

**Louisiana State Board of Architectural Examiners
Meeting Minutes
September 12, 2019
Baton Rouge, LA**

Present: John Cardone, Jr., Chair; Knox H. Tumlin, Secretary; Allen J. Bacque, Ronald B. Blich, J. David Brinson, Richard J. LeBlanc

Not Present: Kevin Singh

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

Guests: Paul Spaht, Attorney; Shannon French, Emily Joel Jones

Cardone welcomed everyone to the meeting and reviewed the agenda.

Motion #1: Blich/Bacque: To add an item on the agenda to discuss the outcome of a Region 3 Southern Conference call which had taken place earlier that week. **Passed 6-0.**

Minutes

The Board reviewed the minutes of the May 10, 2019 and June 21, 2019 meetings.

Motion #2: Tumlin/Bacque: To approve the minutes of the May 10, 2019 meeting. **Passed 6-0.**

Motion #3: Tumlin/Blich: To approve the minutes of the June 21, 2019 meeting. **Passed 6-0.**

NCARB Region 3 Southern Conference

Cardone shared information with the Board with respect to a conference call held by NCARB Region 3 Southern Conference to discuss issues related to a stipend that is provided to volunteers who serve in the capacity of NCARB President and 1st Vice President/President-Elect. He reported that the NCARB Board of Directors approved a significant increase for the stipend which yielded a payment that was in some instances greater than salaries drawn by architects in the NCARB community in June. Cardone reported that significant concern had been expressed by attendees of the Region 3 conference call regarding the amount of and justification for the increase. He further shared that it would be beneficial for the Board to discuss this and share opinions with the Region 3 leadership as the NCARB Board will be considering a proposal to modify the increase at their upcoming meeting later in the month.

Motion #4: Blich/LeBlanc: To recommend that the NCARB Board of Directors retract the increase in the Allowance for the President/1st Vice President back to the FY19 funding level of \$115,000. Further, to recommend that NCARB establish a Task Force to identify metrics for the allowance that are open and transparent to the Member Boards. **Passed 6-0.**

Licensing Advisors' Committee

Hillegas provided an update on the activities related to the establishment of a Licensing Advisors' Committee which is charged with establishing a plan that would enable the Board to achieve the outreach items in the Strategic Plan. She introduced Shannon French to the Board and welcomed Emily Joel Jones to the meeting. French and Jones provided an update on their backgrounds and interests in serving on this committee.

Motion #5: Tumlin/Blitch: That the Board appoint Emily Joel Jones and Shannon French as the Licensing Advisors to assist in conducting outreach to and support for the licensure candidate community. **Passed 6-0.**

Executive Directors Report

Inactive vs. Expired

Hillegas provided an update on continued work on database development and enhancement noting that when licensees call and indicate that they will not be renewing their license, staff has been placing these individuals into an “inactive” status in the database. This provides the opportunity to distinguish between licensees who are voluntarily unlicensed vs. those who go delinquent and whose licenses subsequently expire due to non-renewal. Discussion ensued regarding this “inactive” status and what the Board should do to memorialize it. It was agreed that a rules update should be prepared that would reference this elective option, and no fees should be associated with the inactive status.

Expert Witness Reports

Hillegas asked for Board input on an inquiry received from a licensee who was seeking clarification on whether he, as an Emeritus Architect, could or should seal expert witness reports. The Board had previously opined that providing expert witness reports did not fall within the definition of the practice of architecture, and, therefore, one did not need to be licensed to provide that service. In addressing the issue related to sealing an expert witness report, the board determined that it would be permissible for a licensed architect to seal a report; however, it would be unacceptable for an unlicensed architect or an emeritus architect to seal a report because the seal implies that one is licensed to practice architecture.

Information Security Policy

Hillegas presented a draft Information Security Policy for the Board’s consideration. She informed that such a policy was encouraged by insurance carriers when she was researching options for Cyber Liability insurance.

Motion #6: Bacque/Tumlin: That the Board approve the proposed Information Security Policy. **Passed 5-0.**

Equal Employment & Affirmative Action Policy

Hillegas then presented a draft Equal Employment and Affirmative Action Plan for consideration. She noted that staff is required to file this report with State Civil Service on an annual basis.

Motion #7: Tumlin/Blitch: That the Board approve the Equal Employment and Affirmative Action Plan as presented. **Passed 5-0.**

AERF Grant Update

Hillegas shared an updated proposal received from the University of Louisiana – Lafayette which provides further details on their project which had been funded through the AERF by the Board in June. The project, a partnership with Envision da Berry (EdB), a nonprofit organization, proposes to upgrade and expand its existing SNAP-approved for-profit food retail market located in New Iberia.

June 2019 Financial Statement

Hillegas reported that the financial statements as of June 30 show a total income of \$639,621 which is \$50k above budget projections. She noted that this is primarily due to an increase in renewals, and reciprocal applications. She further reported that firm revenue was on target. Total expenses were \$616,432, which is below projections. There were a few larger expenditures in capital outlays, including \$35k to account for continued upgrades to dated systems and hardware. Net income for the year was reported at \$23k.

Regions Checking Account

Hillegas asked the Board to consider re-allocating some of the funds in a second checking account to a money market or CD so that interest could be earned.

Motion #8: Blitch/Bacque: To move \$50K from the Regions checking account into an interest bearing money market or CD account. Passed 6-0.

FY19 Audited Financial Report

Hillegas provided a copy of the FY19 Audited Financial Report completed by Griffin and Furman. She reported that this was the third year of a three-year contract with this firm and that the Louisiana Legislative Auditors office will manage the process of bidding out for a new auditor next year.

She summarized the process by indicating that the AFR represents the audit of our records and internal controls and tests our compliance with certain provisions of laws, regulations and contracts, and accounts for adjustments that document our pension and group benefits liabilities.

Revenues totaled \$641,913 for the year ended June 30, 2019. These revenues are comprised primarily of license renewal fees, other fees, and interest income. Revenues increased 45,024 or 7.5% compared to the prior fiscal year. Expenditures totaled \$663,490 for the year ended June 30, 2019. These expenditures are comprised primarily of personnel, operating, and professional services. Expenditures increased \$148,272 or 28.8% compared to the prior fiscal year.

She reported that a big portion of the increase in expenditures is due to documentation of our Pension Liability which is recorded based on the prior fiscal year. It was during that time that two new employees were hired who were existing state employees and brought existing pension liability with them. The Board's assets exceeded its liabilities at the close of fiscal year 2019 by \$259,776. Assets consist primarily of cash and certificates of deposit. This Net position decreased by \$18,733 or 7.0% as compared to prior year net position.

This \$259,776 is reflected as "retained earnings" on our balance sheet.

July 2019 Financial Statement

Hillegas then shared information on the July 2019 financial statement which reflects renewal activity for firm renewals that took place in May and June. She reported that total revenue to date is \$131k of the \$708 budgeted, with a majority of revenue coming from firm renewals. Firm revenue is on target with us having received \$123k of the \$146k budgeted. She further reported that the launch of the online application/renewal portal for firms was utilized as an opportunity to complete implementation of elimination of the "Limited Liability" license and transition all of them to "Architectural Firms." When an applicant applies for individual registration, the system is now able to determine if his or her firm is registered and, if not, it will send a notification to the licensee.

Expenses are as reported at \$86k of \$806k budgeted and are on target, and net income for the period is \$46k.

Updated FY20 Budget

Hillegas presented an amended budget which reflects an adjustment in registration fees based on actual firm experience for FY19. She reported that the new database is making it easier to track registration numbers for each line item.

Optional Pay Policy

Hillegas provided an Optional Pay Policy which complies with the State Civil Service pay policies for Board consideration.

Motion #9: Tumlin/LeBlanc: That the Board go into executive session to discuss possible adoption of an Optional Pay Policy. **Passed 6-0.**

Motion #10: Bacque/Blitch: That the Board conclude its executive session. **Passed 6-0.**

Motion #11: Blitch/Tumlin: That the Board approve the proposed Optional Pay Policy for submission to State Civil Service for consideration. **Passed 6-0.**

Incidental Practice Definition Update

Hillegas reported that LAPELS had received approval from the Occupational Licensing Review Commission to publish a Notice of Intent for rulemaking which included an extended definition of incidental engineering practice to which the Board had previously expressed concerns. The Board asked that a response to the NOI expressing its concerns be prepared at the appropriate time.

Licenses and Certificates of Authority Issued for Ratification

Hillegas reported that 17 initial and 82 reciprocal licenses for individuals and 3 Professional Architectural Corporation, 3 Architectural Engineering Corporation, and 43 Architectural Firm certificates of authority had been issued between February 6 and April 5, 2019.

Motion #12: Tumlin/Brinson: To approve the list of licenses and certificates of authority issued for the period April 5, 2019 – September 6, 2019, as submitted. **Passed 6-0.**

Complaint Review Committee Report

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

Case #2019-8 - Ducote reported on a professional 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 contains the following sanctions:

1. Respondent to pay a fine of \$4,000 and costs of \$441.48, payable within 90 days from the ratification of the consent order;
2. Suspension of Respondent’s license if it fails to make payments;
3. Publication of this disciplinary action on the Board’s website and a summary of this matter in the Board’s newsletter, both identifying Respondent by name, and

4. Reporting this matter to NCARB Disciplinary Database identifying Respondent by name.

Motion #13: Blich/Bacque: To accept the consent order for Case #2019-8. **Passed 3-0, with CRC members abstaining.**

After the motion was passed, the Respondent was identified as **C.M. Oliver Architects, LLC.**

Case #2019-9 - Ducote reported on a professional architect who 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), and who used his seal or stamp and performed other acts as an architect while his license was expired in violation of La. R.S. 37:152(B). The respondent signed and returned the proposed consent order offered by the CRC. The proposed consent order contains the following sanctions:

1. Respondent to pay a fine of \$3,000 and costs of \$441.48, payable within 90 days from the ratification of the consent order;
2. Suspension of Respondent's license if he fails to make payments;
3. Publication of this disciplinary action on the Board's website and a summary of this matter in the Board's newsletter, both identifying Respondent by name, and
4. Reporting this matter to NCARB Disciplinary Database identifying Respondent by name.

Motion #14: Bacque/Brinson: To accept the consent order for Case #2019-9. **Passed 3-0, with CRC members abstaining.**

After the motion was passed, the Respondent was identified as **Charles M. Oliver, Architect.**

Case #2018-7 – Ducote notified the Board of the full payment of the fine and costs associated with the case and that the Respondent has just submitted documentation showing that his probation with the state was ended early. The Respondent has requested that the Board suspension of his architectural license also be ended early. There was consensus to table the request until the December 2019 Board meeting to allow counsel time to review the submitted documents and allow staff time to research prior similar Board actions.

Legal Counsel Report

Spaht reported that final approval to adopt rule changes to LAC 46:1, §1101 – Registration and Information, §1105 – Certificates, and §1301 Renewal Procedure has been received from the Occupational Licensing and Review Commission.

Motion #15: Tumlin/LeBlanc: That the Board adopt the changes to LAC 46:1, §1101 – Registration and Information, §1105 – Certificates, and §1301 Renewal Procedure contained in the Notice of Intent previously published in the *Louisiana Register*; these changes increase certain fees for individual licensees and establish a new fee for obtaining a replacement certificate. **Passed 6-0.**

Spaht noted that the final rule will be published in the October 2019 issue of the *Louisiana Register*.

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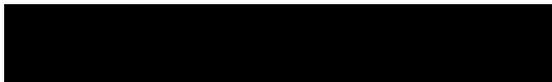
Other Business

There was brief discussion surrounding the selection of officers for 2020. Staff was asked to provide a history on service as officers for Bacque and Brinson and bring it to the December 2019 meeting. A final determination surrounding officers will be made at that time.

The next meeting is scheduled for Friday, December 13, 2019.

There being no further business, the meeting adjourned.

Respectfully submitted,



John Cardone, Jr., Chair



Knox Tumlin, Secretary