

**Louisiana State Board of Architectural Examiners
Meeting Minutes
Baton Rouge, LA
June 15, 2018**

Present: Robert W. McKinney – President; John Cardone - Secretary; Allen Bacque; Ronald B. Blicht; J. David Brinson; Richard LeBlanc; Knox H. Tumlin

Guests: Paul H. Spaht, Board Attorney

Staff: Tyson Ducote – Deputy Director; Katherine E. Hillegas – Executive Director

McKinney welcomed everyone to the meeting and reviewed the agenda.

Blue Sky Follow Up: Mission Statement

McKinney led the Board through an exercise to review of Mission Statement. After discussion and review of other architectural board mission statements and the NCARB mission statement, the Board agreed upon the following:

“The mission of LSBAE is to safeguard life, health and property and to promote the public welfare through the regulation of the practice of architecture, the development and application of standards and programs for licensure and credentialing of architects.”

Hillegas provided an update on the status of development of benchmarks to be distributed to new licensees at the upcoming AIA Annual Meeting in September. The consensus was that attempts will be made to distribute to those new licensees who do not attend the meeting through the local AIA Chapters. It was also recommended that we should offer to sell these to all architects in Louisiana at cost.

Minutes

The Board reviewed the minutes of the April 12, 2018 meeting.

Motion: Tumlin/Brinson: To approve the minutes of the April 12, 2018 meeting. Passed. 7-0

Complaint Review Committee Report

Tumlin and Ducote presented the report of the Complaint Review Committee consisting of Mr. Tumlin, Mr. Brinson, and Mr. LeBlanc.

Case #2018-01 – Ducote reported on an unlicensed firm which practiced and/or offered to practice architecture and used the terms “architect,” “architectural,” “architecture,” or anything confusingly similar to indicate that such person practiced or offered to practice architecture without proper licensure. He indicated that the respondent had signed and returned the proposed consent order offered by the CRC. The proposed consent order contained the following sanctions: fine of \$1,500, administrative fees (costs) of \$140.03, a cease and desist order, publication in the newsletter identifying the respondent by name, and reporting to the NCARB Disciplinary Database.

Motion: Bacque/Blicht: To accept the consent order for case #2018-01. Passed 3-0 with CRC members abstaining.

The name of the respondent is **Smith & Williams Architectural and Engineering Design Consultants, L.L.C.**

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Case #2018-03 – Ducote then reported on an unlicensed firm which practiced and/or offered to practice architecture without proper licensure. The respondent had signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions: fine of \$1,500, administrative fees (costs) of \$185.69, publication in the newsletter identifying the respondent by name, and reporting to the NCARB Disciplinary Database.

Motion: Cardone/Blitch: To accept consent order for case #2018-03. **Passed 3-0** with CRC members abstaining.

The name of the respondent is **ProjX, LLC of Tennessee**.

Case #2018-04 – Ducote presented information on an architect who practiced and/or offered to practice architecture with an expired licensure. He indicated that the respondent had signed and returned the proposed consent order offered by the Complaint Review Committee which contained the following sanctions: fine of \$1,000, administrative fees (costs) of \$195.72, publication in the newsletter identifying the respondent by name, and reporting to the NCARB Disciplinary Database.

Motion: Blitch/Bacque: To accept consent order for case #2018-04. **Passed 3-0** with CRC members abstaining

The name of the respondent is **Michael W. LeBlanc**.

Case #2018-05 – Ducote presented information on an architectural firm which practiced and/or offered to practice architecture with an expired license noting that the respondent had signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions: fine of \$500, administrative fees (costs) of \$195.72, publication in the newsletter identifying the respondent by name, and reporting to the NCARB Disciplinary Database.

Motion: Cardone/Blitch: To accept consent order for case #2018-05. **Passed 3-0** with CRC members abstaining.

The name of the respondent is **MWL Architects, Inc.**

There was further discussion regarding posting consent orders to the website. It was agreed that research should be conducted to determine if there is any overarching state statute that requires Licensing Boards to post this information. It was agreed that if such a statute exists, staff should “look back” and post prior disciplinary actions; if no statute is located, staff will begin including language in the consent orders that the disciplinary action will be posted on the board website and thereafter such disciplinary actions will be posted.

Motion: Cardone/Tumlin: That effective immediately, all consent orders should include language related to publication on the Board website, in the Board newsletter and on the NCARB Disciplinary Database. **Passed 7-0.**

Research Fund Committee Report

McKinney reported that deans and administrators of the four NAAB accredited schools would be invited to a future meeting to discuss implementation of the Architecture and Education Research Fund.

Incidental Practice Task Force

McKinney presented draft definitions of “Architecture Incidental to the Practice of Engineering” and “Engineering Incidental to the Practice of Architecture” which were developed by the joint Task Force comprised of representatives from the AIA Louisiana and ACEC Louisiana, with observers from LAPELS and LSBAE. Minor modifications were made to the drafts. It was agreed that those modifications will be shared with the LAPELS Board who will be reviewing the definition at their Board meeting later in the month.

NCARB Annual Business Meeting

The Board reviewed resolutions to be voted upon at the upcoming NCARB Annual Business Meeting in Detroit, MI.

Resolution 2018-01: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – HSW Category Realignment – The intent of this resolution is to update the language in Model Law/Model Regs to align the HSW categories with the current experience areas of the Architecture Experience Program (AXP) and the practice areas of the Architect Registration Examination (ARE). The proposed changes allow the categories to be updated and expanded to include topics to be considered for HSW continuing education which align with the current practice of architecture.

Motion: Tumlin/Cardone: To authorize staff and legal counsel to begin development of a proposed rule change pending passage of the resolution at the NCARB Annual Business Meeting. **Passed. 7-0.**

Resolution 2018-02: Certification Guidelines Amendment – Revision to the EESA Requirement for the Education Alternative to Certification – The intent of this resolution is to modify the requirements for the Education Alternative to Certification for applicants who have 64 or more semester credit hours of postsecondary education and give them the option to obtain an EESA. There was no concern expressed with this resolution

Resolution 2018-03 – Amendment and Restatement of the NCARB Model Rules of Conduct – The intent of this resolution is to amend and restate the Rules of Conduct to ensure that they remain relevant to contemporary architectural practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety and welfare of the public. The Board reviewed the proposed changes and agreed that its concern related to allowing the architect of record to sign and seal technical submissions prepared by the architect of record’s consultants (proposed Model Rule 5.2) should be expressed during the meeting.

Motion: Tumlin/Britch: To authorize staff and legal counsel to begin development of a proposed rule change pending passage of the Resolution at the NCARB Annual Business Meeting. **Passed. 7-0.**

Resolution 2018-04 – Amendment and Restatement of the NCARB Bylaws – The intent of this resolution is to update the Bylaws to remove outdated, inconsistent or redundant language. The Board reviewed the proposed changes and concern was expressed related to vacancies in the position of Regional Director or MBE Director. It was agreed that Hillegas should draft a memorandum for McKinney and Cardone expressing the Boards concerns.

Legal Counsel Report

Spaht provided the Legal Counsel report noting that communications that may be sent from a personal phone or e-mail account are considered state information and therefore are considered public records. He further reported that a formal request for an Attorney General Opinion regarding the requirement of a Social Security Number for foreign individuals who may not have one had been submitted earlier in the month. A representative from the AG’s office had reached out and indicated that a Board resolution requesting the opinion is necessary.

Motion: Blich/Tumlin: That the Board adopt a resolution indicating that the formal request for an Attorney General Opinion dated June 4, 2018 signed by Katherine E. Hillegas, Executive Director requesting an answer to the question “If An applicant for an architectural license does not have a Social Security Number (SSN), is the Board required to obtain one?” be adopted as an action of the Board. **Passed. 7-0.**

Hillegas indicated that an application had been received by a Canadian under the MRA with Canada and that she was holding the application until the opinion is received from the Attorney General.

Executive Directors Report

April 2018 Financial Statement

Hillegas reported that April 2018 shows a net profit of \$135K with revenue for both firm and individual licensure running above budget expectations, and with expenses remaining below budget. She noted that salary related expenses should begin to stabilize now that the office is fully staffed.

Motion: Tumlin/Brinson: To authorize staff to expend funds for the purchase of a smart board for the conference room. Hillegas will explore the options related to straight out purchase or lease/purchase. **Passed. 7-0.**

FY19 Budget

Hillegas presented a draft budget for FY19 which incorporated alternate scenarios increasing the registration fee for individual licensees in an effort to offset increased expenses related to new database development and upgrading technology and services in the office. She indicated that the budget has been prepared in a way that provides a justification for each line item and prepares a road map and goals with respect to projected revenues and expenditures.

She further reported that state approval had been requested to establish an administrative fee for credit card transactions. This fee is intended to be a “pass through” fee that would be paid directly by the licensees paying via credit card online.

Licensing Report

Hillegas reported that 1 Emeritus, 10 initial, 19 reciprocal, and 12 firm application had been approved since the last board meeting as indicated on the attached report.

Motion: Blich/Tumlin: – To approve and ratify the list of licenses issued for the period April 6 through June 10, 2018. **Passed. 7-0.**

Legislative Update

Hillegas provided an update on legislative activities of interest to the Board, noting that HB255 amending the Public Records Law for us was passed, and SB133 granting the Board and LAPELS access to the database and plans submitted to the Fire Marshall’s office was passed. She further reported that SB62 reenacting the Board for another 5 years also passed. She noted that it was likely that due to the passage of HB748 the next sunset review will look very different from those of the past.

She then reported that the Occupational Board Compliance Act (HB372) was signed by the governor in late May and noted that it will have a significant impact on the Board as it establishes an oversight commission comprised of the Governor, Secretary of State, Treasurer, and Commissioners of Insurance and Agriculture or their designees who are tasked with reviewing the substance of rule changes in order to ensure compliance with state policy. This review process will become effective on January 1.

Hillegas noted that both the House and the Senate had a “Right to Earn a Living Act” introduced. This Act was part of a national effort to restrict regulation and would call for the review and repeal or modification of licensing requirements and regulations to allow more open access to professions and business ventures. If passed, this bill would require all boards to review rules, policies and entry regulations and justify how public health, safety and welfare is protected through each rule, explain the necessity of each rule, and repeal any unnecessary rules. Additionally, and of most concern, is that an individual would have the opportunity to appeal to a board for any rule that the individual believes presents an undue burden upon them. She reported that this bill failed in the House and did not make it out of the Senate. She will be watching for more activity related to this initiative in the future.

Architect Selection Board

Hillegas reported that the following individuals had applied for the Architect Selection Board for the period September 16, 2018, through September 15, 2019.

District 1: Kristine Ann Kobila
District 2: Michael Hunley
District 3: Benjamin Bradford
District 4: Brent M. Baumbach
District 5: David Matthew Abrams

Office Update

Website Development - Hillegas shared initial wireframes for the new website with the Board members and reported that weekly development calls continue between staff and the vendor to ensure that a fully functional and informative site is developed.

Database Development - Hillegas reported that a kickoff meeting with NCARB IT staff was held on June 4 to officially begin the design of the new licensing database. Staff will be engaging in weekly calls with the development team to provide information and feedback to the development process. The desired goal is to have a system that will be fully functional for issuing and renewing individual licenses before going into the 2019 individual license renewal season.

She noted that it is likely that the deliverable we receive in the fall will continue to see enhancements and other functionalities added to it, specifically, the system may not have functionality for processing firm registrations or renewals right away.

Office Renovations - Hillegas reported that she had contacted Facility Planning and Control and was advised that as the Board is a state agency it would not be able to enter directly into a contract for renovations to its space. This means that Rotary will have to take on the contractual obligation for the renovations and that we have to amend our lease to reflect how we will manage payment of the renovations. She will be communicating this with Rotary to determine if a lease amendment could be developed.

Other Business – CE Program Approval Request

Hillegas shared a request for CE Program approval that had been distributed to the Board. The Board asked that she update the CE Program Approval Request form to include a request for more information related to the programs. It was recommended that she model the form after the requirements for AIA CE providers.

New Business

Hillegas presented questions to the Board that had recently been received in the office.

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Roof Consulting Services – “Can roof consulting services on roof replacement projects be provided without a license which is the case in many states?” – After review and consideration, the board determined that an architect license would be required.

Record Retention Policy – “Could you please provide me with the State of Louisiana’s record retention policy? What are your rules or guidelines for maintaining the project work, whether hard copy or electronic, that our architects generate from their assignments in Louisiana?” It was noted that there are no rules related to record retention in the Architects Licensing Law and Rules.

Motion: Tumlin/Bacque: To go into Executive Session. Passed. 7-0.

Hillegas and Ducote left the room

Motion: Blich/Brinson– To conclude Executive Session. Passed 7-0.

Hillegas returned to the meeting. The Board reported that they accepted the 4% mandatory Civil Service increase for Holly Lavigne and would like to extend a 5% salary increase for Ducote and 6% salary increase for Hillegas. They requested that she investigate options for establishing a performance evaluation system for herself and Ducote, who are the two unclassified employees of the Board. She is to report back and work toward having a system in place for evaluations to be completed next spring.

The Board then considered options for increases to the individual registration fees. Hillegas noted that the initial application fee had not been changed since 2003 and the renewal fees had not been adjusted since 2009. She indicated that the costs for the development, implementation and ongoing support of a new database and website were going to be considerably higher than what the Board had been previously paying.

Motion: Blich/Tumlin – To increase individual registration fees as outlined below. All fee increases would become effective on November 1, 2019.

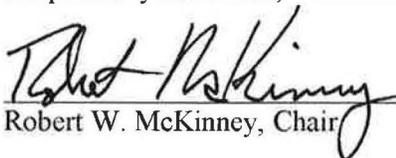
In-State Initial – increase to \$90 from \$75
In-State Renewal – increase to \$90 from \$75
In-State Delinquent – increase to \$110 from \$105
Out of State Initial – maintain at \$150
Out of State Reciprocal – maintain at \$300
Out of State Renewal – increase to \$175 from \$150
Out of State Delinquent – increase from \$180 to \$200
Emeritus – increase to \$10 from \$5

Passed. 7-0.

There being no further business, the meeting adjourned.

Motion: Tumlin/Blich: To adjourn. Passed 7-0.

Respectfully submitted,


Robert W. McKinney, Chair


John Cardone, Secretary