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○ ISSUE 15 | ○ JAN-MAR | ○ 2011

newsletter *SARApA*



SOCIETY OF AMERICAN REGISTERED ARCHITECTS

PENNSYLVANIA COUNCIL

"Architect Helping Architect" since 1956

PRESIDENT'S MESSAGE

Happy 2011! I believe I speak for the majority when declaring that 2010 is a year that we would not like to repeat, at least in a professional sense. However, the year 2010 did end with largely optimistic sentiments that the market is going to take a turn for the better in the year to come as the leveraged consumer starts to spend again and corporations with cash commit to moving forward with their projects. I am excited about the prospects of 2011.

Despite the stymied market conditions in 2010, the SARA PA Council had a great year. We hosted several CEU events, launched a Student Grant Program, and hosted the 2010 SARA National Conference. This was all in addition to maintaining our current programs including this newsletter, the annual PA Council Professional Design Awards, and the annual Golf Outing. We ended the year with a fabulous holiday party graciously hosted by the folks at Poggenpohl's Kitchen Design Studio in Philadelphia.

We have a number of exciting events in the works for 2011 including a roundtable event moderated by a local Code Official to discuss minor changes to the way we document projects to facilitate the code review process; an overnight trip to Buffalo, NY to tour Frank Lloyd Wright's Darwin Martin House Complex; a CEU seminar with content

focused on reviewing major changes to the recently adopted ADA Accessibility Guidelines, ICC/ANSI A117.1-2009, and a CEU seminar with Shari Shapiro, Esq. to discuss legal issues associated with Owner/Architect agreements for "Green" projects.

I am very excited about the growth our Council has seen in the last 12 months and the sustained momentum is a testament to the Council's dedication to providing new offerings that prove to add further value to the membership. However, our work here is not done. We will continue to focus on and discover what professional "itches" our members need "scratched" and help develop the means to "scratch that itch".

We would like to hear from you! Email me and let me know - What are the two or three most important issues you face as an Architect? I can be reached at mpilko@tsquare.biz. We will share the results among the Council Board, and see what we can do to help!

Michael J. Pilko, ARA
President
Pennsylvania Council
Society of American Registered Architects

WELCOME THE 2011 OFFICERS AND BOARD OF DIRECTORS

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Call for Entries

2011 Professional Design Awards

The Pennsylvania Council is pleased to announce our invitation for submissions to the Eighth Annual Professional Design Awards Program. The Jury is set for July 22nd and the Awards Banquet for September 22nd. Deadline for submissions is July 1st.

We are returning to the Knowlton Manson in the suburban Philadelphia area of Fox Chase for the Banquet venue. This venerable Frank Furness structure has served as the site of two previous PDA Banquets and remains a favorite of the Council membership and entrants alike.

Periodic reminders and notices will follow during the next few months and current information is always available at the Council website at www.sara-national.org

WORKER-MISCLASSIFICATION LAW

A follow up from the December Issue

On Oct. 13, 2010, Pennsylvania Governor Ed Rendell signed the **Construction Workplace Misclassification Act ("Act")**. The new law, which severely cracks down on so-called "misclassified" workers in the construction industry, takes effect on Feb. 10, 2011. Under the Act, an independent contractor must

- Have a written contract to perform his services.
- Must be free from control or direction over the performance of his services.
- Must be engaged in an independently established trade, occupation, profession, or business.

This is a version of the standard "ABC" test used by many states to determine worker status under state unemployment insurance law. But the Act becomes more burdensome because Pennsylvania spells out an exacting six-part test that must be met to satisfy prong (c) of the test.

Test and Consequences

The six-part test generally requires the independent contractor to

- own his own tools and equipment;
- be able to realize a profit or loss from his work;
- perform his services through a business he owns;
- have a separate business location;
- perform the same type of services for other people or companies as well as the employing contractor; and
- maintain liability insurance of at least \$50,000.

Penalty provisions for violations of the Act are numerous. The first penalty provision is criminal in nature. An employer who intentionally violates the Act commits a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for a second or subsequent offense. An employer who negligently fails to properly classify an individual as an employee — for example, using a subcontractor as an employee but claiming that he or she is a subcontractor — can be fined up to \$1,000.

The second penalty provision is civil in nature and allows the state to fine the employer up to \$1,000 for the first violation and up to \$2,500 for each additional violation. Additional penalties, including stop-work orders and mandatory future reporting to the state can be imposed.

With this new law, Pennsylvania contractors now need to ensure that their relationships with their 1099-based workers are tightly structured under a series of operational safeguards and protocols that will protect them from attack by the state, class action lawyers, and disgruntled ex-workers — or they will have to convert their workers to a W-2 employee structure.

Although this law is intended to preclude general contractors from avoiding various taxes and fees by declaring certain employees as subcontractors, it may also be used in defining the relationships between architects and engineers and their drafting personnel and CAD operators.

INFORMATION SHOULD NOT BE FREE

We have all been faced with the problem of rejecting prospects who, for whatever reason, just "don't feel right". But what if you need to reject someone you do want to work for but who will not commit to you and sign on the dotted line?

During the initial interview, we answer prospects' questions and offer suggestions to solve their problems. But there are those who will gather all of these precious tidbits you have to offer and bring them to another professional and present them as their own ideas. They may not be consciously aware that they are doing this, but it occurs nonetheless.

Sometimes, an old client will return for ideas to help solve their issue without making a commitment. You must then ask point blank if you are going to be their architect. After stating that they were concerned about the fee, you must explain explained that if you were not going to be the architect, you could not afford to spend the time it was going to take to solve their issue. Be very gentle but firm and you may receive the signed contract in the mail.

Obviously when you are in the middle of the negotiation process, timing when to pull the plug can be tricky. But guard your wealth of information; it is what you paid for with years of experience, training and education.

There is an old saying "a man won't buy the cow if the milk is free." Of course this referred to something else, but the point is still the same. You are worth a commitment.

SHELTER BOX USA

Winter Workshop, 2011 in Washington, DC



On February 4 & 5, John J. Di Benedetto, Treasurer of the PA Council and SARA National Regent-at-Large, attended the Shelter Box USA Workshop in Washington, DC at the request of National President John Maple. At the 2010 SARA National Conference in Philadelphia, SARA entered into a Strategic Alliance Partnership with Shelter Box International which is a most effective worldwide humanitarian organization.

In 2010, Shelter Box International responded to 25 disaster sites around the world including the Haiti earthquake. Volunteers are the heart and soul of Shelter Box International. Those involved with Shelter Box USA serve as Representatives that share the mission and solicit financial support in their communities from coast to coast. Training for the Strategic Response Team (SRT) is selective and arduous as they insert themselves at ground zero of a disaster site to distribute the boxes. SRT's are not for the feint of heart.

John stated that he found the Shelter Box family very much like the SARA family in their hospitality, camaraderie and lethal focus on accomplishing their mission. For a complete report of John's meeting, please see the next issue of SARAScope. For more information on Shelter Box USA, visit www.shelterboxusa.org.



MITCHEL ABRAMOWITZ, FARA, AIA
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Mitchel Abramowitz started his firm, as did many others, when the hours spent moonlighting interfered with the day job. Working with an entrepreneur who was developing and financing swim clubs and other aquatic facilities led to an expertise in the design of swimming pools and other recreational facilities. An aquatic client, who diversified his interest into ice hockey, led to the design and construction of ice skating arenas including an Olympic sized rink for a prep school in Connecticut. This was only the fourth Olympic rink constructed in the US.

The design of motion picture theatres totaling more than several hundred screens started with a telephone call asking if we would like to design a theatre. This included the first motion picture theatre to be built in Grand Cayman.

Over the years, the practice operated under several names including Fountainhead Associates which was formed by a merging four SARA members pooling their talents and contacts in 1975 when work was hard to find.

This was a perfect example of our motto, "Architect help Architect".

Mitchel Abramowitz, AIA is a diverse practice whose portfolio contains shopping centers, office buildings, and other commercial, religious and industrial facilities. Due to the fluctuation in the work at hand, there is no permanent staff. CAD operators and engineering consultants are retained as needed.



Galleria, Venice, FL



Fisher Center



Ossining



Twin Rinks

To have your firm featured in future issues send a brief bio and pictures to sara.pa.council@gmail.com.

HIGHLIGHTS OF THE 2008-2010 SESSION OF THE PENNSYLVANIA GENERAL ASSEMBLY

Professional Services Tax

The expansion of the sales tax to architectural services was stopped through the efforts of The Pennsylvania Coalition Opposed to an Expanded Sales Tax, formerly PennCOST. It is extremely important for architects to stay aware of this issue for the 2011-12 budget. Although Gov.-elect Tom Corbett is opposed, many lawmakers believe it is still a viable option.

Interior Designers

The passage of HB 1521, the Interior Design Title and Practice Act (sponsored by Rep. Tim Solobay, D-Fayette) was blocked. A coalition of groups opposed to the bill, including the AIA, interior designer groups, the National Kitchen and Bath Association, and the PA Fire Institute were successful in keeping the bill from being heard by the House Professional Licensure Committee. If passed, this legislation that will permit interior designers to stamp and seal drawings for purposes of getting a building permit.

Uniform Construction Code (UCC)

On June 23, the Commonwealth Court held a hearing on the Request for Summary Relief filed by the Pennsylvania Builders Association (PBA) to halt the implementation of the adopted 2009 International Building Codes. The main object of the PBA is to stop implementation of the sprinkler requirement in the 2009 International Residential Code. The summary relief was denied by the court.

Unlicensed Practice of Architecture

The Department of State elevated unlicensed architectural practice complaints to a high priority status.

Green Legislation

House Bill 444, the High Performance State Funding Standards Act, sponsored by Rep. Matt Smith (D-Allegheny), passed the Senate Environmental Resources and Energy Committee. The bill was then amended in committee, but was never heard on the floor. The main issue was how to get the funding for the projects.

Historic Preservation

House Bill 42, the Historic Preservation Incentives Act, sponsored by Rep. Bob Freeman (D-Northampton), passed the House of Representatives and moved to the Senate Community, Economic and Recreational Development Committee. The legislation had funding concerns so it did not move through the process. This legislation, like HB 444, will have challenges going in to the 2011-12 budget.

EDITORIAL OPINION

The proposed Legislative or Political Action Committee that was discussed briefly some time in the past was held dormant due to more pressing concerns in the growth of this Council. This was a proper decision. However, there are political activities that take place in Washington and in Harrisburg everyday that are of great concern to us as architects.

The proposed legislation that called for the expansion of the state sales tax to include architectural services was stopped, but it is an extremely important concern for architects. We, as a Council and as individuals, should be aware of this possible situation and should make our representatives in Harrisburg aware of our opposition to such legislation.

Proposed HB 1521, the Interior Design Title and Practice Act was blocked from being heard by the House Professional Licensure Committee due to the action of a coalition of groups opposed to the bill. If passed, this legislation can seriously affect the ability of architects and engineers perform their obligations to protect the safety and integrity of structures. Again, I believe that we as individuals can inform our representatives of our concern. A letter has been sent by past President Rhett H. Jones, FARA on behalf of the Council, expressing support to the effort to defeat HB 1521.

Through the Fire Sprinkler Initiative®, NFPA's Faces of Fire campaign is a tool to help people and groups across the country promote the use of automatic fire sprinklers in one- and two-family homes. Many home fire deaths and injuries could be prevented through the increased use of fire sprinklers. Today, all relevant model building codes call for the use of sprinklers in such homes. The Fire Sprinkler Initiative is a nationwide effort to mandate home fire sprinklers in new home construction in communities across the country.

The PA Commonwealth Court rejected a request for relief from implementation of the sprinkler requirement in the 2009 IRC filed by the Pennsylvania Builders Association (PBA). The rejection was a proper action. However, this can create hardship for homebuilders in rural areas where water supplies are limited and the ability to achieve adequate water pressure to operate a sprinkler system without the construction of water towers is impossible. Perhaps a suggestion by our council to the PBA to request an amendment to the PA Code for clarification or exception for site or regional conditions or the implementation of alternate methods of fire suppression would be appropriate.

The health care reform bill passed last year included a new paperwork requirement that has little to do with health care but will dramatically increase paperwork burdens on businesses. The provision states that, starting in 2012, all business payments or purchases over \$600 will need to be accompanied by a Form 1099 filing.

This means that small firms and businesses must obtain the taxpayer ID number, or even the Social Security number, of the individual or corporation to which they are making payment at the time of the transaction, or face IRS penalties. These new 1099 filing requirements disproportionately affect smaller firms, which face mounting fees for tax preparation, or even penalties for non-compliance.

The provision's backers say it will increase compliance with tax laws, but a recent report by the IRS' own Office of the Taxpayer Advocate states that "the new reporting burden, particularly as it falls on small businesses, may turn out to be disproportionate as compared with any resulting improvement in tax compliance." (<http://www.irs.gov/pub/irs-utl/nta2011objectivesfinal.pdf>)

This provision was inserted into the health reform bill without hearings or debate, but now you have a chance to help eliminate it.

The Senate voted on February 2 to repeal this requirement. Now, contact your U.S. House representative to ask them to follow the Senate and repeal this burdensome provision.

The growth of this Council has been astounding as well as the percentage of members taking an active role in its functioning. There are many committees that are functioning due to the efforts of a single individual and many due to intense cooperation by several individuals. There is great talent among our members and future members. The committees are not closed cliques and would sincerely appreciate the use of this untapped talent. New, unformed committees would also be welcome. All members and potential members are invited to come to a board meeting to feel the camaraderie and electricity of the active members. The board meets the first Tuesday of each month.

- Mitchel Abramowitz, FARA

This is the first issue of the Newsletter to include an editorial piece. The opinions expressed herein are those of the editor and do not necessarily reflect the opinions of the SARA, SARA PA Council or its Board. Comments may be submitted about anything printed herein on any other subject and they will be published on an Op Ed page in future issues. Comments may be submitted to sara.pa.council@gmail.com.

Save-the-Date UPCOMING EVENTS

Code Seminar with Manos Kavadias
Monday, March 21

Worth & Company Facility Tour and Seminars
Friday, April 8

Hafele Bus Trip to NYC
Friday, April 29 | 7 am – 8:00 pm | 2 CEU
Join us as we travel to the Hafele New York Showroom for 2 seminars. We will be providing bus transportation from Plymouth Meeting, complementary catered lunch, plus some free time to explore New York City.

Preliminary Agenda
7:00 am Depart Plymouth Meeting Mall for NYC
10:00 am Arrive at HAFELE NYC Showroom
10:30 am Seminar (1 CEU)
11:30 am Lunch
1:00 pm Seminar (1 CEU)
2:00 pm Free time to explore the city
5:00 pm Depart NYC for PA

Guided Tour of the Restored Louis Kahn's Trenton Bath House
Saturday, May 7 | 1:00 pm – 3:00 pm | 2 CEU
Guided Tour by restoration contractor Wu & Associates, Inc.

ADA Seminar with Jennifer Perry
Tuesday, June 7 | 8:00 am – 12:00 pm
ABC Eastern PA Chapter Office
430 W. Germantown Pike, East Norriton, PA, 19403

SARAPA will issue Certificates of Attendance. These may be used in conjunction with Self Reporting forms or to receive credit for some state CEU requirements.

Visit our website at
<http://www.sara-national.org/pennsylvania-council.html> for the latest on upcoming events, or contact Events Chair, John J. Di Benedetto at bluprnce@aol.com for more information or to register.



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To read the latest newsletter, go to our website www.sara-national.org/pennsylvaniacouncil.html.
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*It gets
better
every
year!*

SARA members from near and far, their spouses, friends and guests, many of whom contributed to the 150 lbs. collected for the Council's Philabundance Food Drive, regaled in camaraderie while partaking in the unending flow of gourmet food and wine at the annual SARAPA Holiday Party hosted by Poggenpohl at their wonderful Kitchens Showroom on North Second Street in Philadelphia on December 10, 2010,

The evening was highlighted by the installation of the new Council Board members headed by incoming president Michael J. Pilko, ARA and the presentation of awards by outgoing president Rhett H. Jones, FARA.

President Jones took this opportunity to announce the establishment of the **John J. Di Benedetto Service Award** for outstanding service to the Council. It is symbolized by a silk scarf that is to be worn with pride at all SARA events, signifying the accomplishments of the recipient.

HOLIDAY PARTY 2010

No one is more worthy of having this award known by his name, even though he is still alive. John feels that the success of this Council is the work of many. This is true. However, without the efforts of John J. Di Benedetto, FARA cajoling the few and then the many to participate, this Council would not exist. After decades of inactivity, by the sheer efforts of his tenacity and personality, John singlehandedly resurrected the Council. An edited summary of John's words follows:

"I want to sincerely thank the PA Council for this great honor. I'm extremely proud of the Council's success. We're aware that it is the result of the commitment and hard work of many people."

I would be remiss if I did not take this opportunity to acknowledge the presidency of Rhett H. Jones, FARA. Rhett followed the positive direction created by his predecessor Bryan P. Kemper, ARA who advanced the Council to greater accomplishments. Membership expanded and the Council Newsletter was launched under his tenure. Rhett took the Council to the next level with his creative ideas and stalwart leadership skills. Rhett's tenure saw the initiation of

the Steering Committee of past Presidents, the first annual Student Grant Program, the annual Golf Outing that funds the Student Grant Program and expanded membership.

Melissa E. Dzielak, ARA and Orsi Eva Baller, Assoc. SARA were the first recipients of the **John J. Di Benedetto Service Award** for outstanding service to the PA Council. The white silk scarf was presented to each as a symbol of this award. John's words continue:

"They epitomize the dedicated member who works selflessly to accomplish the Council goals and programs without ego or personal agenda. They conduct their work at a very high level and never consider mediocrity or failure as an option. Their efforts have consistently been superlative. They truly are a role model that members should emulate."

The Special Recognition of Service Award was presented to E.J. Messersmith, ARA and Recognition of Service Awards were presented to Nicholas Boblooch, Assoc. SARA, Abby Schwartz, ARA, and Lisa Pappanastasiou, Assoc. SARA*.

*in absentia

- Mitchel Abramowitz, FARA

poggen
pohl

The entire PA Council membership expresses sincere gratitude to Poggenpohl for its support of the Council in many ways in addition to its sponsorship of this memorable affair.

Pictured from left to right:

- John J. Di Benedetto presenting the Service Award to Orsi Eva Baller (left) and Melissa E. Dzielak (right)
- Peter Vanko, Bryan P. Kemper, E.J. Messersmith, and Rhett H. Jones enjoying the evening.
- Nick Boblooch receiving his award from Rhett Jones.
- Melissa Dzielak, Liz and E.J. Messersmith, and Jason Dzielak



Welcome to the SARA Family

John Lewis Di Benedetto

Born on December 25, 2010

Congratulation and Best Wishes
to parents, Marc & Kathy Di Benedetto and
the grandparents, John & Joann Di Benedetto

