

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
December 17, 2010

Attending Ronald Blicht, President presiding
Richard LeBlanc, Secretary
Allen Bacqué
Creed Brierre
J. David Brinson
John Cardone, Jr.
Robert McKinney
Teeny Simmons, Executive Director
Paul H. Spaht, Board Attorney
Robert Eddleman, Board Investigator

Call to Order

1. The meeting was called to order by the President.

Minutes Approved

2. The minutes from the meeting held September 10, 2010 were approved as written.

IDP Report

3. Ms. Marsha Cuddeback could not attend because of a project out of town, but provided the following report:

1

News

IDP LOUISIANA

2011 LA IDP Annual Meeting (see agenda, attached)

The 2011 LA IDP Annual Meeting was held in conjunction with the AIA Louisiana Design Conference in September 2010. Attendees: Teeny Simmons, Geoff Gjertson, Jason Lockhart, Maureen Dugas Foster, Brad Silva. Highlights:

IDP 2.0 Update for Educator Coordinators

AIAS South Quad (ULL and LSU), Spring 2011

Harry Falconer will participate; LA IDP State Coordinator will facilitate an IDP seminar for attendees

School-wide Activities, Spring 2010

LA IDP State Coordinator will schedule spring visits to all schools that include both a formal presentation and a late afternoon / evening event that is open to both students and local interns. The first visit is scheduled for Wednesday, February 9, University of Louisiana Lafayette.

Statewide Initiative for NCARB Applications

At the first Board meeting, spring 2011, a proposal will be presented that describes an initiative for encouraging students to apply for their NCARB record. This proposal will suggest that the Board underwrites a program for awarding the initial fee to a small percentage of students through a competitive process.

Outreach

LA Auxiliary Coordinators and the AIA LA Associate Board Member were invited to attend the final half hour of the Annual Meeting. The discussion included ideas for the upcoming 2011 Forum, engaging and informing interns, and the ARE.

Margarita Mentoring

This event was held during the AIA Louisiana Design Conference, hosted by AIA Louisiana, the State Board of Architectural Examiners, and organized by Maureen Dugas Foster, AIA Louisiana Associate Board Member with M. Cuddeback. Its success indicates that similar events could/should be offered that bring professionals, interns and students together for informal mentoring.

Louisiana IDP Forum 2011

The second Louisiana IDP Forum will be held on Saturday, September 17, 2011, at Tulane University, School of Architecture. Ken Schwartz, Jonathan Tate, Steve Templet, David Demsey, and Marsha Cuddeback met on October 7 at Tulane University to begin initial planning. Jonathan Tate, Tulane's IDP Educator Coordinator, will be facilitating development with assistance from the LA IDP State Coordinator.

NCARB

IDP 2.0 Phase 3

Phase 3 will be implemented in fall 2011. The current seven work settings will be condensed to three experience settings, and instead of IDP core competencies, there will be a list of tasks that interns must accomplish. *Supporting document: 2007 Practice Analysis of Architecture.* (Phase 1 and 2: simplified reporting process, supplementary education employed or unemployed, training units to training hours, e-EVR, six-month rule, updated definition of "direct supervision.")

Emerging Professionals Companion

Visit: <http://www.ncarb.org/idp/enews/2010/april/index.html>

NCARB recently completed a quality control review of the EPC 2009. During this review, it was discovered that 11 exercises and/or activities were not properly aligned to the results of the 2009 Linking Study. NCARB has carefully reviewed the anomalies and is currently in the process of working with the AIA to update the content on the EPC web site. NCARB has removed the affected items from the e-EVR pull down menu while these adjustments are being made. Interns impacted by these adjustments will be notified.

2

Events

Louisiana IDP Forum 2011

The second Louisiana IDP Forum will be held on Saturday, September 17, 2011, at Tulane University, School of Architecture. Jonathan Tate is developing an internal committee

IDP Program Update (see flyer, attached)

Program update for students and faculty at LSU held on Friday, November 12, 2010.

Upcoming program update for students and Interns at ULL, Wednesday, February 9, 2011.

3

Development

IDP Update was submitted for the Board Newsletter, December 2010

New - Spring 2011 IDP Open House/Meeting (LA IDP Annual Mtg.) – ULL, LATech, SUSA/LSU, Tulane

In Process - Statewide Student & Intern Competition (LA IDP Annual Mtg.)
Ongoing - Louisiana IDP Weblog (<http://www.louisianaipd.org>)
Ongoing - Louisiana IDP Facebook (<http://www.facebook.com/group.php?gid=77860191621>)

Executive Director's
Report

4. The Executive Director reported on the office functions below:
 - A. Mailed 2011 renewal reminder cards to architects/prepared instruction sheet for distribution.
 - B. Continuing to work with Peacock Communications on website update and newsletter.
 - C. Installation of new computers and server. Working with EMCO Technologies on solving glitches.
 - D. Attendance:
 1. Meetings with Peacock, Dell representatives, EMCO representatives
 2. November 3 Tulane IDP presentation (New Orleans)
 3. November 4-6 NCARB MBE meeting (New Orleans)
 - E. The Board asked the Executive Director to move forward with the installation of a large monitor/screen for the Board room wall.

5. Mr. Spaht presented the following legal matters for discussion/action:
 - A. Proposed legislation relating to firm practice – The board reviewed a draft letter to ACEC/L prepared by its attorney responding to Dan Mobley's email dated June 10, 2010; a draft of Mr. Spaht's article for the newsletter concerning firm practice; a string of emails to/from Heather V. Gardner concerning whether an engineering limited liability company may practice architecture if it employs an architect, and a copy of La. R.S. 37:689 which is a part of the Professional Engineering and Professional Surveying Law. More than one board member has heard that ACEC/L has concerns about the proposed legislation because of its potential effect upon public companies such as Jacobs Engineering Group, Inc. and Shaw Group, Inc. Mr. Cardone reported that NCARB is studying the issue of firm practice and may propose model legislation in this area. After discussion, the board decided to defer further action on this issue at this time. At the same time, the board would have no opposition to an amendment to the licensing law to add a provision similar to R.S. 37:689.
 - B. Building Official's Guide to Architecture Requirements – Peacock Communications, working with Ms. Simmons and Mr. Spaht, will commence preparing a draft of such a Guide after the newsletter is finalized and the board's website is updated.
 - C. Proposed changes to exemptions (R.S. 37:155) – The board of AIA Louisiana will meet on January 27, 2011, and it will consider the proposed changes at that time. Mr. Blich will attend that meeting for the purpose of answering any questions and explaining the background of the proposed changes. It is hoped that a bill implementing the proposed changes may be introduced during the 2011 legislative session.

- D. Surplus funds – The board reviewed, finalized, and mailed a letter to the Attorney General requesting an opinion regarding the expenditure of surplus funds for the purposes set forth in the letter. The letter was signed by each board member.
- E. Proposed changes to Chapter 15 (Titles, Firm Names, and Assumed Names) – The board reviewed proposed amendments to Chapter 15 of the rules concerning Titles, Firm Names, and Assumed Names. The amendments were prepared by Mr. Spaht and Ms. Simmons with input from the board staff. After discussion, and upon motion by Mr. McKinney seconded by Mr. Leblanc, the board instructed Ms. Simmons and Mr. Spaht to begin the procedure for amending this chapter of the rules.
- F. Request for continuing education credit – The board reviewed and discussed the questions asked in an email dated November 17, 2010 from Marianne Desmarais. Ms. Desmarais quoted a portion of Rule §1315.F.1.a (attending seminars, lectures, presentations, workshops, or courses shall constitute one CEH for each contact hour of attendance), and first asked, “[d]oes attending lectures at Tulane School of Architecture count towards this selection?” Ms. Desmarais next quoted a portion of Rule §1315.F.1.c (teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two CEH for each contact hour spent in the actual presentation), and asked secondly, “[d]oes acting as a visiting critic at Tulane University’s School of Architecture count towards this selection,” and, “[i]f so, would it be an hour for an hour or otherwise?” In connection with its discussion, the board reviewed several emails concerning Ms. Desmarais’ questions.

Concerning the first question, the board observed that Rule §1315.F.1.a (“[a]ttending seminars ... shall constitute one CEH for each contact hour of attendance”) must be read in connection with Rule §1315.E.3.a. (“[a]cceptable continuing educational activities *in HSW* include . . . a. attending *HSW* professional or technical seminars . . . offered by a professional or technical organization . . .”) (Emphasis added). Rule §1315.F.1.a must also be read in connection with Rule §1315 in its entirety, including particularly Rule §1315.D.2 (“[r]esident architects shall complete a minimum of 12 continuing education hours (CEH) *in HSW* each calendar year . . .”) (Emphasis added). The Tulane University School of Architecture has not sought pre-approval from the board for CEH credit for lectures, and the activity which Ms. Desmarais described in her emails does not meet the definition contained in Rule §1315.E.3.a. More specifically, the Tulane University School of Architecture has not provided any information that the lectures for which credit is sought by Ms. Desmarais are in HSW. The board will not allow CEH credit for Ms. Desmarais’ attendance at lectures at the Tulane School of Architecture unless and until such school provides information showing that the lectures qualify as an acceptable educational activity in HSW as defined in Rule §1315.

Concerning the second question, the board observed that Rule §1315.F.1.c (“*teaching or instructing a qualified* seminar, lecture, presentation, or workshop shall constitute two CEH for each contact hour spent in the actual presentation”) must be read in connection with Rule §1315.E.3.e. (“[a]cceptable continuing educational activities in HSW include . . . e. *teaching or instructing HSW courses* . . .”) (Emphasis added). The board concluded that acting as a visiting critic at the Tulane School of Architecture does not count as an acceptable educational activity as defined in Rule §1315.E.3.e or Rule §1315.F.1.c. It is not, “[t]eaching or instructing a qualified seminar, lecture, presentation, or workshop.”

Accordingly, the board will not allow CEH credit for the activities described in the subject emails, and Ms. Simmons will so advise Ms. Desmarais.

- G. Continuing education update – The board reviewed an audit update dated December 9, 2010 prepared by Ms. Simmons. As of the date of the memorandum, only two architects had not met the audit requirements. Since then, one of those architects had met the requirements. The board instructed the director to immediately send a letter to the only architect who has not met the audit requirements, Steven James Brenden, which was done during the meeting.

The board then reviewed the Continuing Education Disciplinary Guidelines dated October 26, 2007. The board decided to appoint a committee to review these guidelines and make recommendations regarding whether same should be amended. The committee will consider what other states are doing in this area, including whether other states require that CEH be submitted at the time of renewal or whether compliance by an audit is used. Mr. McKinney, Mr. Brinson, and Mr. Blich will serve on the committee.

- H. Publication of the names of individual architects and firms who have violated the law or rules – The board reviewed responses received from other states (AL, MS, NC, SC, TN, and TX) concerning whether such states publish disciplinary actions against architects and, if so, whether the architect is identified by name. The responses indicated that other states publish disciplinary actions against architects and identify the architects and architectural firms by name in their publications.

The board has long had a policy of publishing disciplinary actions against architects and architectural firms and identifying the architects and firms by name in the publication. The board decided that this policy should not be changed. The board will publish its disciplinary actions in the newsletter about to be published, and the newsletter will identify the architects and firms subject to disciplinary actions by name therein.

- I. Plumbing design – For informational purposes, the board reviewed a letter dated November 15, 2010, from Ms. Simmons to Jake Causey, Engineer-Engineering Services section of the City of Baton Rouge/Parish of East Baton Rouge. The letter provided the authority for an architect performing plumbing design, that is, R.S. 37:141.B provides that a registered architect may perform engineering work as is incidental to the practice of architecture.
- J. CRC matters – On motion by Mr. Brierre, seconded by Mr. Brinson, the board accepted the recommendations of the CRC pertaining to Case Nos. 2010-1 (Robert Sollberger), 2010-4 (Kevin Bryan Architect, L.L.C.), 2010-27 (Carpenter Sellers Del Gatto PC), 2010-28 (Dauzat – Miley Architecture, L.L.C.), 2010-29 (The Garrison Barrett Group, Inc.), and 2010-30 (NCA Architecture, Inc.), and it authorized its Executive Director to sign Consent Orders resolving such matters on behalf of the board in accordance with such recommendations.
- K. Enforcement report – The board reviewed the written Enforcement Report prepared by Mr. Eddleman, and Mr. Eddleman summarized same. Since the September meeting, Mr. Eddleman had opened four cases, closed four cases, and referred five cases to the CRC for its review.

L. Proposed letterhead – By email dated October 26, 2010, Calvin P. Jones, Jr. asked whether Construction Affiliates, Inc., a licenses architectural corporation, could hang out a shingle doing business as “Jones, Riecke & Romero, Architects.” Ms. Simmons asked that the proposed letterhead be sent to the board, which has not been done. Ms. Simmons will follow up with Mr. Jones.

M. Public Agency Requests for Proposal – The board reviewed an email dated September 28, 2010, from Chris Bellone. The email attached a Request for Proposals dated September 28, 2010, issued by the Louisiana Housing Finance Agency (“LHFA”). The RFP provided, in part, that that the proposer shall “[b]e a member in good standing with the AIA.” Mr. Bellone asked whether it is appropriate for a state agency to require that a responding, LA state licensed architect be a member of a private professional organization (AIA).

The Board does not know why the LHFA drafted its RFP to require that a responding architect be a member in good standing with the AIA. At the same time, the Board regulates the practice of architecture in Louisiana pursuant to the Architect Licensing Law (La. R.S. 37: 141 *et seq.*, particularly R.S. 37:144.C). It does not regulate other state agencies in how such may draft a RFP. Regardless of whether it is or is not appropriate for a public agency to require a proposer to be a member in good standing with a private professional organization, the Board is of the opinion that it does not have the authority to tell a public agency how it should or may draft a RFP.

N. Rolling clock and IDP records – At its meeting on December 17, 2010, the board reviewed and discussed emails dated March 18, March 20, March 22, and October 25, 2010 from Jason Heinze, as well as emails dated March 19, March 20, March 23, and October 25, 2010 from Ms. Simmons responding thereto. Mr. Heinze complained that, although he had nearly four years of work experience in architectural firms, he can only receive IDP credit for hours accrued during his last six months of employment because he did not establish an NCARB record before July 1, 2009. He advised that he had unsuccessfully communicated with NCARB concerning his complaint, and he asked if the Board could direct him to the person or office to whom he might appeal this matter. He also asked if the Board would create an exception for his situation.

The board does not maintain IDP records prior to licensure. Specifically, the board does not have the IDP records of Mr. Heinze. Such records are maintained by NCARB, and Mr. Heinze should communicate with it concerning his IDP records (which he has apparently already done). Mr. Heinze should direct any questions concerning his records, and any appeal concerning same, to NCARB.

The IDP Guidelines have long recommended that interns submit reports to NCARB every four months, and the “Six-Month Rule” was adopted on a national level in 2008 after much debate and discussion. Further, as stated in Ms. Simmons’ email dated March 19, 2010, the board, along with NCARB, made a concerted effort to advise interns, schools of architecture, etc. of the changes in IDP reporting. After discussion, the board decided that it would not create an exception for Mr. Heinze, and Ms. Simmons will advise Mr. Heinze of the board’s decision.


O. Louisiana Architect Selection Board – On motion duly made, seconded and passed, the board decided to review and consider, if appropriate, the letter dated December 15, 2010

from Jay Labarre addressed to others (copied to the board). Mr. Labarre's letter concerned his decision to serve on the LASB and the problem that such service is causing because of joint ventures between his firm and its "joint venture" partners. Mr. Labarre has recused himself from any consideration of the awarding of such jobs, but the frequency that this problem is arising is causing Mr. Labarre to consider whether he should continue to serve on the LASB. The board understands that a copy of the letter was sent to it for its information. No action concerning the letter was considered necessary.

6. The Board met with Ellie Hebert and Kami McDonald of Peacock Communications relating to their newsletter presentation and ideas about the layout of the new website. The newsletter was approved with minimum corrections and the website upgrade will be done by spring, 2011.
7. The November, 2010 budget report was reviewed.
8. The following 2011 meeting dates were approved.

Friday, March 18
Friday, June 17
Friday, September 23
Friday, December 16

3/18/2011
Date



Ronald Blich, President



Richard LeBlanc, Secretary

Budget Report