

## AIA MIDDLE PA CHAPTER NEWSLETTER

### 2009 Symposium Caps a Successful Year

On Thursday, November 5, nearly 60 architects, engineers and related professionals gathered for the AIA MPC's 2009 Symposium. Just the Facts – *Straight Talk on LEED Certification and IBC Changes* gave guests an insider's look at what to expect from LEED certification and IBC changes in 2010 and beyond. For the first time ever, all attendees had positive responses. No negative responses were indicated on the questionnaires. We thank our speakers, sponsors and exhibitors for joining us for the event and we look forward to 2011. If you see or talk with any of our exhibitors listed below, please be sure to thank them for their support.

Architectural Clay Products  
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◀ Evening cocktails gives a chance to mingle and network at the end of a very fulfilling day!

Comfort Supply  
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Solitex  
Velux  
Zurn Engineered Water Solutions

Special thanks to Anne McGrath for all of her hard work and dedication to help make the Symposium a success.

See you in 2011!

- 1 Middle Chapter 2009 Symposium Wrap Up**
- 2 Message From the President**
- 3 For the Good of the Order**
- 4 Middle Chapter General Meeting**
- 5 Talking Green**
- 7 Continuing Education Luncheon, March 17**
- 8 Resolution of Support**
- 9 Penn State Speakers Series, January 27**



▲ Symposium attendees speak to autodesk representative during break.

## NEXT MID POINTS

Deadline for articles and information for the next newsletter is:

**February 26, 2010**

Please contact Dee Columbus, Editor, [tdta2000@comcast.net](mailto:tdta2000@comcast.net)

## STAY CONNECTED

Please send new member information and any changes and/or additions in your contact information including email addresses to:

David E. Reasinger, Associate AIA  
Pennsylvania State University  
1113 Physical Plant Building  
University Park, PA 16802  
P: 814.863.3868  
F: 814.865.3737  
[der19@psu.edu](mailto:der19@psu.edu)

## WWW.AIAMIDDLEPA.ORG

Please be sure to visit the AIA Middle PA Chapter website to view the following:

- Chapter Officers
- Calendars
- Newsletter Archive
- Executive Committee Minutes
- Membership Information
- AIA Links
- Sponsorship and Advertising
- Mission Statement
- Project Photos

## Message From the President

Rick Cyman, AIA

I would like to start out by saying 'Thank you' to Tom Columbus for all of his efforts and dedication with organizing and planning our Chapter Symposium. The feedback we received from attendees, vendors and sponsors was outstanding. It was time well spent and a great opportunity for obtaining learning credits, meeting with vendors and visiting with colleagues. It was a wonderful day.....Many Thanks, Tom!

In other news, Carmen Wyckoff from Hayes Large Architects will be taking on the position of Treasurer on the Executive Committee. This post was previously held by Doug Henry, and I would like to thank him for his many years of service and look forward to seeing him at our future meetings and activities. In addition, I would like to thank Carmen for volunteering her time and expertise—it is greatly appreciated.

At the December Planning Meeting, we began the work of developing the calendar for 2010. Some of the events include our annual meeting with the Penn State AIA student chapter, the Penn State Lecture Series, the Brueggebor Memorial Competition, three "free" Lunch and Learn meetings, several building tours and, of course, the Annual Chapter Picnic....so, mark your calendars!

With the cold temperatures outside, this is a nice time of year to start thinking about a beach vacation. So, if you are in need of an excuse or justification to plan a trip to the beach, consider attending the AIA National Convention. This year's convention will be held in Miami, FL during the week of June 6<sup>th</sup>- 12<sup>th</sup> and the theme is "Design for the New Decade." There is no better way to obtain your learning credits, view the latest materials and technology, spend time with your friends and get a little sun!

Until next time, here is wishing you all good health and prosperity in the New Year...and looking forward to seeing everyone at the next meeting.

Thanks for all of your support,

Rick

## AIA Associates Corner — 2009 Links

### **Seth H. Wentz, Associate AIA**

AIA PA Regional Associate Director  
swentz@lscdesign.com

### **Mellisa Berstine, Associate AIA**

AIA PA Associate Director  
mbernstein@klingsubbins.com

### **David E. Reasinger, Associate AIA**

PA Associate Committee Member  
der19@psu.edu

### **Arthur Sheffield, Associate AIA**

PA Coordinator, Intern Development Program (IDP)  
idp@aia.org

## **YOUNG ARCHITECTS FORUM**

We are looking for a representative from the Middle Pennsylvania Chapter AIA to be a local liaison for the Young Architects Forum (YAF).

Young Architects ( 0 - 10 yrs. ) licensed have already been recruited from the Central, Eastern , Pittsburgh and the Philadelphia chapters.

If you are interested or may know of someone who is interested, please contact Denise Thompson by email ( DThompson@franciscauffman.com ) with your contact information. If you cannot fill this position but know someone that is interested, please forward that person's name and contact information.

AIAPA charter for YAF was approved by the State Board of Directors. Facebook page and Linked -In page are up and running. YAF National and the College of Fellows are developing a mentoring program. More to come as this develops.

## ***For the Good of the Order***

Comments on the Profession of Architecture by Tom Columbus Jr., AIA, LEED AP

## **ENERGY RENOVATIONS VS. NEW CONSTRUCTION**

Some sobering statistics have been released by our friends at McGraw Hill: For the first time in 20 years, overall global construction has declined in back-to-back years. Also in the past year, of the total construction dollars, 86% has been committed to renovations/additions instead of new construction projects. The economy has also forced building owners to operate more efficiently than ever before. Approximately 50% of U.S. commercial buildings built before 1980 have not had any energy related renovations. Surprisingly, over 70% of these buildings did not have major HVAC or lighting renovations, and nearly 90% did not have major insulation renovations. LEED tells us buildings consume 30% of total energy used in the U.S. and 60% of the total electricity produced. It does not take rocket science to identify a potential energy related cost saving to current and new clients in this tough economy. Architects working with their allied engineers can come up with some potential existing building renovations that will result in energy savings and an identifiable payback period. A "win-win" for the client, the environment, and the A/E Firm seeking work in a tough economy.



**AIA** | Middle Pennsylvania

## DINNER CHAPTER MEETING

**January 28, 2010**

The Department of Architecture, Main Floor  
Stuckeman Family Building, University Park, PA

**6:00 PM**

**\$25 PER PERSON**

Make Checks Payable to: AIA Middle PA Chapter

Guests are welcome, so please bring your  
husband, wife, or significant other.

...

Parking is available at the Nittany Lion Inn  
Parking Garage.

**RSVP: Tuesday, January 26, 2010**

**TO RESERVE YOUR SEAT, PLEASE  
CONTACT:**

**TYNE PALAZZI**

**814-947-5366**

**TPALAZZI@SHEETZ.COM**

### Schedule of Events:

- 30 minute presentation by AIAS  
Penn State representatives on  
their experiences at the National  
AIAS Convention
- Dinner
- Open Discussion



## Twin Cities



Image found at: <http://www.hamline.edu/admissions/life-twin-cities.html>

# TALKING GREEN: The Legal Hazards of “Green” Building Advertisement

By Andres Quintana, Esq., Quintana Law Group, APC

“GOING GREEN”. Few marketing taglines have burgeoned into our jargon as rapidly as this largely ambiguous play on words. This is no surprise. Escalating energy costs, increased consumer acumen about environmental accountability, and greater demand for eco-friendly products and services have sprouted a variety of “green”-related industries, including “green building”. However, city, state and federal regulations and statutes related to “green” advertising may impose risks on design professionals if “green” advertising laws are not duly adhered to or deceptive or misleading “green” building claims are made about designs, building materials or furnishings. This article briefly summarizes the potential sources of legal risks associated with deceptive “green building” advertising.

## ***FTC Green Guides And Eco-Friendly Claims.***

For over a decade, the Federal Trade Commission (“FTC”), through its Guides for the Use of Environmental Marketing Claims (“Green Guides”), has overseen advertising claims related to eco-friendly products. The FTC started to revise the Green Guides in 2008 to focus on new environmental terms about “green” building marketing—such as those for carbon offset claims. The Green Guides also provide guidance for the use in consumer advertising of specific buzz terms like “sustainability” and “renewability,” and also address “greenwashing”—a term describing the disingenuous business practice of misleading consumers about the environmental benefits or performance of a product or service. With respect to all environmental claims, the Green Guides require product manufacturers and service providers to procure scientifically valid information supporting the claims before making them.

According to the Federal Trade Commission Act, the FTC has authority to charge a person or business for making deceptive or unsubstantiated “green” claims. Penalties for deceptive advertising include agency orders requiring businesses to (a) repay (in full or in part) monies paid by consumers who purchased falsely advertised products; (b) issue advertisements intended to correct the detriment caused by previous deceptive or misleading advertising; (c) provide frequent reports to the FTC to substantiate new advertising claims; and (d) cease and desist from further making deceptive or misleading advertisements.

Consequently, design professionals and builders should use caution in specifying and recommending products, building materials and furnishings that purportedly offer environmental benefits and demand that vendors and manufacturers making such claims meet the FTC’s guidelines. Likewise, design professionals and builders should be careful when using appellations like “green”, “renewability” or “sustainable” without grasping what these terms signify and should be able articulate those concepts to their clients. Design professionals should also make measurable (not subjective) representations about “sustainability” that can be verified by a credible, independent third-party evaluator as well as manage their client’s apprehension and ambitions by clearly annotating what clients can really expect from “green” residences.

## ***State Law Regulation of “Green” Claims.***

Depending on the State, deceptive or misleading “green” advertisements may be litigated or contested by consumers (or State attorneys general acting on behalf of consumers) under consumer protection statutes related to deceptive advertising, consumer fraud, or unfair business practices. A

*Continued . . . See Talking, Page 5*

handful of States have enacted laws particularly governing environmental advertising claims. If so-called “eco-fraud” lawsuits related to “green” building or design begin to emerge similar to other products and industries, it is reasonable to anticipate more States enacting similar “green” advertising laws. Thus, in addition to the Green Guides, design professionals should also be mindful of actual or potential State advertising regulations.

### ***Possible Application Of Federal Law To “Green” Claims.***

A separate federal statute known as the Lanham Act prohibits deceptive or misleading representations in the advertising of goods, services or commercial activities. Lawsuits under the Lanham Act are a risk where a competitor believes another’s “green” claims are deceptive or misleading. Although this federal law has not yet been used in court with regards to environmental advertising claims, its wide scope could make it a means to address “greenwashing.” This federal law provides no cause of action to consumers; only business competitors may bring private enforcement lawsuits. Thus, under the Lanham Act, unverified, subjective (intentional or unintentional) overstatements of environmental benefits or performance may theoretically result in additional legal exposure to design professionals from their competitors.

### ***Industry Regulation And “Green” Claims.***

The United States Green Building Council (USGBC), a non-profit organization, devised the Leadership in Energy and Environmental Design (LEED) rating system to identify and implement practical and measurable “green” building design, construction, operations and maintenance solutions. The system is credit-based, allowing projects to earn points for environmentally friendly actions taken during construction and use of a building. While, the advantages and concerns over the LEED scoring system are still debated, LEED is generally considered an important measurement tool for “green” design.

Legally speaking, it is reasonable to assume that a LEED certified design professional could rely on the certification in defense of accusations of deceptive or misleading “green” advertising. However, it is noteworthy that no published legal decisions currently exist scrutinizing the LEED criteria or the legal affect of LEED certification in connection with deceptive or misleading “green” building claims, let alone any published decisions in which such criteria or certification was asserted as a defense to these types of advertising claims. While seemingly influential, the LEED criteria and rating system have not been codified into federal law.

### **ABOUT THE AUTHOR**

Andres Quintana, Esq. is the principal at the Quintana Law Group, APC, an intellectual property law firm in Los Angeles County, California. He may be reached at [andres@QLGLAW.com](mailto:andres@QLGLAW.com) or (818) 914-2100. For more information about the Quintana Law Group, APC, please visit [www.QLGLAW.com](http://www.QLGLAW.com).

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**March 17, 2010**

**10:45am—2:30pm**

Please join us for a workshop showcasing the following providers:

**Marvin Windows & Doors**  
**Fierst Distributing Company**  
**iLevel by Weyerhaeuser**

As a participant, you will be able to earn up to 3 learning units.

Location: Sheetz Facilities Support Center Conference Room  
351 Sheetz Way  
Claysburg, PA 16625

**Schedule of Events:**

10:45 am—11:00 am	Arrival
11:00 am—12:00 pm	Marvin Windows
12:00 pm—12:30 pm	Lunch provided by Sheetz, Inc.
12:30 pm—1:30 pm	Fierst Distributing Company
1:30 pm—2:30 pm	iLevel by Weyerhaeuser
2:30 pm	Adjourn

To reserve your seat, please contact:

Tyne Palazzi @ 814-947-5366 or [tpalazzi@sheetz.com](mailto:tpalazzi@sheetz.com)

> > RSVP by Wednesday, March 10, 2010 < <

**Directions from I-99 South/US-220 South**

Take the Sproul/King Exit (Exit #15)

Coming off the Exit, you will bear to the Right onto Appalachian Trwy/Old US-220

Proceed Straight until you come to a Signal Light (approx. 1.1 miles), you will turn Left here onto Quarry Road.

Proceed Straight until you come to another Signal Light (approx. 500 feet)

Proceed Straight: go down a slight hill and across the railroad tracks and follow the road to Entrance D. Keep going until the road ends at the Warehouse, park around back.



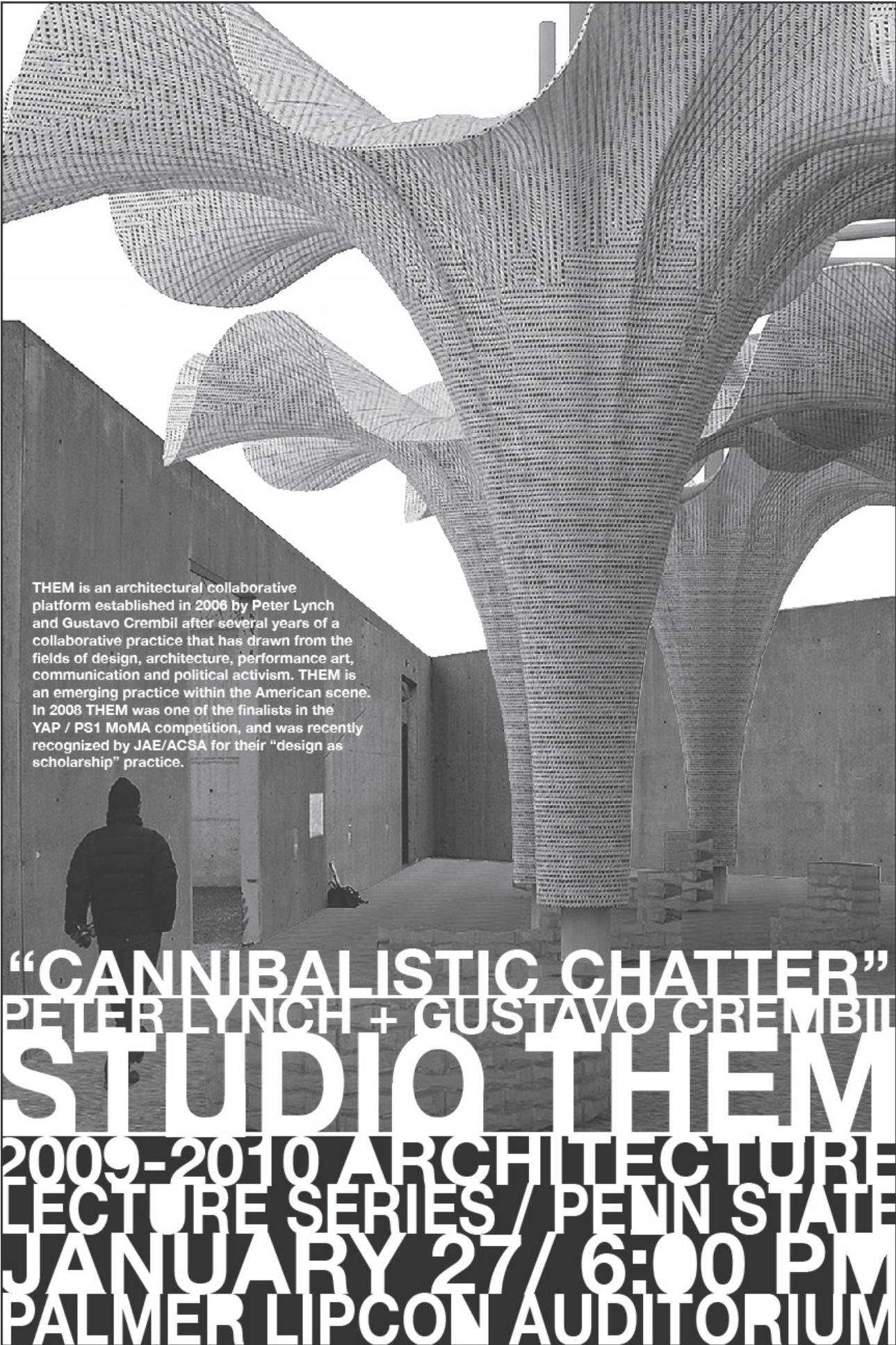
## **Resolution of Support for Development of the**

### **International Green Construction Code**

- I. WHEREAS, there exists a global and rapidly increasing awareness that the creation of our built environment must evolve to embody the principles of sustainability and resource conservation; and
- II. WHEREAS, architects, as leaders in the creation of the built environment, are challenged with finding a balance among the complex and often conflicting demands of our clients, our moral and ethical obligations to sustainable design, and the regulatory constraints in the design and construction industry; and
- III. WHEREAS, the emergence and acceptance of green building rating systems has demonstrated that clear technical guidance in the pursuit of high-performance buildings will result in substantive transformation in the design and construction industry; and
- IV. WHEREAS, jurisdictions at the local, state, federal and international levels have expressed a desire for a regulatory framework reflecting a comprehensive approach to guiding green construction in enforceable language; and
- V. WHEREAS, federal, state and/or local incentives, such as grants, tax credits, and expedited approvals, are available for green buildings in many areas; and
- VI. WHEREAS, the code development process employed by the International Code Council (ICC) and supported by AIA Policy for code development ensures a comprehensive, coordinated and contemporary approach to the design of a consistent set of model codes for all construction disciplines applicable and appropriate to each jurisdiction; and
- VII. WHEREAS, The AIA has entered into partnership with the ICC and American Society for Testing and Materials (ASTM) for the development of the International Green Construction Code (IGCC); and
- VIII. WHEREAS, a multi-disciplinary Sustainable Building Technology Committee (SBTC) has been appointed with AIA architects represented on the committee and working groups to shepherd the development process of the IGCC through open meetings, work groups, and public participation; and
- IX. WHEREAS, the SBTC has indicated its commitment to an IGCC that works compatibly with the family of I-Codes, and WHEREAS, the new IGCC will provide a regulatory framework for those jurisdictions planning to adopt additional code language that will work in concert with the existing I-Codes; and
- X. WHEREAS, the IGCC will provide a base code with options to accommodate degrees of regulation dependent upon the local interests of the adopting jurisdiction;
- XI. WHEREAS, architectural licensure is upheld as the means to assure protection of the health, safety and welfare of the public; and
- XII. WHEREAS, said protection of the public interest is most directly achieved through the experienced application of building code knowledge to the creation of the built environment;

THEREFORE, The American Institute of Architects acknowledges its responsibility to be an active leader in the development, adoption, administration and enforcement of model building codes; and

THEREFORE, The Board of Directors of The American Institute of Architects is directed to continue funding the work of the SBTC through the 2012 code cycle and to provide support to state and local components of The AIA as they seek adoption of the code in their respective jurisdictions.



THEM is an architectural collaborative platform established in 2006 by Peter Lynch and Gustavo Crembil after several years of a collaborative practice that has drawn from the fields of design, architecture, performance art, communication and political activism. THEM is an emerging practice within the American scene. In 2008 THEM was one of the finalists in the YAP / PS1 MoMA competition, and was recently recognized by JAE/ACSA for their "design as scholarship" practice.

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**2009-2010 ARCHITECTURE**  
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