

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
December 18, 2009

Attending Allen Bacqué, President presiding
 Michael Holly
 Ronald Blitch
 Creed Brierre
 John Cardone, Jr.
 Richard LeBlanc
 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 18, 2009 were approved as written.

IDP Report

3. Ms. Marsha Cuddeback presented the following IDP report:

A. **Announcements:**

Louisiana IDP

New – Assistant Professor Jason Lockhart is the new IDPEC at Southern University.

NCARB

Thursday, December 10, 1:00 PM EST, Webinar, IDP 2.0

CAREER BUILDING BLOCKS is now available.

Block 1: NCARB & AIA

Block 2: Intern development Program

Block 3: ARE®

Block 4: Licensure and NCARB Certification

Block 5: Jurisdictional Requirements

Blocks One through Four is available as a pre-recorded webcast only.

Block Five is available as a MS PowerPoint – with bullets that must be edited by the IDP Coordinator. A typical presentation consist of projecting the webcast of Blocks One through Four, presenting Block Five – specific to the jurisdiction, and a Q & A session.

New – IDP Supervisor e-News:

<http://app.e2ma.net/campaign/22587.ab8cf42db14be743173eb3c92c926429>

B. **Development**

Ongoing - Louisiana IDP Weblog (<http://www.louisianaipd.org>)

Ongoing - Louisiana IDP Facebook

(<http://www.facebook.com/group.php?gid=77860191621>)

New - Statewide Student: Intern Competition under development

C. **Louisiana IDP Forum 2011**

A letter of inquiry was distributed to Deans and Directors. As of 12/04/09, Dean Ken Schwartz has expressed interest in hosting the 2011 forum.

D. **AY 2009-2010 IDP – Schedule of Events - Schools**

Educator Coordinators will determine the date and time for each event below and forward to the LA State Coordinator for reporting to the Board.

- 1) SCHOOL – WIDE PRESENTATION conducted by the IDP Educator coordinator, present CAREER Building Blocks presentation from NCARB, Q&A, and discussion.
- 2) PROFESSIONAL PRACTICE CLASS VISIT: State Coordinator in-class visit, presentation and discussion.
- 3) WORKSHOP: each school determines agenda based on student's interests and needs (State Coordinator, Board member, AIA Component participation).

Progress Report

TULANE UNIVERSITY

SCHOOL-WIDE PRESENTATION

TBA Spring 2010

WORKSHOP

Facilitated by D. Guerrero and J. Kinnard

Attended by M. Cuddeback (presentation)

September 26, 2009

PROFESSIONAL PRACTICE CLASS

TBA, Spring 2010

LOUISIANA STATE UNIVERSITY

SCHOOL-WIDE PRESENTATION

Facilitated by M. Cuddeback

October 21, 2009 (3rd and 4th year undergrads and 2nd year grads)

October 28, 2009 (5th year undergrads and 3rd year grads)

November 4, 2009 (1st and 2nd year undergrads and 1st year grads)

WORKSHOP

LSU AND AIABR IDP Workshop, Saturday, January 30, 2010

Planning meeting with local interns, Friday, October 30, 2009

PROFESSIONAL PRACTICE CLASS

TBA, Spring 2010

UNIVERSITY OF LOUISIANA AT LAFAYETTE

SCHOOL-WIDE PRESENTATION

February 5, 2010, All School Presentation w/State IDP Coordinator

WORKSHOP

TBA, Spring 2010

PROFESSIONAL PRACTICE CLASS

Facilitated by R. McKinney

November 5, 2009

SOUTHERN UNIVERSITY
SCHOOL-WIDE PRESENTATION

Facilitated by J. Lockhart
October 2, 2009

WORKSHOP

TBA, Spring 2010

PROFESSIONAL PRACTICE CLASS

TBA, Spring 2010

LOUISIANA TECH

Under development, W. Willoughby

SCHOOL-WIDE PRESENTATION

TBA, Spring, 2010

WORKSHOP

TBA, Spring 2010

PROFESSIONAL PRACTICE CLASS

TBA, Spring 2010

E. **2009-2010 – Schedule of Events – Firms**

PEREZ Architects, New Orleans

Facilitated by M. Cuddeback

In office seminar/workshop, December 15, 2009

Executive Director's
Report

4. The Executive Director's report consisted of the following:
- A. Preparation for 2010 renewals/Postcard notices/website update.
 - B. Board Vacancies/Preparation of newspaper notice of vacancies for Districts 3&4. Letter to Boards and Commissions advising of architects interested in serving and requesting appointment.
 - C. Preparation for Ms. Riley's retirement (posting notice) and Civil Service announcement for Ms. Porche's position, interviews and the hiring of Holly Mooberry on a restricted appointment. Ms. Porche was detailed to Ms. Riley's position. Upon Ms. Riley's retirement both positions will become permanent.
 - D. Preparation/Formatting Fall Newsletter.
 - E Attendance:

1. October 15-17 Washington DC ULL Solar Home/National Mall

2. October 20 AIA/LA Executive Committee meeting on firm registration legislation
3. October 29 AIA/LA consolidation of boards (Robertson/Lachney)
4. November 5-8 Washington DC MBE meeting
5. November 20 American Council of engineering Companies (ACEC) firm legislation

Legal

5. Mr. Spaht presented the following legal matters for discussion/action:

- A. Rule §1301 – The NOI amending this rule and setting forth the procedures for renewing an architectural license online was published in the Louisiana Register on May 20, 2009. Mr. Spaht reported that the adopted rule will be published in the Louisiana Register on December 20, 2009.

Mr. Spaht further reported that a NOI proposing to amend Rule §1301.E and increase the delinquency fee for an architect domiciled in Louisiana from \$75 to \$105 and the delinquency fee for an architect not domiciled in Louisiana from \$150 to \$180 has been drafted, as have a fiscal and economic impact statement and necessary letters to legislature. The procedures for amending §1301.E to increase delinquency fees will begin after the above amendment to Rule §1301 concerning online renewal has been published.

- B. Firm Practice – Since the last board meeting, Mr. Bacque, Ms. Simmons, and Mr. Spaht met with certain members of the executive committee of AIA Louisiana on October 20, 2009, and the board of the American Council of Engineering Companies (ACEC) on November 20, 2009. The representatives of AIA Louisiana requested certain changes to the proposed legislation, which were made and incorporated into the proposed legislation, and the revised draft was presented and explained to the board of ACEC. Mr. Bacque reported that the ACEC board asked a number of questions. At the conclusion of that meeting, the ACEC board advised that it would study the proposed legislation and get back to the board with its comments. Although it was hoped that those comments would be received before this meeting, those comments have not yet been received.

Mr. Spaht reported that AIA Louisiana had asked a number of questions concerning the impact of the proposed legislation on the practice of design/build in Louisiana. The proposed legislation, as presently drafted, would prohibit design/build unless the design/build entity met the requirements of the proposed legislation. After discussion, the board decided that it should incorporate the requirements of Rule §1319, which allows the practice of design/build in Louisiana provided the requirements of that rule are met, into the proposed legislation. Mr. Spaht will make this change, which will be sent to AIA Louisiana

and ACEC after comments are received from the ACEC board.

- C. Amendment to La. R.S. 37:155.A.4.f.ii – The board reviewed an email dated December 2, 2009 from David Jones of the OFM concerning the reference in R.S. 37:155.A.4.f.ii to the Standard Building Code 1985 edition. Mr. Jones advised that this code “is obsolete and varies from the currently adopted building code.” The board also reviewed an email dated December 17, 2009 from Karen JS McKinney. Ms. McKinney suggested other changes to R.S. 37:155.A.4, and she also suggested that the board review all parts of this section that are based on a dollar amount since construction costs have changed drastically in the last 19 years.

After discussion, the board decided that any amendment to this statute could be best handled by a committee. Mr. Blich, Mr. McKinney, and Mr. Holly agreed to serve on this committee, which will review R.S. 37:155.A.4, particularly its subparagraphs f.i and f.ii, and recommend to the board whatever amendments are deemed necessary. To assist the committee, Ms. Simmons will email the other boards in the Southern Region and ascertain how each handles this issue. After the board has decided how this statute should be amended, it will send the proposed amendment to AIA Louisiana and the OFM for their respective comments.

- D. MBSB Group Yellow Page Advertisement – The listing in the Lafayette Yellow Pages of the MBSB Group was discussed at the board’s last meeting (*see* minutes of September 18, 2009 meeting, ¶ 5.f), and, pursuant to those discussions, Ms. Simmons by letter dated October 20, 2009 had instructed MBSB Group that it should amend its Yellow Pages listing. The board reviewed Ms. Simmons’ letter to the MBSB Group, as well as a revised listing which that Group had proposed in response to Ms. Simmons’ letter. The revised listing included Hugh Stevens, Sr., AIA, and directly beneath Mr. Stevens’ name was the language “*Licensed Only in Texas.*” Mr. Stevens is not licensed to practice architecture in Louisiana.

Mr. Bacque reported that the MBSB Group had decided that it should publish its listing in the Yellow Pages without including Mr. Stevens, and he then excused himself from the meeting. The board then discussed the issue. The board observed that R.S. 37:145 prohibits any person, not licensed by the board, from using any title, sign, advertisement or other device to indicate that he or she practices or offers to practice architecture, or renders architectural services, or is an architect. The board concluded that it is not permissible for an individual, not licensed in Louisiana but licensed in some other state, to include himself or herself in the Yellow Pages in a listing of architects. Likewise, it is not permissible for a firm to include in its listing a person who is not licensed in Louisiana, even if that person is licensed in some other state and the person is described as “Licensed only in _____ [some state other than Louisiana].”

- E. Mississippi Building Official’s Guide to Architecture and Engineering Requirements – The board reviewed this guide, which provides answers to frequently asked questions in Mississippi regarding the development of building plans and the responsibilities of architects and engineers. The board asked that Mr. Spaht, using this guide as a reference, draft a similar document for use in Louisiana.

- F. LEED Certification – The board reviewed a letter dated September 22, 2009 from Kevin Bryan inquiring whether LEED Certification may count toward continuing education requirements for architects. After discussion, the board concluded that procedures are currently in place through the testing agency that administers the LEED exam for continuing education credit for successfully completing the exam and becoming LEED AP. In addition, procedures are in place through AIA to self-report for continuing education credit the time spent in studying for the exam and becoming LEED AP. For the board to recognize continuing education for studying and completing the exam for becoming LEED AP, an architect must follow these procedures. Mr. Bryan will be so advised.
- G. Enforcement Report – Mr. Eddleman discussed his written Enforcement Report. A number of the matters concerned individuals or firms practicing architecture in Louisiana after their architectural licenses had expired. The Complaint Review Committee (CRC) had met earlier that morning, and, after discussion, had recommended the following guidelines for disciplining individual architects and architectural firms for practicing architecture in Louisiana without a license:

For an individual architect (whether in-state or out-of-state) practicing architecture in Louisiana without timely renewing his or her license, a fine should be assessed against that architect after his or her license had expired for more than 90 days in the following amounts:

Amount:	Period of Unlicensed Practice
\$500	For practicing architecture with an expired license for more than 90 days from license expiration but less than one year.
\$1,000	For practicing architecture with an expired license during the second year.
\$1,500	For practicing architecture with an expired license during the third and every subsequent year.

For a professional architectural corporation, architectural-engineering corporation, or limited liability company (whether in-state and out-of-state) practicing architecture in Louisiana after its license had expired for more than 90 days, a fine should be assessed against that entity in the following amounts:

Amount:	Period of Unlicensed Practice
\$100	For practicing architecture with an expired license for more than 90 days from license expiration but less than one year
\$100	For practicing architecture with an expired license during the second and every subsequent year.

Example: The individual license of Architect A expired on December 31, 2006, and he practiced architecture in Louisiana continuously from that date until November 1, 2009, without renewing his license. Architect A then renewed his license on November 1, 2009. Applying the above Guidelines to Architect A, the board would assess a fine against Architect A in the total amount of \$3,000 (\$500 for the period April 1, 2007 until March 31, 2008; \$1,000 for the period April 1, 2008 until March 31, 2009, and \$1,500 for the period April 1, 2009 until October 31, 2009).

On motion by Mr. McKinney and seconded by Mr. Brierre, the board adopted the above Guidelines recommended by the CRC.

In addition, the board decided that approximately sixty (60) days after the license of an architect, professional architectural corporation, architectural-engineering corporation, or limited liability company had expired and not been renewed, the board staff will send an email or letter to the architect or entity involved advising that his or its license had expired and that it must renew its license immediately or be subject to disciplinary action for practicing architecture in Louisiana without proper licensure.

Finally, to assist Mr. Eddleman in his investigations, Ms. Simmons will write the publisher of the Dodge Reports and request information concerning architectural projects in Louisiana. The letter will explain that the information is being requested so that the board can better enforce its law and rules.

- H. Professional Architectural Corporation/L7 Architects – After the agenda for the meeting had been prepared, the board received a letter dated December 15, 2009, from John L. Chase, Jr. of L7 Architects (A Professional Architectural Corporation) (“L7 Architects”). On motion by Mr. Holly, seconded by Mr. McKinney, the board decided to consider the issues raised in Mr. Chase’s letter.

Mr. Chase advised that L7 Architects is a professional architectural corporation. Mr. Chase is duly licensed to practice architecture in Louisiana, and he owns fifty (50%) percent of the outstanding shares of L7 Architects. The other fifty (50%) percent is owned by Randall Rivera who is not licensed to practice architecture. Mr. Chase has become aware that R.S. 12:1090.B provides that a *majority* of the outstanding shares of a professional architectural corporation shall be held by one or more natural persons duly licensed to practice architecture in this state.

Mr. Chase attached copies of the 2007 and 2008 renewal applications of L7 Architects for registration as a professional architectural corporation. These applications show that Mr. Chase disclosed to the board that he owned 100 shares of the 200 outstanding shares. Regardless, if the information provided by Mr. Chase is accurate, the ownership of the shares of L7 violates R.S. 12:1090.B, and thus L7 Architects may not practice architecture in Louisiana. Mr. Chase advised that a petition to liquidate the corporation had been filed. He is no longer an officer of L7 Architects.

After discussion, and based the information provided by Mr. Chase, the board concluded that the executive director should write letters to Mr. Chase and to Mr. Rivera advising that L7 Architects may no longer practice architecture in Louisiana as a professional architectural corporation. Unless and until L7 Architects meets the requirements of the Professional Architecture Corporations Law (R.S. 12:1086, *et seq.*), L7 Architects should cease and desist from practicing architecture in Louisiana as a professional architectural corporation.

The letters will ask Mr. Chase and Mr. Rivera to (i) advise of the reasons, if any, that each believes that L7 Architects may continue to practice architecture in Louisiana; (ii) identify the architectural projects that L7 Architects was performing at the time that the petition to liquidate the corporation was filed, and (iii) advise the person who will be responsible for handling each project identified in the

future. The letter will also ask when L7 Architects was formed, for a copy of the petition to liquidate the corporation, and for the status of that litigation.

- I. Use of an Acronym by a Professional Architectural Corporation – At its last meeting the board decided that it would continue its discussion of the possible use of the acronym “PAC” or “APC” or “APAC” by a professional architectural corporation at its next meeting. Although this matter was not on the agenda, on motion by Mr. Brierre and seconded by Mr. Holly, the board decided to consider this issue.

The board reviewed Ms. Simmons’ memorandum dated October 16, 1990 (which memorandum had also been reviewed by the board at its previous meeting), as well as Ms. Simmons’ letter dated October ____, 2009, to Jennifer Wallis of Tampoline Architects advising of the board’s discussion at its last meeting. R.S. 12:1088 provides that the corporate name of a professional architectural corporation shall end with one or more of the phrases: “A Professional Corporation,” “An Architectural Corporation,” or “A Professional Architectural Corporation,” which phrase may be in parenthesis. After discussion, the board concluded that the statute did not prohibit a professional architectural corporation from using the acronym “PAC,” “APC,” or “APAC” on business cards, letterheads, envelopes, websites, transmittals, and other such documents. At the same time, one of the phrases in the statute (“A Professional Corporation,” “An Architectural Corporation,” or “A Professional Architectural Corporation”) shall be used by the professional architectural corporation in its contracts and contract documents.

The board observed that the rules may need to be amended to show that an acronym may be used on the documents mentioned above. In addition, this decision will be published in the board newsletter.

6. The Board agreed with Mr. Bacque’s suggestion of having Louisiana resident architects submit a picture of AIA award winning projects to be displayed on the walls of the Board office. He will prepare a letter to be emailed to instate architects requesting submittals.
7. Previously the Board accepted Mr. McKinney’s suggestion of meeting with the heads of schools of architecture (March or June 2010) but because of a review by the Board of Regents to possibly consolidate some schools/programs the board will defer this matter until a final decision is made by the Board of Regents.
8. The November, 2009 Budget Report was reviewed.
9. The following 2010 meeting dates were approved.

March 12

June 18

September 10
December 17

3/12/10

Date



Ronald Blich, President



Richard LeBlanc, Secretary