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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

TIME: 9:03 A.M.

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

March 14, 2019

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State Architects Licensure Board
March 14, 2019

BOARD MEMBERS:

- John R. Hill, RA, President
- Philip M. Leinbach, RA, Vice President
- Kalonji Johnson, Acting 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
- Jerry K. Roller, RA

BUREAU PERSONNEL:

- C. William Fritz II, Esquire, Board Counsel
- Robert B. Armour, Esquire, Board Prosecution Liaison
- Amanda Li, Board Administrator
- Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations
- Shannon Boop, Fiscal Management Specialist, Bureau of Finance and Operations
- Amanda Richards, Fiscal Management Specialist, Bureau of Finance and Operations

ALSO PRESENT:

- Amal Mahrouki, Director of Legislative Affairs, American Institute of Architects Pennsylvania

1 ***

2 State Architects Licensure Board

3 March 14, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Architects Licensure Board was held on Thursday, March
7 14, 2019. John R. Hill, RA, President, called the
8 meeting to order at 9:03 a.m.

9 Jerry K. Roller, RA, was not present at the
10 commencement of the meeting.

11 ***

12 Roll Call

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

15 ***

16 Pledge of Allegiance

17 [The Pledge of Allegiance was recited.]

18 ***

19 Introduction of Audience Members

20 [President Hill requested the introduction of audience
21 members.]

22 ***

23 [The Pledge of Allegiance was recited.]

24 ***

25 [John R. Hill, RA, President, noted applications for

1 the Board's review during executive session and the
2 Bureau and Finance and Operations presentation to be
3 provided later in the meeting.]

4 ***

5 Approval of Minutes of the January 10, 2019 meeting

6 PRESIDENT HILL:

7 The first item is approval of the
8 minutes from our last meeting on January
9 10. Do we have any comments,
10 corrections, additions, or deletions?

11 [The Board discussed corrections to the minutes.]

12 PRESIDENT HILL:

13 Any other additions or deletions?
14 Hearing none. Can I hear a motion to
15 approve the minutes as corrected?

16 MR. LEINBACH:

17 So moved.

18 MR. CARNEY:

19 Second.

20 PRESIDENT HILL:

21 All those in favor? Any opposed?

22 [The motion carried. Darryl R. Hamm abstained from
23 voting on the motion.]

24 ***

25 Report of Acting Commissioner

1 [John R. Hill, RA, President, welcomed Kalonji
2 Johnson, Acting Commissioner, Bureau of Professional
3 and Occupational Affairs.

4 Mr. Johnson announced that the new policy
5 specialist for the Department of State is Marc
6 Farrell, who will be the Board's liaison for the
7 Governor's Office, stakeholders, and the General
8 Assembly.

9 Mr. Leinbach informed Mr. Johnson of the vacant
10 public member seat, noting the need to fill that role.
11 Mr. Johnson commented that the Department of State
12 also brought on a director of public outreach with
13 some background in Board nominations to streamline
14 that process.]

15 ***

16 [John R. Hill, RA, President, requested the visitor
17 who entered the meeting to identify herself.
18 President Hill noted a presentation from Amal
19 Mahrouki, Director of Legislative Affairs, American
20 Institute of Architects Pennsylvania, to be provided
21 later in the meeting.]

22 ***

23 Appointment - Bureau of Finance and Operations Annual
24 Budget Presentation

25 [Kimberly Adams, Chief of Fiscal Management, Bureau of

1 Finance and Operations, introduced herself; Shannon
2 Boop, Fiscal Management Specialist 1; and Amanda
3 Richards, Fiscal Management Specialist 2.

4 Ms. Adams addressed licensee population from a
5 revenue standpoint. She reviewed FY 2014-2015,
6 FY 2016-2017, and FY 2018-2019. She noted 10,600
7 licensees at the time of the report with a recent
8 addition of 28 for a current total of 10,628. She
9 mentioned current growth in licensee population with
10 an additional 686 licensees from FY 2014-2015.

11 Ms. Adams stated 93.4% of revenue was from
12 renewals and applications. She also noted the current
13 biennial total.

14 Ms. Adams reviewed the categorical breakdown of
15 administrative and legal expenses for FY 2016-17 and
16 FY 2017-18, FY 2018-2019 budget, and FY 2018-2019
17 expenses. She also noted a recent decrease in
18 expenses. She commented that expenses are incurred
19 from direct-based cost, timesheet-based charges, and
20 licensee-based charges.

21 Ms. Adams addressed revenues and expenses from FY
22 2016-2017, FY 2017-2018, and FY 2018-2019, as well as
23 the remaining budget balance. She noted that the
24 revenue was exceeding the expenditures.

25 Ms. Adams provided a breakdown of Board member

1 expenses for FY 2016-2017 and FY 2017-2018, as well as
2 noting the budget for FY 2018-2019. She noted that
3 the budget will remain the same for FY 2019-2020. She
4 commented that any excess goes back to the restricted
5 account for the Board's use.

6 Ms. Adams stated the expenditure sheet provides a
7 pictorial overview of the fluctuation of expenses
8 since 2006.]

9

10 [Jerry K. Roller, RA, entered the meeting at
11 9:22 a.m.]

12

13 Report of Prosecutorial Division - No Report

14

15 Regulations/Statute

16 [Kalonji Johnson, Acting Commissioner, Bureau of
17 Professional and Occupational Affairs, addressed
18 continuing education. He stated the department was in
19 talks with the Representative Readshaw, who has a
20 pending legislative proposal that would allow each of
21 the Boards the discretion to determine a figure for
22 continuing education (CE) carryover.

23 Acting Commissioner Johnson commented that Boards
24 would have the discretion to determine carryover and
25 this would essentially clarify, for the purpose of

1 promulgating regulations, what a Board could and could
2 not do, as well as the scope of authority for the
3 Board. He noted prior dealings with the Regulatory
4 Review Commission in terms of whether or not a
5 licensing body would be acting outside the scope of
6 their authority because the discretion had not been
7 appropriated within the confines of the practice act.

8 Acting Commissioner Johnson explained that this
9 bill would essentially be supplemental to each of the
10 practice acts and allow for that type of discretion.

11 Mr. Carney questioned whether this would allow
12 for the establishment of CE requirements because the
13 Architects Licensure Board had not been successful in
14 changing legislation, that Pennsylvania was one of
15 four states in the United States that does not require
16 CE credits for architects.

17 Mr. Carney commented that no one opposed
18 requiring continuing education for architects. There
19 was an issue with the some of the language that made
20 that bill unacceptable as introduced.

21 Mr. Roller suggested legislation stating that the
22 Board can establish and then continue to decide on
23 carryover CE for their profession.]

24 ***

25 Applications

1 [John R. Hill, RA, President, noted applications for
2 review in executive session.]

3 ***

4 Report of Board President

5 [John R. Hill, RA, President, introduced Amal
6 Mahrouki, Director of Legislative Affairs, American
7 Institute of Architects Pennsylvania.

8 Ms. Mahrouki discussed the educational campaign,
9 noting that Olivia Perry, Director of Communications,
10 had been working in tandem with the Emerging
11 Professionals Community (EPiC).

12 Ms. Mahrouki stated EPiC desired to attend school
13 visits with the National Architectural Accrediting
14 Board (NAAB) and with Kathryn Doyle, AIA's Architect
15 Licensing Advisor. She noted Ms. Doyle to be the
16 liaison between the National Council of Architectural
17 Registration Boards (NCARB), the American Institute of
18 Architecture Students (AIAS), and associate members.
19 She commented that Ms. Doyle would be there as a
20 mentor to discuss the Architect Registration
21 Examination (ARE) and notable challenges.

22 Ms. Mahrouki addressed geographical barriers,
23 noting that the AIA Pennsylvania web-based learning
24 educational program allows members the same education
25 statewide. She requested members of the State

1 Architects Licensure Board present to give members the
2 opportunity to ask questions.

3 President Hill applauded the outreach webinar but
4 stated that the Board needs to be cautious in their
5 representation. He commented that the Board performs
6 school visits with NCARB to discuss the role of the
7 Board in the state at those events.

8 Ms. Mahrouki suggested breaking down silos to
9 allow the architect licensure advisor and EPiC
10 resources to offer help.

11 Mr. Leinbach mentioned the mid-Atlantic region,
12 where there would be access to many Board members from
13 within their jurisdiction, even though it may not be a
14 Pennsylvania-specific view. He suggested keeping
15 communication open with regional executive, Judy
16 Fletcher.

17 President Hill commented that Ms. Doyle's role
18 through AIA PA was beneficial for licensees and
19 students, because it has more outreach than NCARB.

20 Ms. Mahrouki addressed House Bill 64 regarding
21 carryover of continuing education as sponsored by
22 Representative Harry Readshaw. She noted the bill
23 just passed through the Health Professional Licensure
24 Committee, and the Government Affairs Committee was
25 supportive, even though architects in Pennsylvania are

1 not required to complete mandatory continuing
2 education. She noted that a separate bill was still
3 needed to amend the law.

4 Mr. Roller questioned whether there would be an
5 opportunity to get the bill amended in order to
6 empower Boards to establish CE requirements for all
7 professions. Ms. Mahrouki agreed to follow up with
8 the executive director of the committee on the matter.

9 Mr. Leinbach noted that NCARB was celebrating its
10 100th Anniversary and discussed its history in the
11 early 1900s regarding colossal life-safety failures
12 that brought about the need for enforcement and
13 licensure requirements. He stated continuing
14 education was about health and safety, and there were
15 no colossal failures of that era today because
16 licensing works and sensible regulation works.

17 Mr. Roller commented that it would help
18 Pennsylvania citizens in practicing elsewhere, noting
19 that many jurisdictions accept completion of CE in a
20 home state as opposed to any other state, which
21 generally helps the jobs for Pennsylvania residents.

22 President Hill noted the 2019 Legislative
23 Priorities by AIA PA, including mandatory continuing
24 education going to Tier 2 for the Board's review.

25 Ms. Mahrouki addressed the AIA Legislative Survey

1 that went out to all members, where of the 5% who
2 participated, ranked mandatory continuing education as
3 vital for the profession of architecture, for AIA
4 Pennsylvania, and for architects moving forward.

5 Ms. Mahrouki noted a meeting with Representative
6 Sonney, who is the majority chairman of the
7 Pennsylvania House Education Committee and prime
8 sponsor of the mandatory continuing education bill in
9 Pennsylvania for the past two legislative sessions.
10 She addressed the NCARB's new model bill, but noted
11 that they were not ready to draft legislation.

12 Ms. Mahrouki addressed discussions with
13 Representative Sonney and the executive director on
14 the majority side of the Health Professional Licensure
15 Committee, who do want to introduce a bill that is not
16 going to be amended.

17 Mr. Carney noted those seem convoluted and
18 suggested offering simpler language, where
19 Professional Licensure Boards should have the
20 authority to regulate continuing education.

21 President Hill stated that it would be the
22 Board's regulations that would be added to that
23 legislative item. He noted that the Board would
24 review the language that NCARB put together and have
25 until the beginning of April to respond.

1 Mr. Carney commented that the shortest possible
2 sentence that gets the job done is the least
3 available. Professional Licensure Boards should
4 regulate continuing education.

5 Acting Commissioner Johnson addressed regulating
6 continuing education, noting that if it is not in the
7 act, there is no authority to regulate it. He noted
8 that the new director of legislative affairs was
9 Victor Wills, and the new director of stakeholder
10 outreach was Stephen Latanishen. He discussed a
11 general mandate of continuing education to confer
12 jurisdiction over the specific mandates of a
13 particular practice act.

14 Acting Commissioner Johnson agreed with the Board
15 that the shortest amount of verbiage was the least
16 available and was willing to speak with Representative
17 Readshaw. He reached out to Representative Hickernell
18 as well.

19 Ms. Mahrouki noted this to be an issue and a
20 priority for over 10 years based on a prior NCARB
21 Model Law, but that she was open to rethinking the
22 matter.

23 Ms. Mahrouki discussed the AIA Legislative Survey
24 with a clear concern being encroachment. She noted
25 the broadening of one of their legislative

1 subcommittees not only to be an Interior Design
2 Encroachment Task Force but a Practice Encroachment
3 Task Force. She referred to the task force as being a
4 full subcommittee encouraging members to file
5 complaints as often as they can when they see the
6 unlicensed practice of architecture.

7 Ms. Mahrouki commented that AIA was willing to
8 file the complaint but the Department of State or
9 prosecutor would need to contact a witness.

10 Mr. Hamm noted that NCARB was not a regulatory
11 agency but are a service provider to all of the
12 jurisdictions. He commented that just because NCARB
13 has not said it yet the Board should not be stopped
14 from moving forward. He noted that NCARB was working
15 very diligently on a new model law.

16 Ms. Mahrouki clarified that AIA Pennsylvania was
17 not waiting on NCARB. She stated the challenge had
18 never been the House, but the issue has been in the
19 Senate. She commented that AIA wanted to build the
20 largest coalition they could to focus on supporting
21 mandatory continuing education for architects in
22 Pennsylvania.

23 Ms. Mahrouki commented that NCARB was not able to
24 support the language that was introduced the past
25 couple sessions due to the health, safety, welfare,

1 and the number of credits required. She noted that
2 AIA would like to have NCARB on a coalition letter
3 when it goes to the Senate to get the legislation
4 passed.

5 Mr. Roller suggested simpler legislation to allow
6 flexibility by authorizing the Board to establish
7 hours of criteria.

8 Ms. Mahrouki noted AIA Pennsylvania District Days
9 April 1-30, 2019, and Architects Action Day on June
10 11, 2019. She encouraged members to visit legislators
11 in their home district.]

12 ***

13 [John R. Hill, RA, President, requested comments from
14 those who attended the 2019 NCARB Regional Summit
15 March 8-9 in Nashville, TN.

16 Mr. Leinbach noted good attendance and
17 representation from every district. He addressed the
18 need to do more as a region to educate students,
19 educators, and practitioners of their roles and
20 responsibilities.

21 Mr. Leinbach addressed unlicensed practice and
22 the way it is handled in different jurisdictions.

23 Mr. Leinbach noted outreach beyond the
24 educational symposium is scheduled for October 2020 in
25 Charlottesville, VA at the University of Virginia. He

1 mentioned that Al Zaccone, NCARB Region 2 Chair, is
2 doing more to find outreach in the off year through a
3 webinar or another focus type of outreach.

4 President Hill noted the 2019 NCARB Centennial
5 Annual Business Meeting June 20-22 in Washington, DC.]

6 ***

7 PRESIDENT HILL:

8 I would like to entertain a motion to
9 approve travel arrangements for NCARB's
10 Annual Meeting in Washington for myself;
11 Vice President Phil Leinbach; Mary
12 McClenaghan; Jerry Roller; Public
13 Member, Darryl Hamm; and Doug, if it
14 works out.

15 MR. LEINBACH:

16 So moved.

17 MR. ROLLER:

18 Second.

19 PRESIDENT HILL:

20 All in favor?

21 [The motion carried unanimously.]

22 ***

23 Report of Board President (Continued)

24 [John R. Hill, RA, President, announced Mr. Darryl
25 Hamm was putting his name in play for the third year

1 as public director for NCARB and requested the Board's
2 support.

3 President Hill requested comments regarding
4 NCARB's Continuing Education Guidelines from a prior
5 meeting.

6 Mr. Leinbach commented that it is down to
7 questioning the nano learning continuing education
8 component. He noted the importance of recognizing to
9 NCARB the tracking of continuing education units
10 (CEUs) and linking those for expediency of licensure
11 in multiple jurisdictions.

12 President Hill requested something be submitted
13 to NCARB regarding the Board's comments.

14 President Hill thanked Mr. Leinbach for his email
15 to NCARB concerning some of the ARE candidate approval
16 issues.

17 President Hill noted ARE candidate misconduct and
18 NCARB sanctions that were issued. He addressed
19 cheating in preparation for the exam and its affect on
20 the work of committee members' efforts in preparing
21 that exam. He stated that NCARB had concrete evidence
22 of the cheating because they did it through email.

23 Mr. Leinbach applauded NCARB for taking a
24 position without overstepping their bounds as a
25 regulatory agency and not really having the authority

1 to discipline those individuals other than through
2 some sanctions on their certificates. He noted it to
3 be the right decision to push it back to the state of
4 New York where the infraction occurred and are
5 watching what New York does with it.

6 President Hill followed up on Board initiatives,
7 noting to keep them in front of the Board because they
8 are outreach to the PA code officials and possible
9 contact with labor and industry for a meeting
10 invitation.

11 President Hill addressed an email from
12 Ms. Mahrouki at AIA PA, who has contact with the
13 Pennsylvania Association of Building Code Officials
14 (PABCO), Labor and Industry, and willing to help
15 facilitate any discussions.

16 President Hill addressed NAAB Schools outreach to
17 attend a meeting and encouraged the Board to do that
18 again for an update on their programs.

19 President Hill thanked Mr. Roller for his efforts
20 regarding the newsletter and encourage information
21 collection for another edition at some point.

22 Mr. Roller suggested June for the next newsletter
23 because of the renewal cycle to remind people of the
24 need to renew their firm and personal licenses.

25 President Hill suggested ideas be put through the

1 Board's email and given to Mr. Roller. He also
2 mentioned that NCARB has a liaison for information on
3 a national level that could add to those newsletters.

4 Mr. Leinbach suggested an NCARB corner for the
5 newsletter regarding the disciplinary issue that puts
6 the exam at risk.]

7 ***

8 Applications

9 [John R. Hill, RA, President, noted applications for
10 review in executive session.]

11 ***

12 Report of Board Administrator

13 [Amanda Li, Board Administrator, discussed upcoming
14 renewals in April utilizing the Pennsylvania Licensing
15 System (PALS). Ms. Li noted email blasts for members
16 with instructions and information regarding renew
17 through PALS.

18 Ms. Mahrouki offered to present an online PALS
19 tutorial for AIA members.]

20 ***

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 10:15 a.m. the Board entered into Executive Session
23 with C. William Fritz II, Esquire, Board Counsel, for
24 the purpose of conducting quasi-judicial
25 deliberations. The Board returned to open session at

1 11:15 a.m.]

2

3 MOTIONS

4 MR. FRITZ:

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14 PRESIDENT HILL:

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16 MR. CARNEY:

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20 PRESIDENT HILL:

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The Board met in executive session and conducted quasi-judicial deliberations on the following matters: The Board would entertain a motion to schedule the following applicant reciprocal licensure without NCARB certification, schedule that person for informal conference. That person being Christopher Lee Kresge.

Do I hear a motion?

So moved.

Second.

Okay, a motion and a second. Any

further discussion on this item?

Hearing none. All those in favor, say

aye. Opposed?

[The motion carried. Mary McClenaghan opposed the

1 motion.]

2

3 MR. FRITZ:

4

The Board would entertain a motion

5

approving the following ARE Applications

6

for Kevin Cordek and Rachel Mellin

7

Thurston.

8 MR. LEINBACH:

9

So moved.

10 MR. CARNEY:

11

Second.

12 PRESIDENT HILL:

13

I hear a motion and a second. Any

14

further discussion on these items?

15

Hearing none. All those in favor, say

16

aye. Opposed?

17 [The motion carried unanimously.]

18

19 MR. FRITZ:

20

The Board would entertain a motion

21

approving the following ARE Testing

22

Accommodations Request for Michael

23

Klucsik.

24 PRESIDENT HILL:

25

Do I hear a motion?

1 MR. HAMM:

2 So moved.

3 MR. CARNEY:

4 I'll second that.

5 PRESIDENT HILL:

6 Okay, a motion and a second. Any
7 further discussion? Hearing none. All
8 those in favor, say aye.

9 [The motion carried. Jerry Roller recused himself
10 from deliberations and voting on the motion.]

11 ***

12 MR. FRITZ:

13 The Board would entertain a motion
14 granting the ARE Testing Accommodations
15 Requests for Brandon Smith and Thomas
16 Wilson.

17 PRESIDENT HILL:

18 Do I hear a motion?

19 MR. HAMM:

20 So moved.

21 MR. LEINBACH:

22 Second.

23 PRESIDENT HILL:

24 A motion and a second. Any further
25 discussion? Hearing none. All those in

1 favor, say aye.

2 [The motion carried unanimously.]

3 ***

4 Adjournment

5 PRESIDENT HILL:

6 Do I hear a motion to adjourn?

7 MR. ROLLER:

8 So moved.

9 MR. LEINBACH:

10 Second.

11 PRESIDENT HILL:

12 Thank you very much.

13 ***

14 [John R. Hill, RA, President, noted the security
15 awareness training video.]

16 ***

17 [There being no further business, the State Architects
18 Licensure Board Meeting adjourned at 11:19 a.m.]

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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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE ARCHITECTS LICENSURE BOARD
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TIME	AGENDA
9:03	Official Call to Order
9:03	Roll Call
9:04	Pledge of Allegiance
9:06	Approval of Minutes
9:07	Report of Acting Commissioner
9:09	Appointment - Bureau of Finance and Operations Annual Budget Presentation
9:24	Regulations/Statute
9:27	Report of Board President
10:14	Report of Board Administrator
10:15	Executive Session
11:15	Return to Open Session
11:15	Motions
11:19	Adjournment