

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
December 13, 2013
10:00 AM

Attending Creed Brierre, President presiding
 Allen Bacqué
 Ronald B. Blicht
 J. David Brinson
 John Cardone, Jr.
 Richard LeBlanc
 Robert W. 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 20, 2013, were approved as written.

IDP Report

3. IDP was discussed and hiring of new State IDP Coordinator, possibly by July 1.

Executive Director's
Report

4. The Executive Director reported the following:

A. Preparation for architect renewals online.

B. Update website with current Law/Rules.

C. Preparation for fall newsletter.

D. Gathered information on dba's/tradenames.

E. Attendance:

1. October 25 – AIALA Board meeting/New Orleans (Brierre/Blicht).

2. October 31 to November 3 – MBE Committee meeting/Washington, D. C.

3. November 4 and 5 – LA Tech (NCARB Presentation/LeBlanc).

4. November 7 – FMO Rountable (Brinson).

5. November 14 – IDP Committee transition (McKinney, Brinson, Bacque, Cuddeback).

Legal

5. Mr. Spaht presented the following legal matters:

A. Rules Regulating Architectural Firms –Ms. Simmons reported that since the last meeting the latest draft of the proposed rules regulating architectural firms was sent to AIA Louisiana, which had made no suggestions. Mr. Spaht reported that a final

section concerning their effective date (July 1, 2015) had been added. The board instructed Mr. Spaht to move forward with adoption so that the proposed rules would be published soon after July 1, 2014. For this to occur, the NOI will need to be published in March or April of 2014. At the next meeting, a marketing plan for informing all architects of the proposed rules will be discussed. AIA Louisiana will be asked to publish the proposed rules in its newsletter.

- B. Use of Trade Name/DBA – As instructed at the last meeting, Ms. Simmons had obtained information from NCARB regarding rules or laws of other states concerning the use by architectural firms of trade names/dba names. This information was reviewed by Ms. Simmons and Mr. Spaht, and Mr. Spaht reported that the information was not particularly helpful to the current issues before the board. As a follow up, Ms. Simmons obtained information regarding rules or laws of other states in the Southern Region concerning this matter. This information was also reviewed by Ms. Simmons and Mr. Spaht. From all of this information obtained, it appears that most states have no specific rules regulating the use of trade names or dba names.

With all of this in mind, the board again reviewed the emails dated September 9, 2013, from Susan Moon of Corgan Associates, Inc. which is looking to dba as just “Corgan.” After discussion, the board concluded that in Louisiana professional architectural corporations must comply with La. R.S. 12:1088, which requires that the name of a professional architectural corporation shall end with a required suffix. Further, a professional architectural corporation may not avoid the statute by doing business under a name which does not comply with its provisions. The name “Corgan” does not comply with La. R.S. 12:1088 since it does not end with one of the required suffixes. The executive director will so advise Ms. Moon.

The board again reviewed the letter dated August 12, 2013, from Richard Albert of Albert Architecture Urban Design apllc. Mr. Albert advised that Hernandez Consulting llc recently purchased a portion of Albert Architecture & Urban Design apllc. Albert Architecture & Urban Design apllc is not requesting a name change. Rather, it is requesting (i) confirmation that use of the trade name “Hernandez Consulting/Albert Architecture llc” by Albert Architecture & Urban Design apllc is permissible, and (ii) that the trade name “Hernandez Consulting/Albert Architecture llc” be listed as a firm on the Roster of Architects in addition to Albert Architecture & Urban Design llc. After discussion, the board concluded that under its rules an architectural firm may use one name only. For one firm to use more than one name would be misleading and confusing, and a violation of board rule § 1501 which prohibits the use of any name which is misleading or confusing.

- C. Appearance of Lynn Robertson, AIA Louisiana – Ms. Robertson appeared and confirmed that AIA Louisiana had reviewed the proposed rules concerning architectural firms and had no suggestions concerning their adoption.
- D. Appearance of Butch Browning and Joe Delaune of the OFM – Mr. Browning and Mr. Delaune appeared. Mr. Browning reported on recent activities of the OFM, including its complete reorganization. An extensive computer system is being implemented, and deputies are being fully trained to do everything. Mr. Delaune reported on a meeting fixed for January 23, 2014, regarding interior designers. The OFM would like an architect to serve on a committee which is studying possible

legislation regarding elevators, and the board responded that it would work with Mr. Delaune to locate such a person.

- E. Modifications to IDP – The board reviewed the NCARB memo dated October 14, 2013 re: Board Approved Modifications to the IDP. These changes (pertaining to employment duration requirements and the IDP eligibility date) will become effective December 16, 2013. The board reviewed this memo for informational purposes only, and no board action concerning this matter was considered necessary.
- F. Mutual Recognition Agreement with Canada – The board reviewed the NCARB memo dated November 26, 2013 regarding the Mutual Recognition Agreement with Canada. The board reviewed this memo for informational purposes only, and no board action concerning this matter was considered necessary.
- G. State IDP Coordinator – The board reviewed the position announcement and description for Louisiana State IDP Coordinator published recently in the newsletter. The deadline for application is January 15, 2014. The board reviewed this information for informational purposes only, and no further board action on this matter was considered necessary at this time.
- H. Enforcement Report – Mr. Eddleman opened six (6) cases since the September meeting and at the direction of the CRC closed nine (9) cases due to a ratified Consent Order, cease and desist letter, or no violation. Mr. Eddleman referred five (5) cases to the CRC for review: three (3) cases of unlicensed practice; one (1) case of alleged misconduct, and one (1) case of delinquent renewal.
- I. Formal Disciplinary Actions Taken by the Board – The board reviewed the report of formal disciplinary actions taken by the board published in the December of 2013 newsletter. In addition, the board ratified consent orders for Charles M. Oliver (\$2,000 fine, \$125 administrative costs, and publication in the board's newsletter identifying respondent by name) and Kevin Darby (\$500 fine, \$125 administrative costs, and publication in the board's newsletter identifying respondent by name).

On motion by Mr. Blich, seconded by Mr. Bacque, the board unanimously decided to consider the following two matters not on the agenda:

- J. Continuing Education – The existing continuing education rules provide that, if an architect is being re-registered after having been unregistered, the architect must acquire that number of total continuing education hours that would have been required if registration had been regularly renewed. Board rule § 1315.D.4. This requirement may be unduly burdensome where an architect has been unregistered for a number of years. On motion by Mr. McKinney, seconded by Mr. LeBlanc, the continuing education rules will be amended so that the maximum number of delinquent continuing education hours which must be earned for reinstatement will be twenty-four hours. The twenty-four hours must be earned in the year preceding the application for reinstatement, or the current year. This maximum will apply to former registrants seeking to reinstate their architectural license and to architects who have been granted emeritus or other honorific inactive status seeking to return to the active practice of architecture. Mr. Spaht is instructed to move forward with this rule amendment.

Budget Report

K. Board Member Educator Conference – Mr. McKinney requests that the board pick up the price of airfare, not to exceed \$500, for one delegate from each architectural program to attend the Board Member Educator Conference. Jenny Wilkinson from the Southern Region will provide specifics and submit a formal request by letter. Ms. Wilkinson's letter will be reviewed at the next meeting, and at that time a decision will be made concerning this request.

6. The November, 2013 budget report was reviewed.
7. The following Board meeting dates for 2014 were approved.
 1. February 28 (prior to regional/necessary for interviews).
 2. June 13
 3. September 19
 4. December 19
8. The Board entered into Executive Session to discuss future office operations and staff positions.

2/28/14

Date



Creed W. Brierre, President



J. David Brinson, Secretary