

At 10:15 a.m. on August 26, 2022, Ronald B. Blich called the meeting to order at the board's office in Baton Rouge, Louisiana, with the following members present:

Ronald B. Blich, President
John Cardone, Jr.
Kevin J. Singh, Acting Secretary
Michael F. Holly
David K. Brossett
Kristine A. Kobila

Also present: Tyson J. Ducote, Executive Director
Justin G. Owens, Deputy Director
Paul H. Spaht, Board Legal Counsel

Absent: Richard J. LeBlanc, Secretary

President Blich welcomed everyone to the meeting and reviewed the agenda. He then recognized public comment time.

Legal Counsel Report

Rule §1525 update

To make clear that the name of an architectural firm does not need to be changed upon the death or retirement of a member whose name is included in the firm name, the board is in the process of amending existing Rule §1525. At its meeting in mid-May of 2022, the Occupational Licensing Review Commission (OLRC) authorized the board to promulgate the proposed rule change in accordance with the Administrative Procedure Act (APA), and in July of 2022 the board published a Notice of Intent (NOI) in the *Louisiana Register*. No comments to the proposed amendment were received, and the comment period has expired. As previously authorized, staff and counsel will now seek final approval from the OLRC. Barring something unforeseen, it is anticipated that the board will adopt the proposed amendment at a future meeting, after which the amendment will be published in the *Louisiana Register*.

Rules §1103 & §1111 – Notice of Intent and FEIS review and approval

Act 279 of 2021, codified as R.S. 37:1751, requires that professional and licensing boards adopt rules implementing a path to licensure for dependents of healthcare professionals. To begin the implementation of such a path, the board reviewed a draft of a proposed NOI and FEIS, and related documents, which seek to amend existing Rule §1103(A) Individuals Registered in Other States and adopt a proposed new Rule §1111. Dependents of Healthcare Professionals.

After discussion, the board unanimously approved the motion by Ms. Kobila, seconded by Mr. Holly, to approve the language of the proposed changes to LAC 46:I.1103.A. Individuals Registered in Other States, and the proposed adoption of LAC 46:I.1111. Dependents of Healthcare Professionals, and to begin the rulemaking process by authorizing staff and counsel to seek authorization from the OLRC to promulgate the proposed rule changes in accordance with the APA and, thereafter, to follow the procedures set forth in the APA for the eventual adoption of the proposed rule changes.

Act 145 of 2022

For informational purposes, the board reviewed a letter dated August 3, 2022, from the Executive Director of LAPELS to the State Fire Marshall concerning this Act, which was attached to the letter.

Complaint Review Committee Report

Singh and Owens presented the report of the Complaint Review Committee (“CRC”) consisting of Singh, Kobila, and Brossett.

Case #2022-09 - Owens reported on a case involving an architect who did not obtain any continuing education hours during calendar year 2021 and falsely asserted that he had obtained those hours when he renewed his Louisiana architectural license. The respondent signed and returned the proposed consent order recommended by the CRC. The proposed consent order contained the following sanctions:

1. Respondent to pay a fine of \$1,500 and costs of \$328.63;

2. Respondent to earn twelve HSW continuing education hours for calendar year 2021 and twelve HSW continuing education hours for calendar year 2022 and forward documentation of such to the board within sixty days of the board's acceptance of the consent order;
3. Respondent to submit to an audit of his continuing education records for five consecutive years;
4. 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
5. Reporting this matter to NCARB Disciplinary Database identifying Respondent by name.

The board unanimously approved the motion by Mr. Cardone, seconded by Mr. Holly, with the CRC members abstaining, to accept the consent order as presented.

After the motion passed, the Respondent was identified as Samuel Olmedo.

Owens then provided an update on current enforcement statistics noting that there were 14 open cases, 24 cases closed since the May meeting, 26 cases opened since the May meeting, 64 pending cases, and 15 letters of caution issued since the last meeting. Owens then reported on his actions since the last board meeting.

Continuing Education Committee Report

Ducote reported that the Continuing Education Committee would meet after the board meeting to review the remaining five audits that need committee input to resolve. Ducote stated that the written continuing education audit process would receive a comprehensive staff review to ensure that the procedure is the most efficient and is consistently followed.

The board discussed the open licensing advisor position and requested that Ducote poll other Region 3 states to determine if they utilize a paid state licensing advisor.

Licenses/Certificates Issued for Ratification

Ducote reported that the following licenses/certificates had been issued from May 16, 2022, to August 16, 2022:

- Initial Architect - 11
- Reciprocal Architect - 49
- Architect Reinstatements - 15
- Architectural Firm – 22 (7 in-state; 15 out-of-state)
- Professional Architectural Corporation – 5 (1 in-state; 4 out-of-state)
- Architectural Engineering Corporation – 4 (out-of-state)

Individual Licenses:

- In-state active – 1,309
- In-state emeritus – 44
- In-state revoked – 1
- In-state probation – 1
- Out-of-state active – 2,225
- Out-of-state emeritus – 55

Total – Individual Licenses: 3,635

Firm Certificates:

- Architectural Firm
 - In-state – 306
 - Out-of-state – 412
- Professional Architectural Corporation
 - In-state – 112
 - Out-of-state – 170
- Architectural Engineering Corporation
 - In-state – 14
 - Out-of-state – 135

Total - Firm Certifications: 1,149

Total - Delinquent Firm Certificates – 50

The board unanimously approved the motion by Ms. Kobilá, seconded by Mr. Holly, to approve the list of licenses and certificates issued for the period May 16, 2022, through August 16, 2022.

Ducote reported on the data provided by NCARB on Louisiana architect candidates and licensees:

From May 1, 2022, to July 31, 2022

- Number of exam candidates - 333
- Number of Louisiana licensed architects who are NCARB record-holders - 2,625
- Exam divisions administered - 88
- Number of candidates completing core requirements - 14
- Number of initial transmittal requests to NCARB - 14
- Number of reciprocal transmittal requests to NCARB - 45
- New NCARB records opened - 44
- NCARB records renewed - 185

NCARB by the Numbers: Louisiana

Ducote shared new information provided by NCARB with its 2021 publication of NCARB by the Numbers. The data indicates that Louisiana candidates run slightly behind the national average for completion of the AXP (5 years vs. 4.8 years national average) and ARE (3.6 years vs. 2.7 years national average.) The data also revealed that Louisiana candidates perform slightly below the national average (54% vs. 55% national average) for exam success and that Louisiana has more reciprocal licensees than the national average (62% vs. 53%).

Firm waiver request data

Ducote reported on an architectural firm that requested a waiver to operate in Louisiana with a name that included the word “architects.” The firm will not be offering or providing architectural services in Louisiana but has an employee who lives and teleworks in Louisiana. Staff followed the previous direction of the board, and the Executive Committee vetted the request before approval. Ducote also reported that staff would implement a system where firm waivers can be closely tracked to ensure firms follow up with an application within thirty days.

Minutes

The board unanimously approved the motion by Mr. Holly, seconded by Mr. Brossett, to approve the minutes of the May 20, 2022 regular board meeting and the August 16, 2022 special meeting.

Discussion Items

LSBAE Laws & Rules Quiz

Ducote conveyed to the board the information he had gathered relating to other jurisdictions’ use of jurisprudence exams and the information that he gathered related to the cost associated with creating a web-based quiz for the board’s licensees. The board then discussed the draft LSBAE Laws & Rules quiz, which Owens had developed. Ducote requested that board members take the quiz themselves to determine how many questions should be included in the final quiz. The board agreed that Ducote should proceed with the online development of the quiz in preparation for the upcoming architectural license renewal cycle (for the 2023 CY). The board also requested that staff develop an ethics quiz similar to the Laws & Rules quiz.

The board recessed for lunch at 11:55 a.m. and resumed at 12:20 p.m.

Louisiana Architecture Education Research Fund 2019 Award Update

Ducote presented the final grant report from Louisiana Tech University’s 2019 Mary “Teeny” Simmons award for the program, “Expanding Structural Consultancy in Architectural Education.” The report and attachments presented, along with the article printed in the June 2022 LSBAE newsletter, are the concluding steps in the 2019 La. Tech award grant process. There is an unused amount that the university has to return to the board, as per the board rules; La. Tech is agreeable to a final payment less the unused amount.

After discussion, the board unanimously approved the motion by Mr. Cardone, seconded by Mr. Holly, to approve the final payment, less the unused amount, to La. Tech.

Ducote updated the board on the remaining outstanding 2019 final grant report, and the board discussed printing the 2019 AERF brochures for distribution at upcoming functions.

NCARB Mutual Recognition Agreement with the United Kingdom

Blitch discussed the MRA with the U.K. which NCARB has recently adopted. This MRA will allow architects from the U.K. to receive an NCARB certificate by submitting an affidavit stating that they have met the requirements in the U.K. for licensure as architects. Spaht pointed out that to practice architecture in Louisiana the Louisiana Architectural Licensing Law and the board rules require a) passage of an examination approved by the board (ARE), b) that the applicant hold a professional degree from a NAAB accredited school, and c) the satisfactory completion of the NCARB experience program. Accordingly, a law change would seem to be required before an architect from the U.K. may be licensed to practice architecture in Louisiana. Blitch asked that Ducote let NCARB know that Louisiana cannot accept this MRA at this time, but the board will work on making changes that will in due course allow its acceptance.

Public Information Officer - Position

Blitch discussed the idea of creating a Public Information Officer position on the staff. This position would handle various aspects of media, social media, and community relations, as well as the newsletter, website work, and graphic design, among other things. The board requested that Ducote do more research and report back at the next meeting.

LSBAE Policies

Act 103 of the 2022 regular legislative session was signed by the governor, and it requires that all state agencies adopt certain requirements related to the Americans with Disabilities Act (ADA). The requirements include the development of a policy outlining training requirements, an ADA plan, and reporting, among other things. The board reviewed such Act, and Ducote presented an ADA Policy for the board to review and discuss. He stated that Owens had submitted the policy to the State ADA Coordinator and received her approval.

After discussion, the board unanimously approved the motion by Mr. Holly, seconded by Mr. Brossett, to adopt the proposed ADA Policy with a minor amendment to the “Other Resources” section of the policy.

The board discussed the possibility of requiring one of the required twelve Continuing Education Hours to be in ADA or ADA-related code and requested that Ducote poll the other states in Region 3 to see if they have a similar requirement.

Act 270 of the 2018 regular session provides relative to prohibiting sexual harassment, and it requires that all state agencies develop a policy to prevent sexual harassment, institute mandatory training on the prevention of sexual harassment, and submit annual reports, among other things. The board reviewed such Act, and Ducote presented a draft of a proposed Sexual Harassment Policy for the board to review and discuss.

After discussion, the board unanimously approved the motion by Mr. Holly, seconded by Ms. Kobila, to adopt the proposed Sexual Harassment Policy.

Executive Director’s Report

May, June, and July 2022 Financial Statements

Ducote reported on adjusted year-end numbers which he had received from the board’s CPA. The board ended the 2022 fiscal year with \$745,000 in revenue, which exceeded projections by ~\$19,000. This was primarily due to an increase in out-of-state renewals, increases in several of the delinquent categories, and an increase in recouped enforcement costs.

Expenses ended at ~\$706,000 compared to budgeted projections of \$785,000. Board expenses related to travel were under budget due to not having complete board attendance at the two NCARB national meetings and little use of the Architecture Education Research Fund.

July 2022 began with the completion of the firm renewal cycle with \$142,000 of the \$145,000 budgeted revenue. Expenses are currently on target.

2022-2023 Architects Selection Board members

Ducote presented the candidates for Districts 1-5 for the 2022-2023 Architects Selection Board to the board. No objections to the candidates were made.

The board approved the motion by Mr. Holly, seconded by Mr. Brossett, to accept the nominations of the following individuals for election and service on the Louisiana Architects Selection Board from September 16, 2022, through September 15, 2023.

- District 1 - Carrie Hunsicker – New Orleans
- District 2 - Monica L. Dyer Vinnett – Destrehan
- District 3 - Steven J. Romero – Baton Rouge
- District 4 - Wayne P. Domingue – Lafayette
- District 5 - Evan K. Dowden – Benton

Supervising Professional

Ducote gave a final update on the staff's efforts to eliminate all instances where one supervising professional serves two firms. The remaining firms on the list discussed at the last board meeting had either changed their status to inactive or updated their supervising professional to another individual.

Ducote explained the difference between classified and unclassified performance reviews and discussed annual performance reviews for the deputy director and himself. After discussion, Blich created an ad hoc committee to study how other boards review their executive directors.

After discussion, the board agreed to move the December 2022 board meeting from December 9 to December 16. Ducote discussed the possibility of inviting the deans from the Louisiana schools of architecture to lunch with the board at a future board meeting to facilitate better communication between the board and the schools.

The board unanimously approved the motion by Mr. Holly, seconded by Mr. Brossett, for the board to cover the travel expenses for any member wishing to attend the Region 3 Leadership Conference in Salt Lake City, Utah, on October 13, 2022.

Adjournment

The board unanimously approved the motion by Mr. Holly, seconded by Mr. Brossett, to adjourn the meeting.

Respectfully submitted,

Ronald B. Blich, Board President

Kevin J. Singh, Acting Secretary