
2 opposed the motion.]

3 ***

4 MR. FRITZ:

5 The Board would entertain a motion to
6 provisionally approve the Application
7 for ARE approval for Justin Lockman
8 contingent upon Mr. Lockman providing
9 additional information requested of him
10 by the committee members.

11 MS. MCCLLENAGHAN:

12 I'll make a motion.

13 PRESIDENT LEINBACH:

14 Is there a second?

15 MR. PILIGIAN:

16 I second.

17 PRESIDENT LEINBACH:

18 Any discussion? Hearing none. Mr. Hamm
19 would you please take roll call votes?

20

21 Mr. Leinbach, yes; Commissioner Johnson,
22 aye; Mr. Hamm, yes; Mr. Bates, yes; Mr.
23 Burns, yes; Ms. McClenaghan, yes; Mr.
24 Piligian, yes; Mr. Roller, yes.

25 [The motion carried unanimously.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FRITZ:

The Board would entertain a motion to approve the Reciprocal Licensing Application of Wayne Spears.

PRESIDENT LEINBACH:

Is there a motion?

MS. MCCLLENAGHAN:

I'll motion.

MR. BATES:

Second.

PRESIDENT LEINBACH:

Is there any discussion? Hearing none. Mr. Hamm would you please call roll?

Mr. Leinbach, yes; Commissioner Johnson, yes; Mr. Hamm, yes; Mr. Bates, yes; Mr. Burns, yes; Ms. McClenaghan, yes; Mr. Piligian, yes; Mr. Roller, yes.

[The motion carried unanimously.]

MR. FRITZ:

There is no need for the Board to vote at this time on the Appeal of the Provisional Denial of Owen Carr. The

1 Board will be waiting on the submission
2 of post-hearing briefs in that matter,
3 which will then be placed on the next
4 agenda for the next Board meeting for
5 the Board to deliberate at that time.

6 ***

7 Report of Commissioner

8 [K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs, addressed the
10 status of wall certificates. He noted moving toward a
11 resolution at the end of this month regarding wall
12 certificates. He stated, once the details were
13 finalized, the detail would be promoted, not just on
14 the Board website but also communicating those to the
15 professional associations.

16 President Leinbach asked Commissioner Johnson to
17 provide information concerning the reappointment
18 status of Ms. McClenaghan, filling his term that
19 expires in just over a month, and the public member
20 seat.

21 Commissioner Johnson stated all three have been
22 communicated to the Governor's Office, where they are
23 working on reappointment and addressing the
24 professional member vacancy. He mentioned that public
25 member appointments are a bit of a unicorn, but they

1 are working diligently to try to field some candidates
2 for those public members.

3 Commissioner Johnson reported a resolution on the
4 professional members within the next several weeks.

5 President Leinbach asked Commissioner Johnson to
6 provide a summary of the potential set up of an
7 engagement with the interiors community and to explain
8 some of the logistics with regard to the internal
9 workings of the department.

10 Commissioner Johnson commented that it is within
11 this Board's province and authority to allow for
12 public discussion with respect to all matters that
13 relate to the regulated community. He stated the
14 Department of State and the bureau actually have an
15 existing process, where advocates for licensure can
16 communicate directly to the administration in what is
17 known as a Sunrise Application.

18 Commissioner Johnson explained that the Sunrise
19 Application is a document that can be shared with
20 perspective advocates or those seeking adoption of a
21 license. He noted the Sunrise Application is
22 essentially an organization's or individual's
23 opportunity to discuss the public protection afforded
24 by licensure; what the impact of licensure would be
25 upon the existing regulated community and the public

1 at large; and to provide some high-level discussion
2 around the regulated community with respect to
3 training, experience, and education.

4 Commissioner Johnson explained that the Sunrise
5 Application is then submitted to the proper state and
6 undergoes a few different levels of internal
7 evaluation by the legal, policy, and program areas.
8 He noted recommendations are then provided to the
9 Secretary of the Commonwealth of Pennsylvania and the
10 information is then forwarded to the Governor's Office
11 and that position is then adopted with respect to
12 either adoption of that new licensure class or
13 expansion of an existing licensure class.

14 Commissioner Johnson stated the Sunrise document
15 then helps inform any public discussion, whether with
16 either of the professional licensure committees in
17 either chamber of the General Assembly or with respect
18 to any discussion that may take place, either in the
19 public meeting of the state Board or any particular
20 legislative group.

21 Commissioner Johnson informed the Board that the
22 department has not received any requests for a Sunrise
23 Application or received any communications for or
24 against licensure with respect to completing such an
25 application.

1 Commissioner Johnson commented that the Board's
2 ability to hold public informational sessions is
3 certainly within this Board's ambit.

4 President Leinbach commented that it is the
5 feeling of the Board to pursue that engagement in the
6 future and would relish that opportunity as a Board to
7 have engagement with the interiors community with the
8 help of Mr. Fritz and Ms. Li.

9 Commissioner Johnson stated the disaster
10 declaration would end on September 30, 2021, and many
11 temporary regulatory suspensions that were enacted to
12 mediate the effects of the pandemic will be expiring.
13 He informed everyone that the physical presence waiver
14 will also be expiring requiring most boards to meet in
15 person beginning October 1, 2021, at 2601 North Third
16 Street in Harrisburg.

17 Commissioner Johnson noted that all of the
18 Centers for Disease Control and Prevention (CDC)
19 guidelines for public health and safety would be
20 observed.

21 Commissioner Johnson mentioned that physical
22 travel has been reinstated to the pre-COVID two-member
23 policy that existed before COVID but encouraged
24 members to participate virtually if available. He
25 requested anyone submitting travel requests to submit

1 those early due to staffing shortages. He noted the
2 two-member restriction would be lifted for regional
3 and national conferences that offer both an in-person
4 and virtual component.

5 President Leinbach thanked Commissioner Johnson
6 for sharing the update.]

7 ***

8 [Philip M. Leinbach, RA, President, noted the Board
9 would be selecting officers for 2022 at the next
10 meeting and encouraged everyone to give some thought
11 as to who they want to see in the roles of president,
12 vice president, and secretary of the Board.]

13 ***

14 Adjournment

15 PRESIDENT LEINBACH:

16 Is there a motion to adjourn?

17 MR. ROLLER:

18 So moved.

19 PRESIDENT LEINBACH:

20 Second?

21 MR. BATES:

22 Second.

23 PRESIDENT LEINBACH:

24 Thank you all for your time and patience
25 today.

1 [The motion carried unanimously.]

2 ***

3 [There being no further business, the State Architects
4 Licensure Board Meeting adjourned at 3:23 p.m.]

5 ***

6
7 CERTIFICATE

8
9 I hereby certify that the foregoing summary
10 minutes of the State Architects Licensure Board
11 meeting, was reduced to writing by me or under my
12 supervision, and that the minutes accurately summarize
13 the substance of the State Architects Licensure Board
14 meeting.

15
16 

17
18 Samantha Sabatini,
19 Minute Clerk
20 Sargent's Court Reporting
21 Service, Inc.

22
23
24
25
26

STATE ARCHITECTS LICENSURE BOARD
REFERENCE INDEX

September 9, 2021

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9		
10	10:36	Official Call to Order
11		
12	10:36	Roll Call
13		
14	10:36	Meeting Instructions/Introduction of
15		Attendees
16		
17	10:41	Approval of Minutes
18		
19	10:44	Report of Prosecutorial Division
20		
21	10:58	Report of Board Counsel
22		
23	11:02	Applications
24		
25	11:14	Formal Hearing - Owen Carr
26	12:04	
27		
28	12:07	Lunch
29	12:37	Return to Open Session
30		
31	12:37	Regulations/Statute
32		
33	1:20	Report of Board President
34		
35	1:30	Report of Board Administrator
36		
37	1:36	Public Session
38		
39	1:54	Executive Session
40	3:07	Return to Open Session
41		
42	3:07	Motions
43		
44	3:15	Report of Commissioner
45		
46	3:23	Adjournment
47		
48		
49		
50		