

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
July 16, 2010

Attending Ronald Blitch, President presiding
 Richard LeBlanc
 Allen Bacqué
 Creed Brierre
 J. David Brinson
 John Cardone, Jr.
 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 March 12 and June 25, 2010 were approved as written.

IDP Report

3. Ms. Marsha Cuddeback was unable to attend but had prepared and submitted the following report:

1

Announcements:

IDP LOUISIANA

New – Tulane University

Mr. Jonathan Tate, adjunct Assistant Professor of Architecture, is the newly appointed IDP Educator Coordinator for the School of Architecture. Contact: jtate2@tulane.edu

Auxiliary coordinators, Louisiana

Maureen Dugas Foster, MBSB Group, Lafayette, Maureen@mbsbgroup.com,

W. Conway Cristina, AIA, Manning Architects, New Orleans,

ccistina@manningarchitects.com, Steve Templet, AIA, ACHA, LEED AP, Blitch/Knevel Architects, New Orleans, st@blitchknevel.com

2

NCARB

Six-Month Rule

The Six-Month Rule went into effect for all interns at 12:01 am Eastern Daylight Time on 07/01/10. The Six-Month Rule is already in effect for interns that established an NCARB Record on or after 07/01/2009.

IDP 2.0 Phase 3

Phase 3 will be implemented in January 2011. The current seven work settings will be condensed to three experience setting, and instead of IDP core competencies, there will be a list of tasks that interns must accomplish. Supporting document: *2007 Practice Analysis of Architecture*.

(Phase 1 and 2: simplified reporting process, supplementary education employed or unemployed, training units to training hours, e-EVR, six-month rule, updated definition of "direct supervision.")

Emerging Professionals Companion

Visit: <http://www.ncarb.org/idp/enews/2010/april/index.html>

NCARB recently completed a quality control review of the EPC 2009. During this review, it was discovered that 11 exercises and /or activities were not properly aligned to the results of the 2009 Linking Study. NCARB has carefully reviewed the anomalies and is currently in the process of working with the AIA to update the content on the EPC web site. NCARB has removed the affected items from the e-EVR pull down menu while these adjustments are being made. Interns impacted by these adjustments will be notified.

AIA/NCARB Internship and Career Study, January 2010

Visit: <http://www.ncarb.org/Publications/List.aspx?t=Speci-Papers>

The fourth survey of its kind, the information will be used independently as well as in comparison studies with the 2003, 2005 and 2007 Internship & Career Surveys to set the tone for discussion on internship within the AIA and the profession.

Upcoming Events

IDP (Educator) Coordinators Conference

August 6-7, 2010, Chicago, IL

Call for Presentations

Confirmed Attendees: Gjertson, Willoughby, Tate – travel per AIA and NCARB

AIA Louisiana Design Conference

September 23-25, 2010 BatonRouge, LA

Annual Louisiana IDP Coordinators Meeting

Thursday, September 23, 2010, 1:30 – 4:30

Hilton Baton Rouge, Victory Room

Confirmed Attendees: Cuddeback, Willoughby, Gjertson, Lockhart (Travel Assistance?)

Louisiana IDP Forum 2011

Dean Ken Schwartz and Tulane University have been selected as the host for the Louisiana IDP Forum 2011. Planning is underway w/Jonathan Tate, Tulane IDP Educator Coordinator

3

Development

New – Spring 2011 IDP Open House/Meeting (LA IDP Annual Mtg.) – ULL, LATech, SUSA/LSU, Tulane

In Process – Statewide Student & Intern Competition (LA IDP Annual Mtg.)

Ongoing – Louisiana IDP Weblog (<http://www.louisianaidp.org>)

Ongoing – Louisiana IDP Facebook

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

4. A. The Executive Director's report consisted of the following:
Prepared firm renewal reminder postcards for 367 Professional Architectural Corporations, 105 Architectural Engineering Corporations and 225 Limited Liability Companies. To date, 275

Professional Architectural Corporations, 92 Architectural Engineering Corporations and 167 Limited Liabilities Companies have renewed.

The board approved the process for online firm renewals for such time as the Executive Director feels necessary. When the beginning of the process is determined, the Executive Director will advise Mr. Spaht to begin rule change procedures.

- B. Preparing for website upgrade.
- C. Preparing delinquent renewal letters for firms.
- D. May 15 – Architect Selection Board names submitted to Governor:
 - District 1 Marcel Wisznia, New Orleans
 - District 2 Merlin A. Lirette, Houma
 - District 3 James P. Labarre, Denham Springs
 - District 4 Randall D. Broussard, Sulphur
 - District 5 Tim Brandon, West Monroe
- E. Preparation for Summer Newsletter.
- F. Attendance:
 - 1. May 6 – Committee meeting on exemptions
 - 2. Legislative Sessions & Committee Meetings
 - 3. NCARB Annual Meeting (June 22-27)

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

- A. Rule §1301.E (Increasing Delinquent Fee) – The board reviewed the NOI published in the Louisiana Register on February 20, 2010, concerning an amendment to §1301.E to increase the delinquent fee for an architect domiciled in Louisiana from \$75 to \$105, and the delinquent fee for an architect domiciled outside Louisiana from \$150 to \$180. Ms. Simmons reported that the board had not received any comments concerning this proposed rule amendment. On motion by Mr. McKinney, seconded by Mr. LeBlanc, the board adopted this amendment. The adopted amendment will be published in the Louisiana Register.
- B. Proposed legislation relating to firm practice – Because of scheduling conflicts, no follow-up meeting with the ACEC Board of Governors has occurred. It presently appears that the meeting will occur in either August or September of 2010. The executive director was asked to schedule the meeting in August, if possible. The ACEC Board of Governors has asked questions concerning the proposed legislation, which will be answered in writing prior to the meeting.

Legal

- C. Building Official's Guide to Architecture – After discussion, it was decided that Mr. Spaht should draft a guide related to the practice of architecture only. Thereafter, input from engineers may be obtained concerning provisions related to the practice of engineering.
- D. Review of Exemptions – Mr. Spaht reported that the Exemption Committee (Mr. Blich, Mr. McKinney, and Mr. Brinson) met on May 6, 2010, to discuss possible revisions to R.S. 37:155. Also present: Karen McKinney, Ms. Simmons, Mr. Eddleman, and Mr. Spaht. Pursuant to discussions at this meeting, a draft of possible amendments to R.S. 37:155 was prepared, and the board reviewed and discussed this draft. Ms. Simmons will send the proposed revisions to R.S. 37:155 to the OFM for its comments.
- E. Possible distribution of funds to Louisiana NAAB accredited architecture schools – The board reviewed and discussed a memorandum dated July 15, 2010, prepared by Mr. Spaht's office and Attorney General Opinion No. 77-1039 dated July 21, 1997, providing that the board may lawfully grant monies to the Board of Regents of Higher Education to assist in the funding of professional evaluation of architectural schools in Louisiana. The board decided to request a formal opinion from the Attorney General relating to whether it may distribute funds to Louisiana NAAB accredited schools of architecture for certain educational purposes. Mr. McKinney and Mr. Spaht will work together on the letter to the Attorney General.
- F. Use of the title "principal" by a non-licensed shareholder of an architectural corporation – During his investigation of L7 Architects, Mr. Eddleman learned that Randy Rivera, who is apparently one of three shareholders of Structure Design Group, APLC, and owns 24½% of the total shares issued by this company, is describing himself as a "principal" of such firm. Mr. Eddleman questioned whether the architect's licensing law prohibited such description. Mr. Spaht advised that he was unaware of any legal or technical definition of a "principal" of a corporation. Generally, a "principal" of a corporation is understood to mean a person who has an ownership interest and some sort of control over the corporation. In Mr. Spaht's opinion, a person who is one of three shareholders of a corporation and who owns 24½% of the corporation would be a "principal" of that corporation. In Mr. Spaht's opinion, the architects licensing law does not prohibit Mr. Rivera from describing himself as a "principal" of Structure Design Group, APLC, which is in good standing with the board. After discussion, the board agreed with Mr. Spaht's opinion.
- G. Including the name of a deceased architect in the name of an architectural firm – The board reviewed letters dated May 17 and May 21, 2010, from Michael J. Lachin, architect, concerning a proposed letterhead for Lachin Oubré & Associates. Mr. Lachin advised that Mr. James Oubré is deceased, and he requested that the board affirm that a certain letterhead for Lachin Oubré & Associates is permissible. The board reviewed the proposed letterhead. It contains the name "Lachin Oubré & Associates" at the top of the page, and the names of three architects below the firm name. Mr. Oubré is not identified. Mr. Lachin suggested that Rule §1525 is applicable and permits use of the proposed letterhead. Rule §1525 provides:

§1525 Deceased or Retired Member Predecessor Firms

- A. An architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession. If a firm chooses to include in any listing of architects a deceased or retired member, a deceased or retired member should be so identified.

Mr. Lachin believes that the first sentence of Rule §1525 permits the proposed letterhead, and the second sentence of Rule §1525 is not applicable since the firm is not choosing to include in any listing of architects a deceased or retired member.

After discussion, the board concluded that the proposed letterhead contains a listing of architects, since it identifies the three architects in the firm. Accordingly, the proposed letterhead should also identify Mr. Oubré as being deceased. It would be permissible to add the name of "Mr. James Oubré, FAIA, deceased," as a footer to the proposed letterhead. Ms. Simmons will advise Mr. Lachin of the board's discussion and conclusion.

Ms. Simmons will also advise Mr. Lachin that the board believes that further study of the issues raised in his letter should be made. The board will obtain information concerning how other states in the Southern Conference and how other professions in Louisiana handle this issue. Thereafter, the board will consider whether Rule §1525 should be amended.

- H. City of New Orleans/L7 Architects – The board reviewed an email from Fay Forvendel, Risk Manager of the City of New Orleans ("City"). Ms. Forvendel advised that the City entered into a contract with L7 Architects, A Professional Architectural Corporation, on August 13, 2009; that construction documents were delivered to the City on October 22, 2009; that in December of 2009 L7 Architects was liquidated; that in January of 2010 one of the principal owners of L7 Architects advised the City that it was no longer allowed to practice architecture in Louisiana; that final invoices were submitted to the City on April 12, 2010 and all invoices have been paid; and that, according to the contract, L7 Architects was to be responsible for construction administration. Ms. Forvendel then asked three questions: Does the City own the documents? Can the City use these documents to rebid the project without any penalty to L7 Architects or the City of New Orleans? If the City is able to use L7 Architects' documents as paid for and submitted prior to their liquidation, will this mean that all of the liability will fall on the City of New Orleans?

After discussion, the board concluded that the questions raised contractual issues, not licensing issues and not issues within the jurisdiction of the board. It appeared to the board that the questions may be best answered by a review of contractual documents by the City's legal representatives. Ms. Simmons will so advise Ms. Forvendel.

- I. Lafayette Parish School System – The board reviewed a letter dated June 28, 2010, from the AIA South Louisiana/John L. “Jay” Chase, Jr. requesting certain information from the Lafayette Parish School System. One of the requests for information concerned PBK. Mr. McKinney advised that the letter had been provided to the board for informational purposes only, and the board concluded that no action by it was presently necessary.
- J. Name of a limited liability company (Rule §1533) – The board reviewed and discussed an email dated June 14, 2010, from Clarence Babineaux, Architect, asking if the name of his firm, SGB Architects, LLC, complied with Rule §1533. Rule §1533 provides, “[t]he name of a limited liability company registered with the board must comply with R.S. 12:1306 and include the words “Limited Liability Company”; the abbreviation “L.L.C.”; or the abbreviation “L.C.”. The board concluded that the name, SGB Architects, LLC, complied with Rule §1533. Ms. Simmons will so advise Mr. Babineaux.
- K. Use of the Plural Term “architects” (Rule §1507) – The board reviewed and discussed a letter dated July 1, 2010, from Roger E. Bailey, architect. Mr. Bailey is the only licensed architect in his firm, and the name of his firm is Bailey & Associates Architects, LLC. Mr. Bailey advised that the board staff had advised him that the name of his firm and letterhead did not comply with the board rules. Mr. Bailey further advised that he would modify his company name, if necessary, but asked for “some consideration for the fact that we have a name and form of business.” He added, “[b]y the end of the year we may once again have employee status that supports the plural name of the business name.”

The board reviewed Rule §1507 which provides that “if the firm title indicates that the firm contains two or more architects, the names of at least two licensed architects followed by the title *architect* must be included either as a part of the firm title itself or at least two licensed architects must be identified in the listing, publication, announcement, letterhead or sign.” Since Mr. Bailey is the only licensed architect in his firm, the board concluded that Rule §1507 prohibits his use of the word “architects” in his firm name. Ms. Simmons will so advise Mr. Bailey.

Ms. Simmons will also advise Mr. Bailey that the board has decided to review Rule §1507 to determine whether some sort of grace period should be allowed for an architectural firm which meets the requirements of Rule §1507 but which then loses an architect so that it is no longer able to meet its requirements.

- L. Chapter 15 (Titles, Firm Names, and Assumed Names) and particularly Rule §1507 (Use of the Plural Term “Architect”) – The board reviewed samples of recent renewal applications which raised questions concerning whether a particular name complied with the rules in Chapter 15. After discussion, the board asked Mr. Spaht to work with Ms. Simmons and suggest possible revisions to Chapter 15. Of particular interest to the board are Rules §1505, §1507, and §1513. Also of interest is whether the name of an out of state architectural firm which meets the requirements of the state in which it is domiciled and has its principal place of

business should be required to change its name so that it may practice architecture in Louisiana.

- M. Challenging ARE Grade or Score – Irwin Billiot (exam candidate) recently asked several questions concerning the grade that he had received on the ARE, and Ms. Simmons had responded thereto. The board reviewed Ms. Simmons' response and concluded that it was accurate. No further board action was deemed necessary.
- N. CRC Matters – Mr. Eddleman discussed a proposed consent order concerning Robert H. Kirkland. (Case No. 2010-7) Mr. Kirkland had signed the proposed consent order, and the CRC recommended that it be approved by the board. After discussion, and upon motion by Mr. Bacque, seconded by Mr. Brierre, the board approved the proposed consent order concerning Mr. Kirkland, and it authorized Mr. Blitch to sign same.

Mr. Eddleman also discussed a proposed consent order concerning Charles R. Kellogg. (Case No. 2009-12) The CRC had met with Mr. Kellogg immediately prior to the board meeting and reached a resolution of the matter at issue, subject to the board's approval. Mr. Kellogg had signed the proposed consent order, and the CRC recommended that the board accept same. After discussion, and upon motion by Mr. Bacque, seconded by Mr. Brinson, the board approved the proposed consent order, and it authorized Mr. Blitch to sign same.

- O. Enforcement Report/Robert Eddleman – Mr. Eddleman reviewed his written report concerning and summarizing enforcement activities undertaken during the fiscal year July 1, 2009 through June 30, 2010. Included in his activities were the opening of fifty-six cases, the closing of twenty-six cases, the issuance of five consent orders (three of which have been ratified by the board), visits to six locations of the FMO, and visits to seven architectural engineering firms.

Mr. Eddleman discussed whether an allocation of a portion of his time and the time of the board attorney should be included in any disciplinary action and charged to the architect being disciplined. Mr. Spaht reported that the licensing law permits such an assessment. After discussion, the consensus was that the fees of Mr. Eddleman and Mr. Spaht should be charged to an architect being disciplined, and Mr. Eddleman will make a specific recommendation at the next meeting.

ON MOTION BY MR. LEBLANC, SECONDED BY MR. BACQUE, THE BOARD DECIDED TO CONSIDER THE FOLLOWING MATTERS WHICH HAD VERY RECENTLY COME TO THE ATTENTION OF THE BOARD AND WHICH WERE NOT ON THE BOARD AGENDA.

- P. Use of the Suffix "Professional Architectural Corporation" by an out of state corporation – The board reviewed a letter dated July 12, 2010 from Randall L. Groninger of Groninger Architecture, Inc. Mr. Groninger is a licensed architect in Florida and incorporated in Florida as Groninger Architecture, Inc. He is a one-man firm, and he owns all of the stock of his corporation. He would like to file with the Louisiana Secretary of State's Office as a "foreign corporation" doing

business in Louisiana as Groninger Architecture, Inc. He asked if the board would allow him to use the name Groninger Architecture, Inc., provided he uses the phrase "A Professional Corporation" on his letterhead and title blocks.

The board reviewed the Professional Architectural Corporations Law, La. R.S. 12:1086, et seq., and particularly R.S. 12:1088 which provides:

§ 1088. Corporate name

The corporate name may consist of the full or last name or names of one or more shareholders duly licensed to practice architecture in this state, may include "Limited" or "Ltd."; or it may consist of any other name approved by the secretary of state. However, in either case the name shall end with one of the phrases: "A Professional Architectural Corporation", "A Professional Corporation", or "An Architectural Corporation", which phrase may be in parentheses. The name need not contain "Incorporated" or "Inc." but such use shall not be prohibited.

After discussion, the board concluded that the statute left it with no discretion in this matter. As required by R.S. 12:1088, the name of a professional architectural corporation shall end with one of the three phrases mentioned therein. Ms. Simmons shall so advise Mr. Groninger.

- Q. Shreveport Regional Arts Council/Central Fire Station – At the request of Mr. LeBlanc, the board reviewed emails dated July 12, 2010, from Pam Atchison and Jeff Spikes concerning the Central Fire Station project in Shreveport. According to the emails, the Shreveport Regional Arts Council ("SRAC") had stated that it had entered into a contract with Gregory Free & Associates ("GFA") for architectural services. GFA is not licensed, and the Shreveport Chapter of the AIA had become concerned that a violation of the licensing law may have occurred. In her email Ms. Atchison explained that SRAC had not entered into an agreement with GFA but to the contrary had entered into an agreement with LeBlanc & Young and Associates, which is properly licensed. The board concluded that no further action on its part was necessary.
- R. Mississippi State Board of Architecture Jurisprudence Examination – The board reviewed a Jurisprudence Examination recently required by the Mississippi State Board of Architecture as a part of the application to become licensed in that state. It appears that the purpose of the examination is to require applicants to become familiar with the MS licensing law and rules. The board will observe the experience of MS to see whether the examination accomplishes its objective. In addition, Ms. Simmons will attempt to ascertain the authority for the Mississippi State Board of Architecture to require passage of this examination as a condition for licensure in MS.
- S. Continuing Education Audit Information – The board reviewed a summary of the audits performed for license renewals for the year 2010. The summary showed that 15 persons had failed to satisfactorily complete the required CEH during 2009. The board also reviewed the Continuing Education Disciplinary

Guidelines adopted in October, 2007, and one member commented that several of the guidelines needed to be revisited as they appear to be harsh. The board decided to send a letter to each of the architects who had failed to satisfactorily complete the required CEH during 2009, and it instructed its attorney to draft such a letter.

Election of Officers

6. Mr. Richard LeBlanc was elected president and Mr. Ronald Blich was elected secretary for the year beginning January 1, 2011.

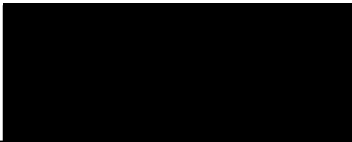
Budget Report

7. The June, 2010 Budget Report was reviewed.

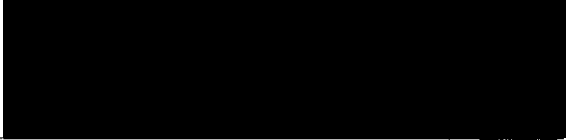
8. 2010 meeting dates are:
September 10
December 17

9/10/2010

Date



Ronald Blich, President



Richard LeBlanc, Secretary