Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
December 12, 2014
10:00 AM

Attending

John Cardone, Jr., President presiding
Allen Bacqué
Ronald Blitch
Creed W. Brierre
J. David Brinson
Richard LeBlanc
Robert W. McKinney
Teeny Simmons, Executive Director
Paul H. Spaht, Board Attorney
Robert Eddleman, Board Investigator
Joe Delaune, SFMO
Lynn Robertson, AIALA

Call to Order

1. The meeting was called to order by the President

Minutes Approved

2. The minutes from the meeting held September 19, 2014 were approved as written.

IDP Report

3. Jenny Pelc, State Architectural Licensing Advisor presented the following IDP report.

1 – Communication

a. **LSBAE Communication - Newsletter:**

a. Highlighted activities at particular school – UL-Lafayette will be featured first (as well as publication of Geoff's book).
b. Shannon French provided article about Intern Think Tank.

b. **School Events:** All Schools of Architecture have had a visit by either NCARB or me during the fall semester.

c. **Professional Events:** primarily focusing on visits to AIA chapters in the spring; however, Ron Blitch and Jenny Pelc presented overview of changes at AIA Center for Design in October 15 at 5:30pm there are a few chapters who will overlap with School Presentations.

2 – Recent Changes to IDP: "elective hours" have been eliminated; total number of required hours is 3740; these are all "core hours".

3 – LA IDP Forum 2016: Initial planning and budgeting is underway.

Executive Director's Report

4. The Executive Director gave the following report:

A. Continuing architect renewals.

B. Preparation for 2014 Winter Newsletter.

C. Names sent to Governor for appointment of Mr. Brierre's replacement District 1.

D. Attendance:

1. October 7 – Lafayette "Generating Hope" presentation and pre-book signing.
2. October 15 – New Orleans/AIANO changes in licensing process Blitch/Pelc.
3. October 20 – Lafayette/ULL IDP Bacque, McKinney noon.
4. October 20 – LSU IDP/Brinson 5:30 pm.
5. October 21 – AIA/BR IDP/Brinson 6:00 pm.
6. October 22 – New Orleans, Tulane IDP/Brierre 5:30 pm.
7. October 23-24 – New Orleans/Greenbuild Conference.
8. October 28 – FMO Roundtable.
9. October 30-November 2 – Indianapolis MBE/Chairs Meeting (Cardone).
10. November 13 – New Firm Rule committee meeting/Spaht, McKinney, Brinson, Bacque.
11. November 20 – Conference call/Spaht, Mary Porche

E. Mr. Joe Delaune, Office of State Fire Marshal, appeared and gave a very detailed and thorough update on the new Computer System.

Legal

5. Mr. Spaht presented the following legal matters:

A. Rule § 1315 (Reinstatement) – For informational purposes, the board reviewed its newly adopted Rule § 1315 published on September 20, 2014, in the Louisiana Register. This new rule reduces the number of continuing education hours which must be earned for reinstatement of an architectural license. Since the new rule was reviewed for informational purposes only, no action by the board was deemed necessary.

B. Interior Designers Rule § 1001 (LAC 46:XLIII.1001) – The board reviewed (i) Interior Designers Rule § 1001 adopted by the Board of Examiners of Interior Designers on or about September 20, 2014; (ii) the NOI published on November 20, 2013, concerning this rule allowing written comments until December 10, 2013, and (iii) various emails showing that the board did not learn of this proposed rule until after such date. After the board learned of the proposed rule, it and AIA Louisiana met with the LSBID in the winter and spring of 2014, and during and after those meetings made a number of comments to the LSBID objecting to much of its proposed rule. Mr. Spaht reported that, to the best of his knowledge, the LSBID

thereafter adopted this Rule without notifying the legislature of any of the comments of AIA Louisiana or the board. Whether the LSBID will now seek to have legislation enacted, as well as the contents of any such legislation, is unknown.

C. Waivers – The board reviewed and discussed two requests for waivers from unlicensed persons, both seeking approval of names containing the word "architectural." The request for a waiver for the name "AOS Architectural Interiors" will be denied because such name suggests that the requesting company is or will be providing architectural services in Louisiana. The request for a waiver for "Engineered Architectural Systems, Inc." will be granted, as such name does not suggest that the requesting company is an architect or is providing architectural services in Louisiana.

D. Consulting Services (John Shoesmith) – The board reviewed and discussed an email chain between John Shoesmith and Teeny Simmons beginning November 14, 2014 and ending November 24, 2014. Mr. Shoesmith asks if a license from the board will be required for him to provide consulting services as a senior living/memory care consultant in Louisiana. Mr. Shoesmith explained that he will not be providing preliminary studies, designs or drawings in conjunction with those services, and he will not be stamping any plans, nor will he or his firm be mentioned in advertisements or job signs. After discussion, the board concluded that the consulting services described by Mr. Shoesmith do not require a license from the board. Ms. Simmons will so advise Mr. Shoesmith.

E. Continuing Education Request (Geoff Gjertson) – The board reviewed and discussed a request from W. Geoff Gjertson dated November 30, 2014, for approval of self-reported continuing education. The board also reviewed emails related to this request. On motion by Mr. Brinson, seconded by Mr. Blitch, the board denied Mr. Gjertson's request. Mr. McKinney abstained from the discussion and voting on this matter. Ms. Simmons will so advise Mr. Gjertson.

F. Firm Rule Committee – The Firm Rule Committee (Messrs. Bacque, Brinson, and McKinney), Mr. Spaht, and Ms. Simmons met on November 13, 2014, and the board reviewed various materials prepared by or at the direction of such committee including Mr. Spaht's memorandum dated November 21, 2014, on the projected financial impact of the proposed firm practice rule; a draft of proposed amendments to La. R.S. 37:149 and 150 (initial, renewal, and delinquent fees); a draft of proposed legislation to be numbered R.S. 37:159, and a draft of proposed legislation concerning an Education and Research Fund (prepared by Mr. McKinney). Mr. Spaht estimates, with a number of assumptions, that the proposed legislation may decrease revenues to the board in the approximate amount of $36,900, as more fully shown by his November 21 memorandum. The board discussed this shortfall, and concluded that it should be addressed by increasing the fees charged to O/S architectural firms. In addition, the consensus of the board was that the Education and Research Fund should be dedicated to any NAAB accredited university in this state. The full committee will meet again in January.

G. Newsletter Project Pictures – The board reviewed an email from Ladd Ehlinger dated November 21, 2014, with photos attached. In his email, Mr. Ehlinger gave permission for the board to use the photographs provided in its next newsletter. After discussion, the board decided that it should only publish photographs of peer

reviewed award winners. Ms. Simmons will so advise Mr. Ehlinger.

H. Enforcement Report – Mr. Eddleman presented a written Enforcement Report for the period September 19, 2014 thru December 12, 2014. The CRC authorized the issuance of two (2) Consent Orders. Further, since the September meeting four (4) cases have been opened and at the direction of the CRC seven (7) cases closed due to a ratified Consent Order, cease and desist letter, or no violation. Eight (8) cases for unlicensed practice were referred to the CRC for review.

I. Formal Disciplinary Actions – Mr. Eddleman presented the following CRC matter:

Case # 2013-16 – Val*Tec & Associates – Mr. Eddleman reported on an unlicensed practice by a firm. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. McKinney, seconded by Mr. Creed, to approve the signed Consent Order.

J. Miscellaneous – For informational purposes only, the board reviewed Minutes for the Industry Roundtable Meeting on October 28, 2014; Ms. Simmons' letter dated November 7, 2014 concerning the board vacancy (submitting the names of Knox H. Tumlin and Kenneth Schwartz to the governor); Alfred Vidaurri, Jr. letter dated November 17, 2014 providing an update on activities in Region 3 of NCARB, and a series of emails concerning changes to BEA/BEFA. No action on any of these items was deemed necessary.

On motion by Mr. Blitch, seconded by Mr. Brierre, the board unanimously decided to consider a non-agenda matter contained in an email dated December 8, 2014, from Mark DeBosier, Assistant Deputy Director, Disaster Recovery Division – Public Assistance Grant Program, Governor's Office of Homeland Security and Emergency Preparedness. This email had been received after the agenda was prepared.

K. Mr. DeBosier advises that the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP") is responsible for administering approximately 40,000 grants totaling $13 -- $14 Billion in FEMA disaster recovery grants. Until recently, the firms that had been hired to perform "project management" on behalf of the "owner" have been licensed A/E companies. GOHSEP now has a couple of applicants that have hired project management firms that have no form of license or experience in the design or construction administration of public facilities. GOHSEP has taken the initial position that management and oversight of a design professional requires a licensed architect or engineer. It is now seeking guidance from the Louisiana Engineers Licensing Board and/or the LSBAE. GOHSEP asks if there is some minimal skill or licensure required to perform project management for FEMA Public Assistance construction projects – maybe some relevant experience but lesser than the requirement to be a licensed architect or engineer.

The board discussed this inquiry. In the opinion of the board, guidance is contained in the Architect's Licensing Law, La. R.S. 37:141 et seq. If the services being performed are included within the definition of the practice of architecture, as defined in La. R.S. 37:141.B.3, a licensed architect is required. The practice of architecture includes "administration of construction contracts." *See* La. R.S. 37:141.B.3. The

services described in Mr. DeBosier's email are included within the definition of the practice of architecture. *Id.* Thus, a licensed architect or civil engineer is required. Ms. Simmons will so advise Mr. DeBosier.

Budget Report

6. The November, 2014 budget report was reviewed.

7. Mr. Brinson will be President in 2015 along with Mr. Bacque serving as Secretary. The CRC committee for 2015 will be Mr. Brinson, Mr. Blitch, and Mr. Bacque who will be replacing Mr. Cardone.

8. Board Meeting dates for 2015 were approved as follows:

   March 6
   June 12
   September 18
   December 18

3/6/15
Date

John Cardone, Jr., President

Allen Bacqué, Secretary