

TESTIMONY OF RAYMOND A. GIOLITTO, AIA  
REGARDING RAISED BILL 5570

Senator Coleman, Representative Fox, Distinguished Members of the Judiciary Committee: I am Raymond Giolitto, AIA and I am here to speak in support of Raised Bill 5570, An Act Concerning the Applicability of Statues of Limitations to Actions Brought by the State or a Political Subdivision of the State.

I am a licensed Architect, live in West Hartford, have an office in Middletown and have been practicing in Connecticut for 33 years. I have been providing architectural services to the State of Connecticut for 32 years. I, and my firm of 27 employees consistently receive excellent review comments regarding the services we provide for the State.

Our past contracts with the State referenced the Statue of Limitations for design services, which were the same as what any private person or corporation experienced, 7 years. We always kept records and drawings for a minimum of 7 years.

Fast-forward to today, where our contracts say that the State can bring an action against me and my fellow colleagues for the entire life of the building, known as "nullum tempus." And, this includes all of the State projects that I have designed since I began practicing here 33 years ago.

Design and construction is not an exact science and no one is infallible. But, an Owner must also take a risk when they decide to construct a project. And therein lies the danger to me, you and my profession by allowing the State to sue me for the life of the building: Products wear out, code requirements change, maintenance budgets for State facilities decrease or are non-existent, someone may decide that they have a better way of fixing or replacing something than what was originally designed and it doesn't work, a decision may have been made by the State during design or construction to use a detail, product or material that was of a lesser quality in order to meet the budget and construction is always done by the lowest bidder.

It has been proven that 7 years is an adequate amount of time for a deficiency to arise and for an Owner to take action against any member of the building project team. Ten years, twenty years, thirty years after a building project is completed, there often are new people on the staff, there is no one around to remember why decisions were made, how the project came to be, why things are the way they are. I am experiencing that now, since we received a letter from UConn based on "nullum tempus," regarding a project that was completed 14 years ago. Taking an action against me for a design deficiency that may be caused by so many other variables is unconscionable. It causes me and my colleagues to spend countless hours defending ourselves, investigating, trying to remember, finding people that remember, paying high insurance deductibles, paying higher premiums for that word "forever." An unknown risk always results in higher insurance costs, if you can get the insurance at all. When I retire, I am now forced to not only pay for insurance to cover me for the remaining Statute of Limitations for private clients' projects, but also forever because a possible action against my estate by the State of Connecticut.

I have to question why I would want to continue to provide services for the State. My colleagues have said the same thing. The State is not the only place for firms to get work. With the possibility of fewer responses to requests for services, higher premiums for firms providing services State projects and the prospect of being accountable forever, the State of Connecticut will experience higher fees, and, if that is not possible. While it is difficult to think about the possibility, there is the potential of inferior work so that a firm can meet its expenses.

I urge you all to vote in favor of this bill and send it to the full legislature for an affirmative vote.

Thank you and I am available to answer any questions.