Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
September 18, 2015
10:00 AM

Attending

Allen Bacqué, Acting President
Ronald Blitch
John Cardone, Jr.,
Richard LeBlanc
Knox Tumlin
Teeny Simmons, Executive Director
Paul H. Spaht, Board Attorney

Call to Order

1. The meeting was called to order by Mr. Bacqué, acting President in the absence of Mr. Brinson.

Minutes Approved

2. The minutes from the meeting held June 12, 2015 were approved as written.

IDP Report

3. State Architectural Licensing Advisor/Jenny Chandela provided the following report.

1 – LA Licensure Forum 2016:

a. Date: Saturday, February 13, 2016 (with possible overflow, optional events Friday & Sunday)
b. Venue: Tulane School of Architecture; Jenny Wilkinson researching insurance requirements
c. Hotel: Hampton Inn St. Charles (room block coordinated – 20 rooms on Friday/ 15 rooms on Saturday at reduced rate)
d. Budgeting: Louisiana AIA has offered to match LSBAE funding up to $4000
    a. Food: Coffee & Pastries; Box Lunch; Wine & Cheese Reception
    b. Flyers: Save-the-Date Mailings (digital or physical?) & Posters for Schools of Architecture
    c. Participant Packets
    d. Stipends and/ or Travel Assistance for Speakers?
e. Incorporation of Board Member/ Educator Meeting: Working with Jenny Wilkinson and Mike Rodriguez
f. Overlapping Themes: Streamlined IDP & Licensure Upon Graduation
g. Media/ Outreach: developing registration website, digital save-the-dates and posters
h. Next Steps: Finalize Agenda w/ R.3 and book speakers

2 – Outreach:

a. ULL – September 18 at noon

b. TU/ AIA – Tentative October 18 at AIA Center for Design
c. LA Tech – due a visit by NCARB; awaiting response whether they will be able to come or wait till 2016; If 2016, I will schedule a trip independently

3 – Licensure Update – Highlights from Conference in San Diego:

a. ARE 5.0 is scheduled to be released in late 2016
b. Minimum 18-month overlap between 4.0 and 5.0
c. ARE 4.0 will no longer be offer after June 30, 2018
d. Once ARE 5.0 is released candidates will not be given the option of which exam to register
e. NCARB is developing formal study material for the exam; the study material referenced will be made available to ALL CANDIDATES, not just Professors of Practice as it notes.
f. Fee Structure for NCARB Record changing: $100/ initial application fee + $85/ year (effective July 2016)
g. NCARB is developing a calculator for candidates who are transitioning from 4.0 to 5.0; the referenced calculator is AVAILABLE NOW and is available to ALL CANDIDATES, not just to advisors.

Executive Director's Report

4. Executive Director's primary office functions:

A. Continuing firm renewals/preparation for individual license renewals.

B. Part-Time Investigator process/advertising, meeting, interviews October 1.

C. Working on several reports of individuals using architect to describe themselves or their services.

D. Working with EMCO to purchase new computer/server and probably will purchase off state contract as in the past.

E. Looking into imaging all paper files/possible same company used by the Engineer's Board and will possibly have a quote at the December meeting.

F. Attendance:

1. June 17-21, 2015 – NCARB Annual Meeting (New Orleans).
2. July 29-August 2, 2015 – NCARB IDP Committee/Licensing Advisors (San Diego).
3. August 14, 2015 – Committee Meeting/Bacque, Brinson, McKinney, Spaht/review part-time investigator resumes/Education Funding for colleges.
4. August 17, 2015 – Court Hearing Agriculture Engineer (Spaht, Simmons). September 10-11, 2015 – AIALA Design Conference (Baton Rouge).

Legal

5. Mr. Spaht presented the following legal matters:

A. *Merritt E. McDonald v. Louisiana State Fire Marshal*, Suit No. 614,502, Section 25, 19th JDC – Mr. Spaht reported that on August 17, 2015, Judge Fields granted the motion to intervene filed on behalf of the board and a separate motion to intervene filed on behalf of AIA-Louisiana. AIA-Louisiana is being represented in the *McDonald* suit by A. Dale Clary and Brad M. Barback of the Long Law Firm, LLP in Baton Rouge. On September 2, 2015, Judge Fields signed judgment granting the motions. The board will now file written discovery seeking information concerning the prior submissions by Mr. McDonald to the OFM, the scope of authority sought by Mr. McDonald, and related matters.

B. Office of Debt Recovery – In late May of 2015, Ms. Simmons and Mr. Spaht met with representatives of ODR, as explained at the board's June meeting. At that meeting, the ODR indicated that it was in the process of reviewing the roster of Louisiana architects to determine how many might owe a debt to the State. Ms. Simmons reported that she has not yet received this information from ODR.

C. Education Fund/Firm Practice – The board reviewed a draft of a proposed regulation and rule prepared by Mr. McKinney. A committee of the board will meet on October 1 to interview applicants for the part-time investigator/compliance officer position, and Mr. Spaht was asked to review the draft of the proposed regulation and rule and provide his comments to this committee before its meeting.

D. Federal Projects/Federal Government Employees – The board reviewed emails during June of 2015 from/to Naveed Subhan asking if it was acceptable for a federal government employee, unlicensed as an architect, to present himself as an "architect" in public. Mr. Subhan recognizes that under the exemption contained in La. R.S. 37:155.A.1 an officer or an employee of the United States in the execution of his or her official duties, unlicensed as an architect, may practice architecture for the federal government. He asks: "So while the practice of architecture by unlicensed individuals, in federal govt. employment as part of their work, is permissible in Louisiana, is it also permissible and acceptable for them to present themselves as 'architects' when they are not?"

On June 15, 2015, Ms. Simmons responded:

> The board is charged with the responsibility of regulating the practice of architecture in LA, and your inquiry seems to raise an academic issue which does not involve a LA architect or the practice of architecture in LA. Nonetheless, if you would like, your inquiry can be put on the board's agenda for the next meeting (Sept 18) to see if the board wants to add anything to what has been said so far. Let me know.

After discussion, the board concluded that Ms. Simmons' response was adequate and that Mr. Subhan should be so advised.

E. Single Family Residences/Demolition – By email dated August 31, 2015, Jay Seastrunk, RA asked two questions: First, regarding non-licensed "designers" who hire engineers to complete engineering documents for single family residences, does the sentence (a. the client or any public or governmental agency requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the licensee or the licensee's employee as long as the

licensee's place(s) of business) require that all preparation of construction documents be performed in the architect's office by employees – meaning no contract labor, no labor from outside the office? Secondly, for architects who submit drawings for permit that involve demolition in districts where demolition requires special demolition permits be issued but either in error/omission or worse on purpose omit all language from their documents regarding "removal" or "demolition," what would be required to evaluate the validity of a complaint and bring it to the board for disciplinary action?

After discussion, the board concluded regarding Mr. Seastrunk's first question that an architect was not required since La. R.S. 37:155.A.4.a exempts from the licensing law persons acting as designers for single family residences. Regarding Mr. Seastrunk's second question, the board observed that demolition is not regulated by the licensing law, and any complaint against an architect alleging fraud or misrepresentation would be evaluated based upon the merits of any complaint filed. The executive director will so advise Mr. Seastrunk.

F. Conflict of Interest/ARMKO – The board reviewed an email dated August 21, 2015, from Clarence P. Babineaux of SGB Architects, LLC. Mr. Babineaux attached a copy of Ms. Simmons' letter dated June 24, 2013, to H. Ray Stringer of ARMKO Industries, Inc. Mr. Babineaux advised that SGB contracted with ARMKO to assist with the design of building envelope and roof details and provide related specifications for a new building in Shreveport that is now under construction; that ARMKO fully disclosed to SGB that they may specify their product, and that the contractor on the project told him that he had no intention of using ARMKO's product but a few days ago that ARMKO knows that they may be interested. According to Mr. Babineaux, ARMKO wants to make certain that they are in full compliance with the licensing law. In its June 24, 2013 letter, the board concluded:

> After discussion, the board concluded that in Louisiana an architect may not specify its own product for a project, even if full disclosure is made to all parties. Doing so would violate LSBAE Rule § 1901.B.3. Accordingly, if ARMKO becomes the architect for a project in Louisiana, it may not use its "either/or" proposal.
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> ARMKO may serve as a consultant to architects on projects in Louisiana. As a consultant to the architect of record, ARMKO may use an "either/or" proposal described *supra*, provided full disclosure is made to all interested parties.

After discussion, the board concluded that these two paragraphs accurately interpreted the licensing law and board rules. To answer Mr. Babineaux's specific inquiry, the board needs additional information. Specifically: who is the architect of record on the project? Further, who hired who, that is, did SGB hire ARMKO, or did ARMKO hire SGB? Finally, is there any contractual relationship between the owner and ARMKO and, if so, what is that relationship? Ms. Simmons will ask these questions to Mr. Babineaux.

G. Evaluating Structures Damaged by Hurricanes – The board reviewed an email dated September 9, 2015 from Daniel W. Heyer, P.E. asking: can architects evaluate damaged structures due to hurricanes and other man-made and natural actions in Louisiana and, if so, do they need to be licensed in Louisiana? After discussion, the board concluded that in Louisiana an architect may evaluate structures damaged by hurricanes and other man-made and natural actions. Further, if the evaluation

involves the practice of architecture, as defined by La. R.S. 37:141.B.3, a license is required (unless one of the exemptions contained in La. R.S. 37:155 is applicable). Ms. Simmons will so advise Mr. Heyer.

H. OFM Plan Review/Guidance – Appearing on this item were Mr. Bobby Boudreaux and Ms. Lisa Nice, representing AIA Louisiana, and Mr. Dan Mobley, Mr. David Dupre, and Mr. Craig Campbell, representing ACEC/L. ACEC/L believes that there is an ongoing problem by a small group of architects issuing engineering drawings bearing an architectural seal only. To address that problem, ACEC/L proposes sending a letter to the OFM providing guidance for its plan review.

The board reviewed the ACEC/L draft letter and listened to the comments of the attendees (particularly Mr. Dupree, Mr. Boudreaux, and Ms. Nice). The board believes that the problem is an enforcement issue, not a problem with the licensing laws. AIA Louisiana agrees. AIA Louisiana believes that there is also a problem with engineers practicing architecture which is more than incidental to the practice of engineering.

After discussion, it was decided that representatives of ACEC/L and AIA Louisiana should meet with Joe Delaune and perhaps other representatives of the OFM to discuss the problems and encourage enforcement of the respective licensing laws. The board will do its part to encourage appropriate enforcement.

Upon motion duly made, seconded, and passed, the board decided to consider the following matter concerning amendments to the licensing law and board rules to implement the integrated path to licensure concept.

I. Integrated Path to Licensure, Amendment of Law and Rules – The board reviewed an email dated September 17, 2015, from Derek Haese of NCARB concerning needed changes in La. R.S. 37:146.B and Rule § 701.C to enable candidates in an integrated path to sit for the ARE prior to examination. Mr. Blitch added commentary to the written comments of Mr. Haese. Although no board action is presently required an amendment to the licensing law and board rules will be necessary at an appropriate time.

6. For Informational purposes, the Board reviewed Hillegas email dated August 6, 2015 and agreed with the NCARB proposal relating to IDP/EM (Experience Portfolio Documentation Method) after a detailed overview was provided by Mr. Blitch. The Executive Director will notify NCARB.

Budget Report

7. The August, 2015 budget report was reviewed. Ms. Simmons advised the Board of moving Ms. Mooberry into Ms. Porche's prior position, allowing her a required 11% raise, placing her at the top of her occupational group and therefore not eligible for any further increases according to Civil Service. Ms. Simmons requested the Board approve a 10% increase for Ms. Porche (the normal 4% increase plus an additional 6%) due to additional reporting requirements for the State and her continued help on several ongoing Board projects. This request was approved effective October 1, 2015. Ms. Simmons also advised she would not be taking the annual 4% increase next year as allowed by the state and previously approved by the Board due to the closeness of retirement.

8. Mr. LeBlanc and Mr. Blitch were elected President and Secretary respectively beginning January 1, 2016. Serving on the CRC for 2016 is Blitch, Leblanc and Tumlin.

9. The remaining Board meeting date for 2015 is December 11.

12/11/2015
Date

J. David Brinson, President

Allen Bacqué, Secretary