

**Louisiana State Board of Architectural Examiners  
Meeting Minutes  
May 10, 2019  
Baton Rouge, LA**

**Present:** John Cardone, Chair; Allen J. Bacque, J. David Brinson; Richard J. LeBlanc; Kevin J. Singh

**Not Present:** Knox H. Tumlin, Secretary; Ronald B. Blicht

**Staff:** Katherine E. Hillegas, Executive Director; Tyson J. Ducote, Deputy Director

**Guests:** Paul H. Spaht, Board Attorney; Emily Jones

Cardone welcomed everyone to the meeting and reviewed the agenda.

**Minutes**

The Board reviewed the minutes of the February 8, 2019, meeting.

**Motion #1: Bacque/LeBlanc: To approve the minutes of the February 8, 2019 meeting. Passed 5-0.**

**CRC Report**

LeBlanc and Ducote presented the report of the Complaint Review Committee (“CRC”) consisting of LeBlanc, Tumlin, and Singh.

**Case #2019-02** - Ducote reported on an unlicensed firm for practicing and/or offering to practice architecture and using the terms “architect,” “architectural,” “architecture,” or anything confusingly similar to indicate that such person practices or offers to practice architecture without proper licensure in violation of La. R.S. 37:145(A), La. R.S. 37:154(A) and Rule 1527. The respondent signed and returned the proposed consent order offered by the CRC. The proposed consent order contained the following sanctions:

1. Respondent to pay a fine of \$1,500 and costs of \$257.62;
2. Publication of this disciplinary action on the Board’s website and a summary of this matter in the Board’s newsletter identifying Respondent by name, and
3. Reporting this matter to NCARB Disciplinary Database identifying Respondent by name.

**Motion #2: Brinson/Bacque: To accept the consent order for Case #2019-02. Passed 3-0, with CRC members abstaining.**

After the motion was passed, the Respondent was identified as **K/G Architects, P.L.L.C.**

**Case #2019-07** - Ducote reported on an architectural firm which practiced and/or offered to practice architecture with an expired licensure in violation of La. R.S. 37:153(A)(3) and La. R.S. 37:154(A). The respondent signed and returned the proposed consent order offered by the CRC. The proposed consent order contained the following sanctions:

1. Respondent to pay a fine of \$2,500 and costs of \$158.04;
2. Publication of this disciplinary action on the Board’s website and a summary of this matter in the Board’s newsletter identifying Respondent by name, and
3. Reporting this matter to NCARB Disciplinary Database identifying Respondent by name.

**Motion #3: Bacque/Brinson:** To accept the consent order for Case #2019-07. **Passed 3-0**, with CRC members abstaining.

After the motion was passed, the Respondent was identified as **Bendernagel Architects, L.L.C.**

**Case #2017-08** - Ducote reported on a Final Judgement which was obtained against an unlicensed person (**Aaron Robinson**) for practicing and/or offering to practice architecture and using the terms “architect,” “architectural,” “architecture,” or anything confusingly similar to indicate that such person practices or offers to practice architecture without proper licensure in violation of La. R.S. 37:145(A), La. R.S. 37:154(A) and Rule 1527. The judgment in favor of LSBAE contained the following sanctions:

1. A permanent injunction enjoining, restraining and prohibiting Aaron Robinson and his agents, servants, and employees: (i) from using the name **re:design architectural studios** in Louisiana, (ii) from using the website of **re:design architectural studios**, any other website, and any other title, sign, advertisement, or other device to indicate that he practices or offers to practice architecture, or renders architectural services, or is an architect, in Louisiana, and (iii) from practicing or offering to practice architecture, or from rendering architectural services, in Louisiana;
2. Aaron Robinson to pay costs of \$6,224.16.

The CRC also proposed the following additional sanctions:

3. Publication of this disciplinary action on the Board’s website and a summary of this matter in the Board’s newsletter identifying Aaron Robinson by name, and
4. Reporting this matter to NCARB Disciplinary Database identifying Aaron Robinson by name; and
5. Forwarding this Final Judgment to the other states where the Aaron Robinson is believed to be offering services (CA, FL, TX).

**Motion #4: Brinson/Bacque:** To accept the proposed additional sanctions for Case #2017-08. **Passed 3-0**, with CRC members abstaining.

Ducote provided an update on current enforcement statistics noting that there were 11 open cases, 6 cases which had been closed since the last meeting, 8 cases that had been opened since the last meeting, and 7 pending cases.

### **Licensing Advisor Committee**

Hillegas presented a proposal to establish a committee that would assume the Licensing Advisor duties. That Committee would be comprised of one to two RLA’s (co-advisors), along with staff and the Educator Board member. This team would be charged with establishing a plan that would enable the Board to achieve the outreach items in the Strategic Plan. The team would also be responsible for partnering on outreach events and bringing back the “AXP Forum” (formerly IDP Forum).

**Motion #5: Bacque/LeBlanc:** That the board establish a Licensing Advisors Committee comprised of up to two Recently Licensed Architects, the Educator member of the Board, and staff. The Committee is tasked with establishing relationships with the licensee candidate community and student population at Louisiana architecture programs in order to better educate them about the path to licensure. **Passed. 5-0.**

The Board engaged in conversation regarding the importance of outreach to the candidate community with Emily Jones. Following discussion, the Board asked Jones to serve as a co-advisor on the Licensing Advisor Committee.



### Legal Counsel Report

Spaht provided an update on the two rule changes that were in progress. He indicated that LAC 46:1, §1315.C HSW Topics had been published in November 2018 and that no comments had been received.

**Motion #6: LeBlanc/Brinson:** To adopt the proposed amendments to LAC 46:1, §1315.C HSW Topics which would align the topics with the current experience areas of the Architectural Experience Program (AXP) and the practice areas of the Architectural Registration Examination (ARE). **Passed. 5-0.**

He then reported that the Notice of Intent for LAC 46:1, §1901 - Rules of Conduct had also been published in November 2018 and that no comments had been received.

**Motion #7: Brinson/Bacque:** To adopt the proposed changes to LAC 46:I. §1901 - Rules of Conduct which codify current practices and clarify existing rules of conduct to ensure they remain relevant to contemporary architectural practice. Additionally, the proposed rules establish guidelines regarding the relationship of an architect serving as an Architectural Experience Program (AXP) supervisor for a candidate for licensure. **Passed. 5-0**

Spaht reminded the Board that because rulemaking for each of the rules identified above began prior to the establishment of the Occupational Licensing Review Commission (OLRC), they did not need to receive approval to move forward to publication.

Spaht then reported that the Notice of Intent for LAC 46:1, §1101 – Registration and Information, §1105 – Certificates, and §1301 Renewal Procedures was published in the March 2019 issue of *Louisiana Register*. The Board will need to adopt the proposed rules following the comment period and then re-submit the proposed rule changes to the OLRC for final review prior to board publication.

#### New Federal Regulations for Higher Ed Institutions

Spaht reported on a new federal regulation which requires schools to show they are authorized to provide educational activities outside of their home state. In the case of architecture, this would apply to students that are participating in an internship that is part of an educational program. Discussion surrounding this topic revealed a weakness in our statutes and rules regarding the qualifications for licensure and the qualifications for taking the examination. There was consensus amongst the Board that steps should be taken to remedy the weakness.

### AERF Application Review

Hillegas reported that applications had been received from three of the four accredited architecture programs for the Architecture and Education Research Fund. The applications were reviewed. It was agreed that a sub-group of Board members (Blitch and Singh) would reach out to each school to discuss the content of the proposals and obtain further information in order to make determinations regarding any awarding of funds.

The Board discussed the need to re-evaluate the application and make necessary updates in order to receive all information necessary to award future funds.

### Incidental Practice Definition

The Board reviewed draft language for a new definition of Incidental Practice which was developed by a Task Force comprising members of the architect and engineering communities. Based on feedback received from the Chief Architect in the Fire Marshal's Office, it was noted that the definition as currently written appears to be limiting for architects. There was consensus that the Board should ask for reconsideration of the definition as currently drafted.

## Executive Directors Report

### April 2019 Financial Statement

Hillegas reported on the financial standing of the Board as of April 30<sup>th</sup>, noting that revenue was up approximately \$25,000. She reminded the board that although the firm renewal season was about to start, revenues earned from the renewal cycle would be deferred to the next fiscal year. She further reported that expenses were running below projections. She outlined that there were unplanned capital expenditures for equipment and minor upgrades in the office which will be taken out of funds budgeted for the office renovation which was postponed. End of individual renewal cycle – ended month with ~3100 renewed, and 400 delinquent. She plans to meet with vendors in the next few weeks to update the phone system. As of April 30, the board was operating with an \$81,000 surplus.

### Licenses Issued for Ratification

Hillegas reported that 13 initial, 29 reciprocal, 1 Professional Architectural Corporation, 2 Architectural Engineering Corporation, and 10 Architectural Firm, firm licenses had been issued between February 6 and April 5, 2019.

**Motion #5: Brinson/LeBlanc: To approve and ratify the list of licenses issued for the period February 6, 2019 and April 5, 2019. Passed 5-0.**

### 2019 Legislative Session

Hillegas provided an update on several bills in the legislature that she was monitoring which may impact the Board and/or its operations.

- HB196 (Falconer) – Exempts LSBAE and LAPELS from time limitations for disciplinary proceedings. There has been an amendment to exempt us from 6-month notification requirement.
- SB29 (Cortez) – Prohibits boards from entering into a consent decree that contains a nondisparagement clause or initiating disciplinary action against a licensee for providing testimony or records to a legislative body.
- SB46 (Peacock) – Enacts the Louisiana Cybersecurity Information Sharing Act.
- SB66 (Riser) – Amends (increases) civil penalties for board members who knowingly and willfully participate in a meeting which violates the Open Meetings Law.
- HB565 (Morris) – Requires local government or municipality to advertise and hold public hearings for design professional services. Hillegas noted that she had been contacted by AIA Louisiana, which indicated they would be opposing this bill.
- SB187 (Milkovich) establishes Licensee Bill of Rights – This bill as written could severely limit the Boards ability to enforce its laws/rules. Heard in Senate Commerce Committee 5/8 – AIA LA had its lobbyist put in a card in opposition for this bill

### Database Development

Hillegas reported that the firm application portal in the new database was launched. The new system allows for a “Point of Contact” to act on behalf of the firm and complete the application or renewal process. A soft launch was conducted prior to opening up the system to all firms. This allowed a limited number of registrants to test the system and identify any bugs. She pointed out that the system is now able to validate requirements for ownership and directors for Professional Architecture Corporations which may result in a slight decrease as some PACs may not be able to meet those requirements and will need to transfer their registration to an Architectural Firm status. She also notified the Board that beginning with this renewal cycle, the Board would no longer be issuing Limited Liability certificates and would transition all registered Limited Liability firms to the Architectural Firm status. This is the final step in completing implementation of the Firm Rule changes that took place in 2017.

She asked for clarification on individuals who may serve as a Supervising Professional in related firms.

Cyber Liability Insurance (Privacy Policy)

Hillegas then reported that staff was exploring the possibility of obtaining Cyber Liability insurance following discussions with the Office of Risk Management which revealed that the Board is not protected in the event of a breach of our systems or hijacking our systems for ransom. She noted that the application asked if the Board had any privacy policies in place. The Board instructed Hillegas to investigate appropriate policies that may be needed as it relates to Information and Data Security.

Civil Law Training Highlights

Hillegas provided an overview of information gleaned from attendance at a recent Civil Law Training program which she attended. This program was hosted by the Attorney General's office. Items of focus included the Public Records Law and Open Meetings Law. This led to a discussion regarding what specific information should be posted on the website for licensees. It was agreed that telephone numbers and e-mails should be included in the search feature for licensees and firms.

There being no further business, the meeting adjourned.

Respectfully submitted,



John Cardone, Jr., Chair



Knox Tumlin, Secretary