

**Louisiana State Board of Architectural Examiners
Meeting Minutes
February 8, 2019
Baton Rouge, LA**

Present: John Cardone, Chair; Knox H. Tumlin, Secretary; Allen J. Bacque, Ronald B. Blich; J. David Brinson; Richard J. LeBlanc; Kevin J. Singh

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

Guests: Paul H. Spaht, Board Attorney; Lisa Nice, AIA; J. Dyke Nelson, AIA, LEED AP BD+C

Cardone welcomed everyone to the meeting and reviewed the agenda. Board members introduced themselves and welcomed new Board member, Kevin J. Singh.

Minutes

The Board reviewed the minutes of the December 7, 2018, meeting.

Motion #1: Tumlin/LeBlanc: To approve the minutes of the December 7, 2018 meeting. Passed 6-0, with Singh abstaining.

Defining Incidental Practice

The Board welcomed J. Dyke Nelson, and Lisa Nice to the meeting. Nice, a member of the Incidental Practice Task Force provided an update on the process the Task Force undertook to develop the draft definition of Incidental Practice. She also reported that feedback had been received from the Office of the State Fire Marshal (“OSFM”) expressing that prescriptive methods would work better as a threshold for identification of required licensed professionals. It was noted that LAPELS completed review of the draft during their January meeting and had shared it with the engineering professional societies for informal comment and that they planned to move to rulemaking on the definition as it currently existed during their April meeting.

After lengthy discussion, the board agreed that we should not move forward with rulemaking until the issues raised by the OSFM had been addressed. It was further agreed that the Task Force should be asked to continue fleshing out the definition, and, simultaneously, begin working on updating the *Information of Architecture and Engineering Licensure Laws and Rules in Louisiana* (Yellow Book) to incorporate more practical explanations and examples of the statute and rules related to practice.

Complaint Review Committee Report

LeBlanc and Ducote presented the report of the Complaint Review Committee (“CRC”) consisting of LeBlanc, Tumlin, and Singh.

Case #2018-15 - Ducote reported on a professional architecture firm which practiced and/or offered to practice architecture with an expired licensure in violation of La. R.S. 37:153(A)(3) and La. R.S. 37:154(A). The respondent signed and returned the proposed consent order offered by the CRC. The proposed consent order contained the following sanctions:

1. Respondent to pay a fine of \$1,500 and costs of \$295.15;
2. Publication of this disciplinary action on the Board’s website and a summary of this matter in the Board’s newsletter identifying Respondent by name, and

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3. Reporting this matter to NCARB Disciplinary Database identifying Respondent by name.

Motion #2: Blich/Bacque: To accept the consent order for Case #2018-15. **Passed 3-0, with CRC members abstaining.**

After the motion was passed, the Respondent was identified as **M2 Studio, LLC**.

Ducote provided an update on current enforcement statistics noting that there were 9 open cases, 3 cases which had been closed since the last meeting, 8 cases that had been opened since the last meeting, and 6 pending cases. He further provided the following statistics for calendar year 2018:

Cases opened = 17

Cases closed = 18

Average number of days to close a case = 187 days

Cases ending in Consent Order = 9

Cases reported to NCARB Disciplinary Database = 9

Fines collected and deposited in Louisiana General Fund = \$10,000

CE Disciplinary Guidelines

LeBlanc and Ducote then noted that the CRC had held a discussion regarding the application of a penalty for expired practice beyond one year.

Motion #3: Blich/Bacque: That the Board accept the recommendation from Complaint Review Committee that fines for expired practice beyond one year be assessed in 6-month increments. **Passed 4-0, with CRC members abstaining.**

Legal Counsel Report

Spaht reported that the comment period for the Notices of Intent related to LAC 46:1, §1315.C - HSW Topics and LAC 46:1, §1901 - Rules of Conduct had passed with no comments being received. He reported that it was unclear how these rule changes would be impacted by the implementation of the Occupational Licensing Review Commission (OLRC).

Occupational Licensing Review Commission

Hillegas reported that she attended the organizing meeting of the new commission in January where the process of state board oversight on rule changes was discussed and an overview of the new process was provided. She reported that all future regulatory changes must now be reviewed by the OLRC before the Fiscal and Economic Impact Statement is filed with the Legislative Fiscal Office. A representative of the Board will be required to appear before the OLRC to justify the change and respond to any inquiries. Once approval is received, the Notice of Intent can be published in the Louisiana Register. The Board will then need to summarize all comments received and present such to the OLRC for final review before it can vote to adopt or amend the rule.

She then notified the Board that the NOI for LAC 46:1, §1101 – Registration and Information, §1105 – Certificates, and §1301 Renewal Procedure had been submitted to the Louisiana Register for publication in January, but it had been kicked back for review by the OLRC. The first meeting where the Commission

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will review proposed rule changes will take place in early February, and these proposed rule changes are on the agenda.

Motion #4: Tumlin/LeBlanc: To authorize Hillegas to make any modifications necessary to the effective date of the proposed fee increases based on discussion with the OLRC at the February meeting. **Passed 7-0.**

Executive Directors Report

December 2018 Financial Statement

Hillegas reported that the individual renewal cycle ended on December 31, that 3100 architects had renewed their licenses, and that approximately 400 architects were delinquent. She indicated that messages would be sent to the delinquent architects to remind them to renew or risk facing disciplinary action if they were still practicing. She reported that revenue for the month was \$345K. She indicated that staff had changed the method in which revenue was being tracked in order to better understand the historical licensure information based on type (initial, renewal, delinquent, reinstatement). She also reported that this renewal cycle marks the first time that the Board was authorized to charge a "Credit Card Processing Transaction Fee." A new revenue account had been established to track the income received from this fee, as well as a new expense fee. She reminded the Board that this new fee will not yield new revenues for the Board, but simply pass-through the fees paid for credit card processing to the individual licensee. She stated that expenses were currently at \$318K and were running on target for the year.

Licenses Issued for Ratification

Hillegas reported that 8 initial, 23 reciprocal, 1 Professional Architectural Corporation, 2 Architectural Engineering Corporation, 9 Architectural Firm, and 3 Limited Liability Company firm licenses had been issued between November 28, 2018, and February 5, 2019.

Motion #5: Blitch/Tumlin: To approve and ratify the list of licenses issued for the period November 28, 2018 and February 5, 2019. **Passed 7-0.**

She also reported that individual licensing statistics as of February 7, 2019 were as follows:

Active Licensees – 3,257
Emeritus Licenses – 103
Delinquent Licenses – 178
Suspended Licenses – 1
Expired Licenses – 132

Continuing Education Reporting Requirement

Hillegas asked the Board for clarification regarding the continuing education reporting requirement and what specific period an individual was attesting to completion of HSW CE when renewing their license. The Board responded that individuals were validating CE earned and completed in the current year, that is, the year immediately preceding the license renewal period (i.e., an architect renewing in December 2018 for 2019 would be validating they had completed the HSW CE for 2018.)

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Request for AG Opinion – SSN Update

Hillegas reported that AG Opinion 18-0063 was received in early January. This was in response to an inquiry submitted to the Attorney General's office in June 2018 regarding the requirement of a Social Security number for a foreign applicant who may not have one. The Opinion received indicated that the Board does not have to obtain a Social Security number from an applicant for an architectural license if the applicant does not have one; however, the foreign applicant would be required to submit a sworn affidavit stating that he or she did not have a Social Security number.

She reminded the Board members that this opinion was requested in response to the NCARB Tri-National Agreement with Canada and Mexico which clearly indicated that applicants from Canada and Mexico would NOT be required to provide a Social Security number if they did not have one.

NCARB Tri-National with Canada & Mexico

Hillegas asked the Board to consider signing the Letter of Undertaking for the NCARB Tri-National Agreement with Canada and Mexico.

Motion #6: Blitch/Tumlin: To approve the signing of the Letter of Undertaking for the NCARB Tri-National Agreement with Canada and Mexico. Passed 7-0.

Database Development

Hillegas noted that staff had completed the first individual renewal cycle in the new system. She indicated that although there were growing pains, the launch went very well. There is continued work to be done on enhancements to the Individual Application portal which has slowed down to focus on development of the Firm Application portal. Staff reviewed firm statutes, rules and applications with Spaht in order to confirm that we are collecting the correct information in the application/renewal process.

The new firm application and system will be developed to include business rules that will validate shareholder and director requirements for PACs. She reported that we will now have ability to better understand information related to firms. She informed the Board that with the development of firm database, we will no longer be accepting LLC applications for LLCs, and we will transition all Limited Liability Company registrations in the system to Architectural Firm registrations. This will be a final step in implementing the firm rules that went into effect on July 1, 2017.

She then asked the Board for input on whether private contact information (e-mail address and phone number) should be included in the "find an architect" function on our website. The Board indicated that this information should NOT be shown on the site in order to protect this information.

AERF

Hillegas reported that the deadline for submission of applications for awards from the Architectural Education and Research Fund is April 1. A form will be developed which will be distributed to the four NAAB accredited schools. The Board should expect to review applications during the April 2019 meeting.

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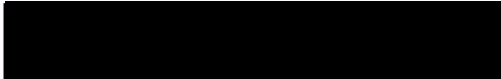
Miscellaneous

Hillegas indicated that she had completed part of her first year as the MBE Director on the NCARB Board and was considering running for the position for the period July 1, 2019, through June 30, 2020. She asked for the Board's consent to continue forward in this role. The Board agreed and was supportive of this representation from LSBAE. She further reported that she had participated as a speaker in a panel discussion at FARB Forum in New Orleans in January. The topic was "Criteria for License Eligibility." And, finally, she reported that she had spent time with Singh prior to his first Board meeting in an effort to help prepare him for his role on the board.

There being no further business,

Motion #7: Blitch/Tumlin: To adjourn. Passed. 7-0.

Respectfully submitted,



John Cardohe, Chair



Knox Tumlin, Secretary