LOUISIANA ARCHITECT
Louisiana State Board of Architectural Examiners
LSBAE
www.lastbdarchs.com WINTER, 2012

Architect license renewals due now for 2013

Don't forget that individual architectural license renewals must be completed by December 31, 2012 or late fees must be paid before your individual license can be renewed.

You may log in to the LSBAE website at **www.lastbdarchs.com** and renew online by paying with Visa, MasterCard or check. Please note that online renewals paid by check must print out a receipt page and be mailed with said check, postmarked by December 31, 2012. You can also download a hard copy which can be manually completed and mailed in with a check or money order, postmarked by December 31, 2012 to avoid late fees.

All architects (both in-state and out of state) must complete twelve CEHs of HSW per year in order to renew their individual Louisiana licenses. Please review the instruction sheet on the website for additional information.

LUNCHEON HELD FOR NEW LICENSEES…

The Louisiana State Board of Architectural Examiners combined forces **with the American Institute of Architects (AIA) Louisiana affiliate to honor** the architects licensed in 2012 at a luncheon on September 28. The event was held during the AIA LA Design Conference in Lafayette. A total of 42 new licensees were honored, and more than 100 architects attended the Honors Luncheon. Several LSBAE members and Executive Director Teeny Simmons attended. Shown are some of the new licensed architects with their gift, – a stone Benchmark which had the name and license number of each new licensee.

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Teeny's Talk

A Message from the Executive Director: ***Teeny Simmons***

Thanks for the feedback on customer service questionnaires

First of all, thanks to all of you who participated in our customer service questionnaire. I know that it's not easy finding time to answer a questionnaire, but more than 500 of you did!

The responses showed that almost everyone is pleased with our efforts in serving you. Several recommendations were made, and are already being implemented. I haven't had a chance to look at the results closely yet, but we want you to know that:

- we always address any rule changes in our newsletters and allow time for architects to send in comments;
- we post enforcement reports/activities in the newsletter (none in this issue because we are still working on four from last meeting);
- you can renew your personal license online;
- we send out several license renewal reminders prior to December 31 deadline (including the one on the front page of the newsletter);
- upon renewing on line you can print a certificate as one of the options (always a good idea).

I realize not everyone has time to read the notices and newsletters upon receipt, but we do leave them on our website for future viewing. As the saying goes, "We always aim to please," and will be looking closer at some of the recommendations so that we can better serve you.

Hopefully, if you haven't renewed your personal license yet, you will do so immediately to avoid a delinquent fee. If you are planning on sending in a paper form downloaded from our site, please note it is not renewed until processed by our office so please don't wait until the last minute as everything can get backed up by the end of the year.

We want to thank AIALA and AIABR for including reminder notes of renewal on some of their notices going out to their membership during November.

Please take the time to read the article by Paul Spaht, board attorney, as it addresses, once again, the rule changes and additions relating to continuing education, general disciplinary guidelines, and description of architect's seal/stamp.

We hope you enjoy the newsletter and find it informative and the formatting easily to read. Thanks to Peacock Communications for their continued help with the layout and work in getting the articles in by deadlines.

The LSBAE and staff wish each and every one of you a very Merry Christmas and blessed holiday season. Let's not forget HE is the reason for the season.

Lamar Advertising Corp. Headquarters
Eskew+Dumez+Ripple

Special Thanks

Special thanks to AIA LA for providing photos of the winners of this year's Design Competition. The **photos, with the project identified in each, are shown throughout the newsletter.**

Congratulations to our new licensees by examination

The board is pleased to announce that the following individuals have been licensed by examination from June 1, 2012 to November 30, 2012

FIRST NAME	LAST NAME	CITY	FIRST NAME	LAST NAME	CITY
Lindsey Daniel	Allen	New Orleans	David Francis	Hebert	Baton Rouge
Stephen Paul	Arceneaux	Thibodaux	Wendy Weatherall	Kerrigan	New Orleans
Juan M.	Burciaga, Jr.	Marrero	Louis Frederick	Saab, II	Baton Rouge
Vincent Joseph	Cangiamilla III	Covington	Jared M.	Simoneaux	Covington
Mihnea Catalin	Dobre	New Orleans	Kyle Ray	Smith	Baton Rouge
Nicole Pertuit	Genovese	Metairie			

NCARB Broadens Opportunities to Earn IDP Hours

The National Council of Architectural Registration Boards (NCARB) has announced additional opportunities for interns to earn experience hours. These two opportunities build upon the experience areas announced in April as part of IDP 2.0.

The academic internship experience, originally capped at 930 hours, will now have no cap. This change will be retroactive to April 5 when academic internships first became available to earn hours. Interns will also have the opportunity to earn IDP experience through construction work.

"The Council is continuously looking for opportunities for interns to gain valuable experience that counts toward the IDP," said Michael J. Armstrong, NCARB Chief Executive Officer. "The addition of construction work and the removal of the cap on experience earned through academic internships demonstrate the Council's commitment to a more agile approach to its programs, expanding opportunities, and responding to recommendations of our stakeholders and collateral partners like the Association of Collegiate Schools of Architecture (ACSA)."

Construction Work

Many options exist in the construction industry for an intern to gain hands-on experience. Through these options interns develop knowledge and skills valuable to understanding how details "on paper" translate to the built environment and other aspects of the profession of architecture.

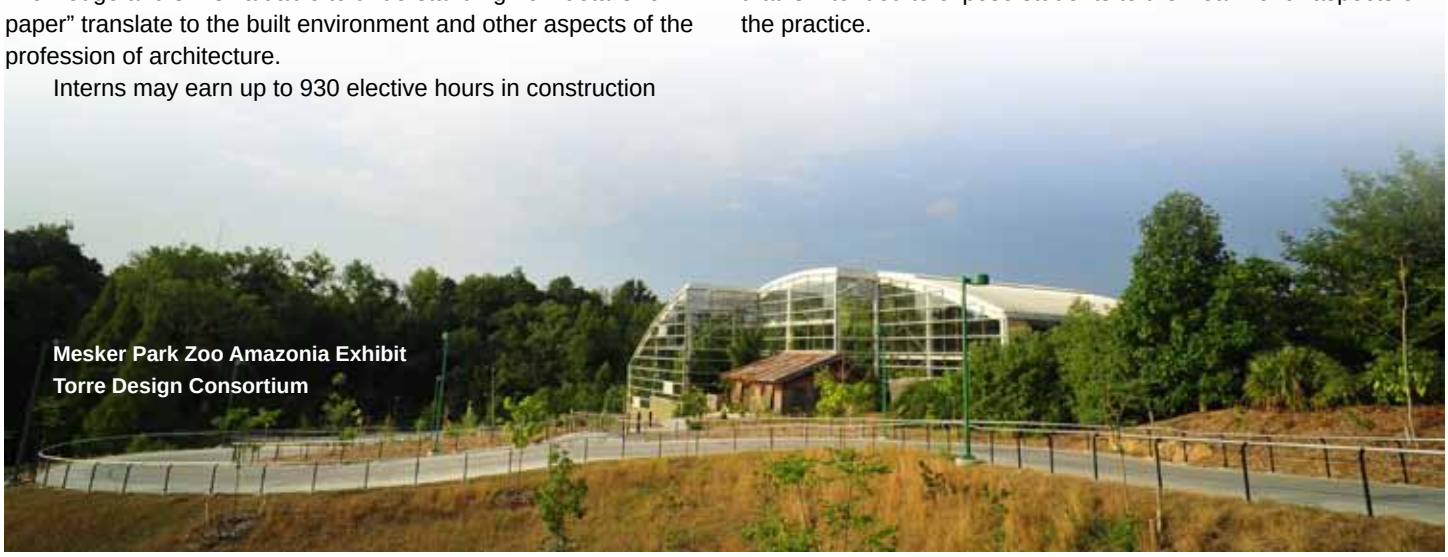
Interns may earn up to 930 elective hours in construction work done through either a paid or volunteer position. They must work at least 15 hours per week for a minimum of eight weeks for the experience to qualify. Construction activities that can be counted toward hours include, but are not limited to, hanging drywall, wiring, flooring, plumbing, and building layout.

Academic Internships

Additionally, architecture students participating in academic internships meeting the requirements defined in the IDP Guidelines through their university can now earn more than 930 hours through this opportunity. NCARB's Board of Directors decided to remove the limit as a result of discussions with the ACSA, the Council's Internship Committee, and the IDP Advisory Committee.

Limited IDP credit for academic internships was permitted for the first time in April as part of the new IDP 2.0 criteria. This change recognizes that many academic institutions have internships that run parallel or are embedded in to their academic programs, and have an oversight structure that provides a level of quality control for the experience

being earned. The NCARB Board concluded that these programs provide the participants with valuable work experience that is intended to expose students to the "real world" aspects of the practice.



Mesker Park Zoo Amazonia Exhibit
Torre Design Consortium

NCARB President's Report

By Ron Blitch,
Architect, FAIA, FACHA, NCARB
La. Board Member

NCARB focuses on strategic plan, partnerships

It's hard to believe that my year serving as President of NCARB is almost half over! The last few months have been very busy and I am thankful in this holiday season for all of the support from my colleagues in the important work of the Council. I am especially thankful for the dedication and involvement of your LSBAE Board members and staff (yes, Teeny volunteers her time on national committees also!) in their service on committees and task forces.

The Board of NCARB had its second meeting of the fiscal year in Chatham, Massachusetts in September. The primary focus of the meeting involved beginning the annual refresh of the strategic plan and long-range strategic issues. That work is ongoing and was recently presented to the member board executives and member board chairs meeting in Boston, Massachusetts in November. Louisiana was well represented by Board President Robert McKinney and Executive Director Teeny Simmons.

The Council will continue to fine tune the plans and adopt them in December at the Board meeting in New York City. Blue Sky discussions are ongoing regarding the future of major initiatives such as the ARE (Architects Registration Examination) and IDP, as well as the Council's role in serving registered architects throughout the US for continuing education requirements and records support.

The NCARB leadership team meets regularly with our collateral partners at AIA, NAAB, AIAS, and ACSA. We are working diligently on NCARB's response to the NAAB's 2013 Accreditation Review Conference, which will occur in the summer of 2013. Our most recent collaterals meeting was in Chicago in October.

Regarding Internship, based on excellent feedback at the IDP Coordinators Conference in Chicago during the summer, a new pilot program of IDP Student Coordinators is being launched to augment the current IDP Coordinator positions in NAAB accredited institutions. The hope is that the additional resource of a student coordinator in these schools will assist IDP interns through the process to licensure. The IDP program now recognizes academic internships for credit and will shortly allow on-site direct construction experience as well.

The 2012 Practice Analysis results are being reviewed and incorporated for the short term into the ARE and IDP, and will be used to help develop future versions and delivery methods for the ARE, with an ARE Research and Development Committee meeting scheduled for New Orleans in late November.

I have been able to visit the New York and Massachusetts Boards of Architecture, and have attended IDP presentations in Chicago and Indiana in the last few months as part of outreach efforts across the country to "listen" to the 54 member boards that make up the Council. Those outreach efforts have resulted in visits to over 20 boards in the past year, and from the IDP side, visits to schools have been sped up from a three year cycle to a two year cycle.

It's been a busy year so far, but very enjoyable and fulfilling, with much more to come. NCARB's Spring Regional meetings will be in Charleston and in Providence, Rhode Island in March. At the regionals, most of the planning for resolutions for the Annual Meeting are initiated, to be refined and vetted prior to the Council's Annual Meeting in San Diego in June.

Thanks again for everyone's support and for the LSBAE's involvement and leadership within the Council.

Have a safe and happy holiday!

Turn Services Administration and Operations Complex
WDG/Architects Engineers

BOARD ATTORNEY
REPORT

Changes in continuing education rules outlined

By Paul H. Spaht, LSBAE Board Attorney

As we near the end of the year, the continuing education which an architect must complete each calendar year as a condition for license renewal may be of particular interest. This article will therefore discuss primarily the comprehensive amendments to the rules regarding continuing education, which the board adopted during 2012. In addition, this article will mention (i) proposed rules which set forth, for the first time, the discipline which the board will normally impose for a violation of the licensing law or board rules, and (ii) a proposed amendment to the rule regarding the architect's seal or stamp. The proposed rules and rule amendment will likely be adopted by the board during the spring of next year.

Continuing Education

In April of 2012, the board adopted amendments to its rules regarding continuing education. The rules regarding continuing education, as amended, are available on the board website at . See Rule § 1315.

Most of the amendments are mere clarifications of previous rules. However, a few substantive changes were made. Under the amended rules, credit for Individually Planned Education Activities may no longer be earned. In addition, except as discussed in the following paragraph, excess Continuing Education Hours earned during one calendar year may no longer be carried forward to a subsequent calendar year.

Before the continuing education rules were amended in April of 2012, the carry forward of a maximum of twelve CEH to a subsequent calendar year was allowed by previous Rule § 1315.F.3 (now repealed). Although the newly adopted rules no longer permit the carry forward of excess CEH, the board decided that it would be unfair to disallow the carry forward of CEH earned during calendar year 2012 to 2013 since the change was made during 2012. Accordingly, the board will allow the carry forward of a maximum of twelve CEH earned during calendar year 2012 (January 1 – December 31) to 2013 only. No CEH earned during calendar 2013 may be carried forward to 2014. No CEH earned during 2014, or during any year thereafter, may be carried forward to any subsequent year.

In addition, under the amended rules, an architect must remedy any disallowance of CEH within sixty (60) days from notice of disallowance. See Rule § 1315.G.4. A final substantive change is that the amended rules set forth disciplinary guidelines for violation of the continuing education rules. See Rule § 1315.I.

Jefferson Parish
Lakeshore Library
Sizeler Thompson Brown Architects

General Disciplinary Guidelines

To inform the architectural profession (and others) of the normal discipline which will be imposed for particular violations of the licensing law or the board rules, the board published a proposed rule setting forth General Disciplinary Guidelines in the November of 2012 issue of the Louisiana Register. In a particular case, aggravating or mitigating circumstances may increase or decrease the discipline which would normally be imposed. The proposed General Disciplinary Guidelines are published elsewhere in this newsletter.

Architect's Seal or Stamp

Existing Rule § 1303 requires that an architect's seal or stamp contain certain words; however, it does not provide for the shape, size, or design of such seal. A question was recently asked regarding whether an architect's seal or stamp could contain a fleur-de-lis, rather than a pelican. The board answered this question in the negative, and it decided that its rules regarding the architect's seal or stamp should be amended to provide clarity and guidance. The board published a proposed amendment to Rule § 1303 in the November of 2012 issue of the Louisiana Register. A copy of the proposed rule amendment is contained elsewhere in this newsletter.

Information on Architecture and Engineering Licensure Laws and Rules in Louisiana

During the summer of 2012, the board and the Louisiana Professional Engineering and Land Surveying Board jointly published an update of what was formerly known as the Reference Manual for Building Officials and Design Professionals. Its purpose is to aid in understanding the laws and rules governing architecture and engineering in Louisiana. It is a guideline intended as a source of basic information. It has been distributed to building officials throughout Louisiana, and it is available on the board website.

NCARB named to Information Week 500 list of top technology innovators for second year in a row

The National Council of Architectural Registration Boards (NCARB) announced its inclusion on the 2012 InformationWeek 500, an annual listing of the nation's most innovative users of business technology.

NCARB has been named to the list for two years in a row. The annual list was revealed during the InformationWeek 500 Conference in California. "We're very excited to be recognized for the strides we have taken in improving the technological offerings at NCARB," NCARB CEO Mike Armstrong said. "We know how important these improvements are to our Member Boards and to our Record holders."

One significant change to NCARB's online services last year was the development of the "single sign-on" capability, enabling users to be identified and authenticated for the people they are—and not the roles and services they consume.

NCARB is now being recognized for its success in developing a feature-rich application for the Intern Development Program (IDP) that allows interns, supervisors, and other parties to seamlessly operate in a robust, controlled, workflow environment. The system balances customer experience and regulation by embracing best practices from its conception.

InformationWeek identifies and honors the nation's most innovative users of information technology with its annual 500 listing, most of which are corporations, and also tracks the technology, strategies, investments, and administrative practices of America's best-known companies. The InformationWeek 500 rankings are unique among rankings as it spotlights the power of innovation in information technology, rather than simply identifying the biggest IT spenders.

Additional details on the InformationWeek 500 can be found online at www.informationweek.com/iw500/.

Rouses Market
John C. Williams, Architects

Barzenick Residence Back
Pistorius Associates

NCARB'S 2012 survey of registered architects

The 2012 survey of U.S. architectural registration boards by the National Council of Architectural Registration Boards (NCARB) indicates that there are currently 105,596 registered architects in the United States. This represents a 1.2 percent increase in licensed architects from last year's survey. Data was collected in August 2012 from the jurisdictions and reflects July 2011 through June 2012.

The 2012 survey also reveals that there are 118,004 reciprocal (out-of state) architects, for a total of 223,600 registrations. This represents no significant change in reciprocal licenses, and a 0.6 percent increase in overall registrations. California has the highest number of resident architects (16,298) and the highest number of total registrations (20,096).

The survey shows Louisiana has 1,201 resident architects, and 2,049 reciprocal architects for a total of 3,250 architects.

NCARB collects data for the survey from its 54 Member Boards, which includes all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. NCARB makes this information available annually as a service to the profession. For more information about the 2012 Survey of Registered Architects, contact NCARB at 202/783-6500.

Rice Mill Lofts
Wayne Troyer Architects

ARCHITECT REGISTRATIONS BY JURISDICTION

Jurisdiction	Resident	Reciprocal	Total
Alabama	831	1,800	2,631
Alaska	234	373	607
Arizona	2,164	3,897	6,061
Arkansas	534	1,071	1,605
California	16,298	3,798	20,096
Colorado	3,114	3,620	6,734
Connecticut	1,457	2,691	4,148
Delaware	116	1,439	1,555
District of Columbia	611	2,181	2,792
Florida	5,097	4,635	9,732
Georgia**	2,404	2,952	5,356
Guam	31	100	131
Hawaii	991	1,234	2,225
Idaho	491	1,156	1,647
Illiniois	5,681	3,887	9,568
Indiana	957	2,133	3,090
Iowa	1,077	2,317	3,394
Kansas	940	1,796	2,736
Kentucky*	718	1,641	2,359
Louisiana	1,201	2,049	3,250
Maine	423	1,070	1,493
Maryland	1,961	3,732	5,693
Massachusetts	3,694	2,911	6,605
Michigan	2,570	3,132	5,702
Minnesota	1,935	1,613	3,548
Mississippi	441	1,412	1,853
Missouri	2,042	2,943	4,985
Montana	426	900	1,326
Nebraska	537	1,178	1,715
Nevada	546	2,238	2,784
New Hampshire	317	1,476	1,793
New Jersey	3,025	4,617	7,642
New Mexico	694	1,371	2,065
New York	9,497	6,663	16,160
North Carolina	2,248	2,921	5,169
North Dakota	146	774	920
Ohio	3,286	2,973	6,259
Oklahoma	768	1,362	2,130
Oregon	1,647	1,335	2,982
Pennsylvania*	3,742	4,326	8,068
Puerto Rico**	609	126	735
Rhode Island	304	1,189	1,493
South Carolina	1,066	2,698	3,764
South Dakota	106	670	776
Tennessee	1,307	1,701	3,008
Texas	7,516	3,914	11,430
Utah	742	1,330	2,072
Vermont	331	827	1,158
Virgin Islands***	26	55	81
Virginia	2,789	4,175	6,964
Washington	3,953	2,280	6,233
West Virginia	107	874	981
Wisconsin	1,727	3,361	5,088
Wyoming	121	1,087	1,208

Total Architects: **105,596**
Total Reciprocal Registrations: **118,004**
Total Registrations: **223,600**

* Counts are from 2011 survey data.
** Counts are from 2010 survey data.
*** Counts are estimates based on data from prior years.

Conference great tool to enhance state licensing boards

By Robert McKinney, Board President
Director, Office of Academic Planning and Faculty Development
Academic Affairs Professor, Architect, NCARB
University of Louisiana at Lafayette

In November, I had the opportunity to represent the board at the NCARB Member Board Chairs and Member Board Executives Conference in Boston. Most all jurisdictions were represented in spite of Hurricane Sandy. The conference is an occasion for NCARB personnel to examine issues pertinent to the jurisdictions that chairs and executives can then take back to their boards with the aim of enhancing relevance, providing a higher level of service to interns and architects, and increasing the value of licensure.

An outline of the NCARB strategic plan was presented outlining values and goals for NCARB to achieve its mission. That mission is: NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and applications of standards for licensure and credentialing of architects.

The plan outlines how NCARB programs facilitate licensure, how NCARB can foster collaboration with collateral and related organizations, and how NCARB can effectively manage the credential of interns and registered architects. Discussion of strategic issues including methods of examination, continuing education, and models of architectural education were facilitated through real-time polling via text messaging in the sessions.

Some of the topics addressed included: ethics and professional conduct, investigations and disciplinary action, legislative issues impacting the profession as well as discussion on the definition of welfare. The discussion of ethics and professional conduct provided an opportunity to highlight best practices, such as New Mexico's requirement of an online course on ethical conduct. A number of states including Louisiana presented legislative issues they were addressing, including the military licensing laws and interior design practice acts.

Perhaps the most intensive issues were around defining welfare, which can include definitions that focus on any of the following: emotional, physical, aesthetics, social, culture, community, environmental, and function. In general, it was agreed the welfare provides for a well-being and social support. With the advent of iPhones, iPads and other devices in the course of discussions participants were researching online and citing case law, including the 1954 Supreme Court Berman case in which the court ruled that welfare includes aesthetics.

The conference has provided many issues for the board and the architects of the state to continue to discuss.

My term as president of the Louisiana State Board of Architectural Examiners concludes December 31. It has been an honor to serve the board for the past six years.

Respectfully,
Robert McKinney

Academy of Sacred Heart Arts & Athletics Facility
Wagggonner and Ball Architects

ENFORCEMENT
REPORT

Be aware of laws regarding the use of architect's seal

By: Robert Eddleman, Investigator

The Board continues to investigate alleged violations of statutes and rules which regulate the professional practice of architecture in Louisiana. Substantiated violations result in disciplinary or enforcement action being taken either through Consent Orders or by Board Orders following a formal hearing at which the respondent is adjudged guilty of one or more violations.

Our previous articles dealt with the laws and rules pertaining to the unlicensed offering and/or providing of architectural services without proper licensure from the Board, the laws and rules pertaining to the violation typically called plan stamping.

For this article I would like to address the licensee's responsibility regarding his seal and signature. I have just recently investigated two (2) cases where a set of design drawings were submitted to the Louisiana State Fire Marshal's Office (FMO). In one case a subject who was not licensed signed the licensee's name to the FMO application for life safety review. In the other case, which was also submitted to the FMO for life safety review, a subject who was not a licensed architect placed the licensee's seal and signature on the design drawings and signed the licensee's name to the application as professional of record. In each case, the subjects were either employees of a design company or the owner of a design company. Both companies had been utilized by the licensees to do their cad work.

R.S. 37:153 (A) (2) of the licensing law prohibits any registrant or certificate holder from:

Affixing his seal or stamp or name to any specification, drawing or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document.

As stated in the above section, allowing anyone to affix the licensee's name or seal to any document could result in a violation of the licensing law. Use due caution with your seal to avoid someone else from either copying or affixing the seal to documents not prepared under the licensee's direct supervision and control.

Acadiana Center for the Arts
Architects Southwest
and Eskew+Dumez+Ripple

NOTICE OF INTENT

OFFICE OF THE GOVERNOR

BOARD OF ARCHITECTURAL EXAMINERS

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rule making procedures have been initiated for the amendment of LAC 46:I.1303 pertaining to the architect's seal or stamp. The existing rule merely requires that the architect's seal contain certain words; it does not provide for the shape, size, or design of such seal. The proposed rule provides for the shape, size, and design of the architect's seal. The proposed rule will have no known impact on family formation, stability, or autonomy, as described in La. R.S. 40:972.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 13. Administration

§1303. Architect's Seal or Stamp

A. The seal or stamp of the architect shall contain the name of the architect, the architect's license number, and the words "Registered Architect, State of Louisiana."

B. The architect's seal or stamp shall be circular in shape and measure approximately 1 ¾" in diameter. In addition to the words set forth in the preceding paragraph, it shall contain the state emblem. For purposes of this rule, the state emblem is the pelican.

C. Rubber seals and computer generated seals are acceptable.

D. Indicated below is a sample of the seal design authorized by the board.

Sample Seal

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 29:564 (April 2003); amended and re-promulgated LR _____.

Interested persons may submit written comments on this proposed rule amendment to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, Louisiana 70809.

_____
MARY "TEENY" SIMMONS
Executive Director

#276011

NOTICE OF INTENT

OFFICE OF THE GOVERNOR

BOARD OF ARCHITECTURAL EXAMINERS

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rule making procedures have been initiated for the adoption of LAC 46:I.1905 and LAC 46:I.1907. Existing law grants broad authority to the board to impose discipline upon architects and architectural firms for violating the architect's licensing law and the board rules. However, the existing law and rules do not provide as to the discipline which might actually be imposed by the board for specific violations, identify aggravating or mitigating circumstances which might be considered by the board when imposing discipline, or describe circumstances which the board will not consider when imposing discipline. The proposed rules provide as to the normal discipline which will be imposed by the board for particular violations absent aggravating or mitigating circumstances, identify aggravating and mitigating circumstances which the board may consider when imposing discipline, and describe circumstances which the board will not consider when imposing discipline.

The proposed rules will have no known impact on family formation, stability, or autonomy, as described in La. R.S. 40:972.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 19. Rules of Conduct: Violations

§1905. Aggravating and Mitigating Circumstances

A. The board is authorized to discipline architects and architectural firms in accordance with the provisions of the licensing law and its rules. In considering the appropriate discipline to be imposed, the board may consider any aggravating or mitigating circumstances proven by clear and convincing evidence.

B. Aggravating circumstances which may increase the discipline to be imposed include, but are not limited to:

1. Conduct giving rise to serious reservations about the capability of the licensee or certificate holder to effectively and safely practice;

2. Prior disciplinary actions in any jurisdiction;

3. Dishonest or selfish motive;

4. A pattern of misconduct;

5. Multiple offenses;

6. Lack of cooperation with the board's investigation;

7. Submission of false evidence, false statements, or other deceptive practices during the disciplinary process;

8. Refusal to acknowledge wrongful nature of conduct;

9. Vulnerability of victim;

10. Substantial experience in the practice of architecture;

11. Indifference to making restitution; and

12. Illegal conduct, including that involving the use of controlled substances.

C. Mitigating circumstances which may reduce the discipline to be imposed include, but are not limited to:

1. A long term of distinctive service to the profession;

2. Self reporting of the offense or of additional projects of which the board was unaware;

3. Absence of a prior disciplinary record;

4. Absence of dishonest or selfish motive;

5. Personal or emotional problems;

6. Timely good faith effort to make restitution or to rectify consequences of misconduct;

7. Full and free disclosure to disciplinary board or cooperative attitude toward proceedings;

8. Inexperience in the practice of architecture;

9. Character or reputation;

10. Physical disability;

11. Mental disability or chemical dependency including alcoholism or drug abuse when:

    a. There is medical evidence that the licensee or certificate holder is affected by a chemical dependency or mental disability;

    b. The chemical dependency or mental disability caused the misconduct;

    c. The licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and

    d. The recovery arrested the misconduct and recurrences of that misconduct is unlikely;

12. Delay in disciplinary proceedings;

13. Imposition of other penalties or sanctions;

14. Remorse;

15. Remoteness of prior offenses.

D. The following factors should not be considered as either aggravating or mitigating:

1. Forced or compelled restitution;
2. Agreeing to the client's demand for certain result;
3. Withdrawal of complaint against the architect;
4. Resignation prior to completion of disciplinary proceedings;
5. Complainant's recommendation as to sanction; and
6. Failure of injured client to complain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR _____.

§1907. General Disciplinary Guidelines

A. The board sets forth below the normal discipline which will be imposed upon a licensee or certificate holder found to have violated the licensing law or its rules. The purpose of these general disciplinary guidelines is to give notice to architects and architectural firms of the discipline which will be imposed for violations of particular provisions of the law or rules. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

B. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules, or other violations of the law or rules will be grounds for enhancement of penalties.

C. The maximum fine that may be imposed under R.S. 37:153.A is $5,000 per violation. Each day that a violation occurs shall be considered a separate violation under R.S. 37:143.A. The board may also revoke, rescind, or suspend the certificate of, place on probation, reprimand, or admonish any registrant or certificate holder found to have violated its provisions.

D. The maximum fine that may be imposed under R.S. 37:154.A is $1,500 per violation in the case of an individual, or $5,000 per violation in the case of a person other than an individual. Each day the violation occurs shall constitute a separate offense.

E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a $5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
Failure to stamp or seal plans	R.S. 37:152.A provides that all contract drawings and specifications issued by the architect for use in this state shall be stamped or sealed.	$500 fine and private reprimand.
Fraud, deceit, dishonesty, misrepresentation, misconduct	R.S. 37:153.A.1 authorizes the board to discipline any registrant or certificate holder found to have committed an act of fraud, deceit, gross incompetence, dishonesty, misrepresentation, misconduct or gross negligence in the practice of architecture. R.S. 37:153.A.5 authorizes the board to discipline any registrant or certificate holder found to have committed an act of willfully misleading or defrauding any person employing him as an architect. R.S. 37:153.A.7 authorizes the board to discipline any registrant or certificate holder found to have committed any fraud, deceit, material misstatement, or perjury in applying for a certificate of licensure or registration or in taking any examination or in applying for any renewal certificate.	$3,000 fine, revocation, and public reprimand for fraud, deceit, dishonesty or intentional misrepresentation; $1,500 fine, suspension, and public reprimand for negligent misrepresentation and misconduct.
Gross incompetence, gross negligence	R.S. 37:153.A.1 is discussed *supra*.	$3,000 fine, suspension for no less than one year, and public reprimand.

Violation	Provision	Discipline
Incompetence as defined in Rule § 1901.A	Rule § 1901.A provides that, in practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects in good standing, practicing in the same locality.	$1,500 fine, probation for one (1) year, and public reprimand.
"Plan stamping"	R.S. 37:152.B provides that no architect shall affix his seal or stamp or permit it to be affixed to any specification, drawing, or other related document which was not prepared either by him or under his responsible supervision. R.S. 37:153.A.2 authorizes the board to discipline any registrant or certificate holder found to have committed an act of affixing his seal or stamp or name to any specification, drawing, or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document. Rule § 1305 interprets R.S. 37:152.B.	$3,000 fine, probation and/or suspension for one (1) year, and public reprimand.
Removal of an architect's seal or stamp	R.S. 37:152.A prohibits the removal of an architect's seal or stamp.	$3,000 fine, suspension for one (1) year, and public reprimand.
Using the certificate or seal of another	R.S. 37:154.A prohibits any person from presenting or attempting to use as his own the certificate of registration or the seal of another.	$1,000 fine for individual/$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Use of another architect's plans without written approval	R.S. 37:152.A prohibits the use of an architect's plans, unless otherwise provided by law or by written approval of the architect.	$1,500 fine and public reprimand.
Impersonating another registrant	R.S. 37:154.A prohibits any person from falsely impersonating any other registrant or certificate holder of like or different name.	$1,000 fine for individual/$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Practice on suspended license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 authorizes the board to discipline any registrant or certificate holder found to have used his seal or stamp or engaged in any other act constituting the practice of architecture at a time when his certificate of registration is suspended.	$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:152.B	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:154.A	R.S. 37:154.A prohibits the use of an expired or revoked certificate of registration.	$1,000 fine for individual/ $3,000 fine for firm, revocation, and public reprimand.
Individual practice without obtaining proper licensure	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	$1,500 fine and public reprimand.
Firm practice without obtaining proper licensure	R.S. 37:154.A prohibits any person (corporation, company, partnership, firm, business entity, or individual) from practicing or offering to practice architecture in this state without being certified in accordance with the provisions of the licensing law.	$1,500 fine and public reprimand.
Individual or firm	R.S. 37:152.B provides that no architect shall use his	Fine is based on

Violation	Provision	Discipline
practice with an expired license	seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 prohibits practicing architecture at a time when current renewal has not been obtained in accordance with the law.	length of time of such practice: three (3) months to six (6) months - $500 fine; six (6) months to twelve (12) months or fraction thereof- $1,000 fine; after one (1) year or fraction thereof, $1,000 fine per year. Public reprimand.
Felony conviction, conviction of crime or pleading guilty or *nolo contendere*	R.S. 37:153.A.4 authorizes the board to discipline any registrant or certificate holder convicted of a felony. R.S. 37:153A.8 authorizes the board to discipline any registrant or certificate holder convicted of any crime or entering a plea of guilty or *nolo contendere* to any criminal charge an element of which is fraud or which arises out of such individual's practice of architecture.	$3,000 fine, revocation, and public reprimand.
Licensee disciplined or refused certification or renewal by another jurisdiction	R.S. 37:153.A.9 authorizes the board to discipline any registrant or certificate holder upon refusal of the licensing authority of another state, territory, or district to issue or renew a license, permit, or certificate to practice architecture, or the revocation or suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority on grounds other than non-payment of a registration fee.	Compliance with discipline imposed by other jurisdiction.
Providing false testimony before board	R.S. 37:153.A.10 authorizes the board to discipline any registrant or certificate holder who provides false testimony before the board.	$3,000 fine, revocation, and public reprimand.
Giving false or forged evidence to the board in obtaining a certificate of registration	R.S. 37:154.A prohibits the giving of false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.	$3,000 fine, revocation, and public reprimand.
Failing to provide requested information	R.S. 37:153.A.11 authorizes the board to discipline any registrant or certificate holder who fails to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of the licensing law.	$1,000 fine and suspension until requested information is provided. Public reprimand.
False or misleading advertising or solicitation	R.S. 37:153.A.12 authorizes the board to discipline any registrant or certificate holder found to have used any advertising or solicitation which is false or misleading.	$500 fine per violation and public reprimand.
Use of misleading or confusing name	Rule § 1501 prohibits the use of an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.	For failing to respond within thirty (30) days after formal notice, $500 fine.
Knowingly designing a project in violation of laws or regulations	Rule § 1901.A.2 prohibits an architect from knowingly designing a project in violation of applicable state and municipal building laws and regulations.	$3,000 fine, revocation, and public reprimand.
Providing services when not qualified to do so	Rule § 1901.A.3 provides that an architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas	$2,000 fine and public reprimand.

Violation	Provision	Discipline
	involved.	
Providing services when competence is impaired by physical or mental disabilities	Rule § 1901.A.4 provides that no person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.	Suspension until competence proved, followed by probation.
Accepting compensation from more than one party without full disclosure and agreement, or from suppliers	Rule § 1901.B.1 provides that an architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties. Rule § 1901.B.3 provides that an architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their projects.	$1,500 fine and public reprimand.
Failing to render decisions impartially	Rule § 1901.B.4 provides that, when acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract. R.S. 37:153.A.6 authorizes the board to discipline any registrant or certificate holder found to have violated any lawful rule.	$500 fine and public reprimand.
Practicing without full disclosure as defined in Rules § 1901.B.2 or § 1901.C	Rule § 1901.B.2 provides that, if an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. Rule § 1901.C requires full disclosure by the architect under various circumstances.	$1,500 fine and public reprimand.
Knowingly violating any state or federal criminal law	Rule § 1901.D prohibits an architect from knowingly violating any state or federal criminal law.	$3,000 fine, revocation, and public reprimand.
Making improper payment or gift	Rule § 1901.D.2 provides that an architect shall neither offer nor make any payment or gift to a government official with the intent of influencing the official's judgment in connection with a perspective or existing project in which the architect is interested.	$500 fine and private reprimand.
Aiding unlicensed practice	Rule § 1901.C.6 provides that an architect shall not assist the application or registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.	$1,500 fine and public reprimand.
Failing to report	Rule § 1901.C.7 provides that an architect possessing knowledge of a violation of the rules by another architect shall report such knowledge to the board.	$500 fine and private reprimand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR _____.

Interested persons may submit written comments on this proposed rule amendment to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, Louisiana 70809.

_____
MARY "TEENY" SIMMONS
Executive Director

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New Orleans Bioinnovation Center
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Ashe Broussard Weinzettle
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