

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
February 28, 2014
10:00 AM

Attending John Cardone, Jr., President presiding
 Allen Bacqué
 Ronald B. Blich
 Creed W. Brierre
 J. David Brinson
 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 December 13, 2013, were approved as written.

IDP Report

3. The IDP Screening Committee (Bacque, Brinson, McKinney and Cuddeback) interviewed Jenny Pelc (via telephone) on 02/19/2014, and based on her resume and interview, reported they recommend she be hired as the new State IDP Coordinator. The Board unanimously approved their recommendation.

Executive Director's
Report

4. The Executive Director reported the following:

A. Continuing architect renewals.

B. Procedure and Process for selecting new State IDP Coordinator.

C. Attendance:

1. January 29 – Meetings scheduled in New Orleans (NCARB presentation/AIANO) canceled because of weather.

2. State IDP Coordinator Selection Committee conference call (February 19, 2014) and meeting with Fire Marshal/Interior Design (Bacque, Brinson, Simmons, McKinney, Spaht).

3. February 20-21 – Critical Issues Summit (Baton Rouge).

Legal

5. Mr. Spaht presented the following legal matters:

A. Rule § 1315 (Reinstatement) – The board reviewed an NOI published on January 20, 2014, in the Louisiana Register which proposes to amend existing Rule § 1315.D.4 and adopt new Rule § 1315.J. The proposed rule amendments reduce the number of continuing education hours which must be

earned by a former registrant seeking to reinstate his or her architectural license, as well as by an architect emeritus seeking to return to active practice. Under the proposed amendments, the maximum number of continuing education hours to be earned shall not exceed twenty-four (24) hours. The proposed rule amendments will be considered for adoption at the next board meeting.

- B. Rule Regulating Architectural Firms – To avoid confusion from adopting the proposed rules regulating firm practice with the existing rules, Mr. Spaht suggested that the proposed rules be considered for adoption at the September of 2014 meeting (after the firm renewals in May and June of 2014). The new rules will become effective for the renewal period after July 1, 2015. A NOI concerning the proposed new rules will be published in the Louisiana Register in April or May of 2014.
- C. Business Corporation – The board reviewed an email dated February 13, 2014, from John F. Bradley, II concerning a business corporation which would like to be licensed in Louisiana. Mr. Bradley advised that a majority of the shareholders are or will be licensed in Louisiana, but there are two classes of stock. Mr. Bradley asks if this business corporation may qualify under any existing regulation, or must it wait until July of 2015.

Mr. Spaht reported that R.S. 12:1090.A of the Professional Architectural Corporations Law) provides that there shall be only one class of shares of professional architectural corporations, and there is no existing regulation which modifies this restriction. The executive director will advise Mr. Bradley that his business corporation client may not currently receive a license to practice architecture in Louisiana. It must wait until July of 2015.

- D. Waiver for Network Computing Architects, Inc. – The board reviewed a letter dated February 4, 2014, from Kevin Hagen of Network Computing Architects, Inc. (“NCA”). NCA has applied for a business license in Louisiana. Because its name contains the word “Architects,” NCA requests a waiver from the board. The letter explained that NCA is a technology integration company, focusing on the design, installation and maintenance of telecommunication services, network infrastructure, remote access solutions, and information security.

The board visited the NCA website, which confirms that NCA is not an architectural firm. The board discussed the request and concluded that the name Network Computing Architects, Inc. did not indicate that such firm practices or offers to practice architecture, or renders architectural services, or is an architect. The board will grant the requested waiver. Ms. Simmons will so advise NCA.

- E. Ward Elmo Bryant, Jr. – The board reviewed a letter dated January 21, 2014, from Ms. Simmons to Mr. Bryant. The letter stated that the board was in receipt of information that a charge of Possession of Schedule II Narcotics

over 28 grams had been filed against Mr. Bryant; however, no determination had been made of the merits of the charge, and there had been no felony conviction. The board renewed Mr. Bryant's architectural license effective January 1, 2014, and the letter asks Mr. Bryant to keep the board fully advised of the status of the charge against him.

The board discussed the matter and concluded that the staff had properly handled the licensing of Mr. Bryant. The board instructed Ms. Simmons to write the Caddo Parish District Attorney and request that his office keep the board fully advised of the status of this charge against Mr. Bryant.

- F. Overview of meeting with Fire Marshal/Interior Designers – Mr. Bacque, Mr. Brinson, Mr. McKinney, Mr. Spaht, and Ms. Simmons attended the recent meeting held at the Office of State Fire Marshal on February 19, 2014, and each commented upon same. Also present at the meeting were representatives of the Louisiana State Board of Examiners of Interior Designers, its professional association, and its attorney (Anna Dow); Louisiana State Board of Registration of Professional Engineers and Land Surveyors, its professional association, and its attorney; AIA Louisiana; Butch Browning; Joe Delaune; legislative staff, and others. The subject of this meeting was proposed amendments to Chapter 10 of the Interior Designer Rules being considered by the Interior Designers.

The board reviewed the proposed amendments to Chapter 10 and also the post-meeting comments by Lynn Robertson of AIA Louisiana concerning such amendments. Mr. Blich and others commented that this was an important issue. Mr. Blich, Mr. Brinson, and Mr. McKinney were appointed to serve on a committee which will make a thorough and careful analysis of the proposed amendments. Additional time will be required to perform the analysis, and Ms. Simmons will so advise Sandy Edmonds of the Interior Designers Board.

- G. Appearance of Joe Delaune – Mr. Delaune of OFM appeared towards the end of the discussion of the preceding item. Mr. Delaune was advised that a committee has been appointed to analyze the rule amendments being considered by the Interior Designers Board and that additional time will be required to perform the analysis. Mr. Delaune advised that the OFM has previously recognized the thresholds contained in the Architects Licensing Law. Mr. Delaune then reported on recent activities of the OFM, including its implementation of an extensive computer update. Questions were asked and answered.
- H. NCARB Email re: Mutual Recognition Agreement and Rolling Clock – The board reviewed an email dated January 17, 2014, from Kathy Hillegas of NCARB. The email contained information regarding the MRA with Canada and the implementation of Resolution 2009-02 regarding Applying the Five-Year Rolling Clock to Previously Passed Divisions and Authorizations to

Test. This email was reviewed by the board for informational purposes only, and no board action was deemed necessary.

- I. NCARB memo re: Nominations and Elections Reminder – The board reviewed a memorandum dated January 17, 2014, from Michael J. Armstrong, CEO of NCARB. The memorandum concerned nominations for election to NCARB office and a reminder. The memorandum was reviewed by the board for informational purposes only, and no board action was deemed necessary.
- J. Enforcement Report – Mr. Eddleman presented a written Enforcement Report for the period December 13, 2013 thru February 28, 2014. The CRC authorized the issuance of one (1) Consent Order. Further, since the December meeting, nine (9) cases have been opened, and at the direction of the CRC six (6) cases were closed due to a ratified Consent Order, cease and desist letter, or no violation. Seven (7) cases were referred to the CRC for review: five (5) cases for unlicensed practice and two (2) cases for practicing on a delinquent license.
- K. Formal Disciplinary Actions – Case # 2013-6 – Richard A, Choate. – Mr. Eddleman reported on an unlicensed practice due to an expired license. 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. Creed, seconded by Mr. LeBlanc, to approve the signed Consent Order.

On motion by Mr. Blich, seconded by Mr. Brinson, the board considered the following two matters which had arisen since the agenda for the current meeting had been prepared.

- L. Draft Resolutions – Mr. Cardone reported on draft Resolutions 2014-A, 2014-B, 2014-C, 2014-D, and 2014-E which will be discussed and considered at the 2014 Regional Summit, providing the background and reasons for each. The board also reviewed a handout concerning the draft resolutions. It is anticipated that the only resolution which may be controversial is Resolution 2014-C which concerns the qualifications of a candidate for election as a Regional Director.
- M. HB 322 of 2014 and HB 406 of 2014 – The legislative session for 2014 is approaching, and the board very recently received from the Louisiana Register HB 322 of 2014 and HB 406 of 2014. HB 322 requires that state agencies publish on their internet websites certain information concerning proposed rules and fees. HB 406 requires that a state agency consider and state in writing the impact of a proposed rule upon providers prior to its adoption and implementation, and that the state agency adopt a provider impact statement containing certain considerations regarding any proposed rule. The board will monitor these HBs during the upcoming legislative session.

7. Remaining Board meeting dates for 2014:

- 2. July 11
- 3. September 19
- 4. December 19

7/11/2014

Date



John Cardone, Jr., President



Allen Bacqué, Secretary