

**Louisiana State Board of Architectural Examiners
Complaint Review Committee
January 12, 2018
Meeting Minutes**

Present: Knox H. Tumlin, Chair
J. David Brinson
Richard J. LeBlanc
Katherine E. Hillegas, Executive Director
Tyson J. Ducote, Deputy Director
Paul H. Spaht, Board Attorney

The meeting was called to order by Tumlin who reviewed the agenda.

Motion: Tumlin/LeBlanc: To enter into executive session to discuss investigative and disciplinary matters regarding allegations of misconduct and/or the character and professional competence of persons. **Passed. 3-0.**

Minutes

The minutes of the previous meeting were reviewed.

Motion: Tumlin/LeBlanc: To approve the September 29, 2017 minutes. **Passed. 3-0.**

Renewals:

The staff presented individual license renewals in which the licensee had answered “yes” to any of the moral character questions located on the architect renewal application. The list was broken down into applications with like violations as follows:

Continuing Education violations

Staff presented renewal applications of licensees who had been disciplined by another jurisdiction for failure to meet the Continuing education requirements following a CE Audit.

Motion: LeBlanc/Brinson: To recommend that the Board ratify renewal applications for the following individuals: Matthew Freeby, Michael Habel, Christopher Kidd, Gary Martinez, Daniel Winter, and Reza Hadaegh and, further, to send Letters of Caution to all the aforementioned individuals with the exception of Mr. Kidd. The Committee agreed to recommend that the Board establish an operating guideline that for future similar violations of non-compliance with a continuing education requirement in another state, staff should process the application and issue a standard letter of caution for licensees who have been disciplined in another state and inform the board of such individuals at the appropriate time following such individual’s renewal. **Passed. 3-0.**

Texas Accessibility Standard Review

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Staff then presented renewal applications of four licensees who indicated that they had received warnings or were disciplined by the Texas Board for violations of the Texas Accessibility Standard Review requirements.

Motion: Brinson/LeBlanc: To recommend that the Board ratify renewal applications for Max C. Cannon, Jaron Daily, Sanford Steinberg, and Richard Sutton. Further, to recommend that the Board ratify the renewal application for Donald Powell and issue a Letter of Caution for possible mis-statement on his renewal. The Committee agreed to recommend that the Board establish an operating guideline that for future similar violations involving discipline for non-compliance with the Texas Accessibility Standard Review, staff should process the renewals with no further action. **Passed. 3-0.**

Plan Stamping

Staff presented a renewal application of an individual who had been disciplined by the Mississippi Board for plan stamping and subsequently suspended for 2 years.

Motion: Brinson/LeBlanc: To recommend that the Board ratify the renewal application and issue a Letter of Caution for Phillip Pecord. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations involving plan stamping in another state, staff should process the renewal and issue a standard letter of caution and notify the Board at the appropriate time following renewal of the architect's license. **Passed. 3-0.**

Failure to Notify of Prior Discipline/Investigation

Staff presented renewal applications of three architects who had been disciplined by the Wisconsin Board for failing to notify that Board of a disciplinary action by another board within 48 hours.

Motion: LeBlanc/Brinson: To recommend that the Board ratify the renewal applications for David Ohlemeyer and William McMahan and, further, to recommend that the Board ratify the renewal application and issue a Letter of Caution to Dustin Curtis. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations of the Wisconsin law requiring architects to notify them of disciplinary actions within 48 hours, staff should process the renewals and no further action would be required. **Passed. 3-0.**

Inactive/Revoked License Due to Failure to Renew

Staff presented renewal applications for two architects whose licenses were either revoked or placed in inactive status due to failure to renew in that state.

Motion: LeBlanc/Brinson: To recommend that the Board ratify the renewal applications for William Rutherford and Angela Watson. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations related to licenses being placed in revocation or inactive status due to failure to

renew, staff should process the renewals and no further action would be required.
Passed. 3-0.

Unlicensed Practice in Another State

Staff then presented renewal applications for architects who had been disciplined by other boards for the unlicensed practice of architecture.

Motion: Brinson/LeBlanc: To recommend that the Board ratify the renewal applications for Georgia Coundoussias, Scott Lasky, Russell McElroy, Stephen Oliver, Lindsay Works and the firm renewal application for Sterling Barnett and issue Letters of Caution to all individual licensees. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations related to unlicensed practice of architecture in another state, staff should process the renewals and issue a letter of caution for licensees, and then notify the Board at the appropriate time following renewal of the architect's license. **Passed. 3-0.**

Criminal Activities/Misdemeanors

Staff presented renewal applications for architects who were disciplined by the authorities for various criminal activities or misdemeanors, including DWI, DUI (alcohol and prescription medication), open container and possession of marijuana.

Motion: Brinson/LeBlanc: To recommend that the Board ratify renewal applications for Fernando Andrade, Anthony Butler, Kevin Cooper, William Foley, and Noam Platt. Further, the Committee recommended that Mr. Marcus Moorehead be asked to provide the Committee with updates related to his court case. The Committee agreed to recommend that the Board establish an operating guideline that for future similar violations for various misdemeanor criminal activities including DWI, DUI, open container and possession of marijuana, staff should process the renewals, and no further action would be required. **Passed. 3-0.**

Investigation Not Resulting in Discipline

Staff presented a renewal application for William McElroy who was investigated by the Mississippi Board of Architecture for possible improper use of confidential and proprietary information then submitted as his own creation in response to a RFP and the possible improper listing of his spouse as a member (and therefore an owner) of their firm in the annual report filed with the Mississippi Secretary of State and in various Mississippi publications. After an investigation was concluded, both points were dismissed without prejudice.

Motion: Brinson/LeBlanc: To recommend that the Board ratify the renewal application for William McElroy. **Passed. 3-0.**

Unlicensed/Expired Practice in Louisiana

Staff then presented renewal applications for an individual and a firm who had practiced architecture on an expired license or prior to licensure.

Motion: LeBlanc/Brinson: To recommend that the Board ratify the applications, and to open cases against both the individual for expired practice and the firm for unlicensed practice. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations, staff should process the renewals or applications and open a case for unlicensed practice. **Passed. 3-0.**

Multiple Issues

Staff then presented renewal applications of several architects who had multiple disciplinary actions with other states.

Motion: LeBlanc/Brinson: To recommend that the Board ratify the renewal applications of Robert Coleman, III, Paul Donaldson, Thomas Smith and Wynn Waring Warner and, further, issue a letter of caution to each. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations, staff should process the renewals and bring them before CRC if the licensee's license was revoked, suspended or placed on probation in another jurisdiction and that no further action was warranted if the violations are minor in nature. **Passed. 3-0.**

Unlicensed Practice of Engineering

Staff presented two renewal applications for architects who were disciplined for the unlicensed practice of engineering in other states.

Motion: Brinson/LeBlanc: To recommend that the Board ratify the renewal applications for Zhi Feng and Peter Lichomski and issue a letter of Caution to Mr. Feng for possible mis-statement on his renewal. The Committee further agreed to recommend that the Board establish an operating guideline that for future similar violations, staff should process the renewals and no further action would be warranted. **Passed. 3-0.**

Staff then requested direction on other scenarios which may occur in future renewal periods:

- a. Aiding and assisting in Unlicensed Practice – The Committee agreed to recommend to the Board that staff should document and file and that no further action is warranted.
- b. Actions not in violation of the Louisiana laws and/or rules – The Committee agreed to recommend to the Board that staff should document and file, and that no further action is warranted.
- c. Discipline previously reported to Board through the firm registration or prior notification – The Committee agreed to recommend to the Board that staff should document and file, and that no further action is warranted.

Staff then requested discussion and direction on processing applications for licensure on the following topics:

- a. Applications received during renewal period –The Committee agreed to discuss with the Board and recommend that staff issue licenses through the next renewal period for applications received during a renewal cycle.

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- b. Renewals received after renewal period (grace period, late fee, lapse-expire timeline) – The Committee agreed to discuss with the Board and recommend that, per the rules, a registrant is considered late for 90 days following the renewal deadline, and then his license is considered expired.
- c. Reporting sanctions to the NCARB disciplinary database – The Committee agreed to discuss with the Board and recommend that staff ensure that future Consent Orders include language that indicates such sanctions will be reported to a national disciplinary database for architects and, further, to then report such disciplinary actions to the NCARB Disciplinary Database.

Complaints:

2017-05 - Gerald W. Billes, Architect

Ducote updated the Committee on the case and the outcome of the request to Penn State. The Respondent submitted a reply to a request for information, which was distributed to the CRC for review. Spaht indicated that the Respondent's wife's trial was scheduled for the day of the Board meeting. The CRC instructed Ducote to forward the Respondent's reply to the Complainant for her response/rebuttal, and to make note of the outcome of the wife's trial.

2017-07 - Kimberly Finney, Architect

Ducote provided the Committee with full size reproductions of original drawings from both the Respondent and the Complainant. After reviewing and comparing the drawings, the members of the Committee agreed that there was insufficient evidence to proceed with the investigation and agreed to dismiss the case.

Motion: LeBlanc/Brinson: To dismiss the complaint due to insufficient evidence. Passed. 3-0.

2017-08 - re:design Architectural Studios

Spaht provided the Committee with information related to two e-mail complaints received expressing concern that neither the firm nor the firm owners were registered to practice architecture in Louisiana. Following receipt, a letter was sent to the firm owner advising of the potential of a case being opened for unlicensed practice. The owner responded indicating concern over the source of the complaints, and the staff followed up citing further examples of the violation of the use of the title. Ducote discussed his desire to try and establish contact with the Respondent prior to filing an injunction in court.

The Committee agreed to allow staff to try and re-establish contact with Respondent prior to staff/legal counsel filing an injunction in court.

Motion: LeBlanc/Brinson: To conclude the Executive Session. Passed. 3-0.

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There being no further business to address,

Respectfully submitted,

Knox H. Tumlin, Chair