

# A LOUISIANA ARCHITECTURAL NEWS

published by Louisiana State Board of Architectural Examiners

8017 Jefferson Highway, Ste., B-2 • Baton Rouge, Louisiana 70809  
Phone: 225-925-4802 • Fax: 225-925-4804 • Website: www.lastbdarchs.com • E-mail: lastbdarchs@eatel.net

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## “TEENY’S TALK”

Hope you are enjoying the somewhat “cooler” weather. As usual during this time of year, you should have received your 2001 renewal notice. We mailed them in mid-October. Please read it carefully, complete the required areas, sign and return with fee before December 31, 2000 in order to avoid a delinquent fee.

### CONTINUING EDUCATION

Louisiana still requires 12 hours of continuing education in subjects related to the health, safety and welfare of the public. If you have any questions on whether a seminar will count for credit, be sure and remember it must be verified by someone other than yourself and relate to the approved seminar topics found on our website (www.lastbdarchs.com). We have the approved seminar topics located under the hotlink to “continuing education” found on our home page. If you have not obtained the required hours, you cannot return the form. You would need to wait until you get the required hours next year, notify the board office requesting a delinquent renewal form, which would then need to be completed and returned with proper fees and verification of continuing education hours. As a reminder, none of the hours used to satisfy the requirement for 2001 renewal

may be then used again for 2002 renewal. Any hours above 12 may be rolled over (maximum of 12) to the next year. If you fail to renew prior to December 31, choose not to renew for 2001 or obtain emeritus status, 12 hours will be required for each year you are delinquent.

### NEW BOARD MEMBERS

We would like to take this opportunity to welcome Mr. John Morton and Mr. Henry Stout to the Licensing Board. Mr. Morton and Mr. Stout were appointed to the Board as Mr. Ron Blich and Mr. Kim Mitchell’s term had expired. Their first meeting was March of this year and I think they are realizing serving on the Board requires many more hours than just attending Board meetings four times a year. They are a pleasure to work with and we look forward to the next five years.

At the same time, how can you give an adequate “thank you” for the twelve years of service from Mr. Blich and Mr. Mitchell. Many were the accomplishments under their direction. As with previous board members, they served with dedication and distinction beyond the call of duty.

### ENGINEERING THRESHOLDS

Your Board continues to work with the

Engineer’s Licensing Board in establishing thresholds for the practice of engineering.

### MEMBER BOARD ADMINISTRATORS MEETING

I attended NCARB’s annual MBA meeting held in Washington, D. C. During the meeting, I served on a panel discussing continuing education. Because we were one of the first states to adopt mandatory continuing education, we are often asked about the procedures and establishment of our program.

### NEWSLETTER

We welcome your comments on the newsletter. It is for you and we want you to be pleased with the format. Feel free to make suggestions for improvement.

### WEBSITE

If you have not visited our website (www.lastbdarchs.com) please do so. Much needed information is available and we work hard to keep it updated. You can find the Licensing Law, Rules, Roster, Board Members, related sites, etc.

*Teeny Simmons,  
Executive Director*

## BOARD MEMBERS

*Left to right:  
Edwin Wallace Elbersson,  
Glenn E. Angelle,  
Raymond Post,  
Henry V. Stout, &  
John F. Morton, Jr.*



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# A MESSAGE FROM THE BOARD ATTORNEY

by: Paul H. Spabt

## DESIGN/BUILD:

In the previous newsletter the board requested **your** thoughts on whether it should sponsor legislation or adopt a rule incorporating the NCARB legislative guidelines concerning design/build. The board specifically sought **your** comments concerning: Does the practice of design/build in Louisiana endanger the public HSW? Are there specific case histories in Louisiana (or elsewhere) where the public HSW has been endangered? Is the practice of design/build increasing or decreasing? Are there steps that the board should consider or take in this area, other than possibly sponsoring legislation or adopting a rule and, if so, what are those steps?

The board received only a few responses to these questions. However, when those responses are considered with the comments concerning design/build which the board has received during the last few years, some conclusions may be made:

A substantial number of Louisiana architects have serious concerns about the practice of design/build in Louisiana. Many (probably most) Louisiana architects believe that an architect's diligence to protect the owner may be lessened by the architect being compensated by the contractor, who may have a different agenda than the owner. These worries seem to be based upon the practicalities which may evolve when one person is compensated by another, rather than specific case histories. Some architects believe that the practice of design/build actually threatens the public HSW; others do not. A few examples of the practice of design/build allegedly endangering the public HSW were provided.

Most of the comments noted that the practice of design/build in Louisiana had grown in recent years, and will likely continue to grow. The general (but not unanimous) consensus was that the board should not "outlaw" this method of delivery. Rather, the board should attempt to regulate this practice so that the design professional maintains his or her authority to protect the owner and the public HSW. One suggestion, for example, was that the board should register and license all design/build entities.

Like Louisiana, many other states are struggling with this issue. There does not

appear to be any consensus among the other states as to what, if anything, should be done. Insofar as addressing the problem through some statutory or rule change, many states are presently studying and debating the issue (something the LSBAE has done for the last decade).

After considering the comments recently received, the board decided at its last meeting that it should adopt a rule concerning design/build which will be modeled after the NCARB legislative guidelines. The exact language has not been decided. The proposed rule will be published in an upcoming issue of The Louisiana Register. Your comments to the proposed rule will be welcome.

## LOUISIANA ARCHITECTS SELECTION BOARD:

Since the last newsletter the board has adopted permanent rules concerning the election of architects to the Louisiana Architects Selection Board (LASB). These rules (as well as all of the board rules) may be reviewed by examining the board's website ([www.lastbdarchs.com](http://www.lastbdarchs.com))

## LOBBYING:

In recent years one or more bills which would amend the Architects' Licensing Law (La. R.S. 37:141 et seq) have been introduced. For example, in the 1998 legislative session a bill was introduced which would change the method of appointment of board members, shorten the length of member terms, allow the public to serve on the board, etc.

Any statement or suggestion that the board's executive director has lobbied for or against proposed legislation is simply untrue. Indeed, state law (La. R.S. 24:56E) prohibits state employees in their official capacities on behalf of their employer from "lobbying" for or against any matter intended to have the effect of law but allows "the dissemination of factual information relative to any such matter". The board is acutely aware of this statute and has consistently refrained from allowing its director to "lobby" for or against proposed legislation. At the same time, however, selected board members, the executive director, and the board attorney have appeared before legislative committees to provide information and answer questions. To do otherwise would deprive the legislature of a valuable

resource; after all, who knows better than the members of the board and the executive director how the board actually works and serves on a day to day basis to protect the public HSW.

## LIMITED LIABILITY COMPANIES:

The board has begun the process of amending its rules to allow a LLC which satisfies all the requirements of an architectural-engineering corporation to practice architecture. The board concluded that this amendment was required by the Limited Liability Company Law (La. R.S. 12:1301 et seq) which provides that a LLC "may conduct business for any lawful purpose". The language of this proposed amendment is set forth below.

### § 1505. LIMITED LIABILITY COMPANIES

A. The practice of architecture by limited liability companies is only permissible when lawfully constituted under the laws pertaining to limited liability companies, R.S. 12:1301, et seq.

B. No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as a limited liability company without first receiving a certificate from the board authorizing the limited liability company to do so.

C. A limited liability company soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D. Any person seeking to practice architecture as a limited liability company shall on an annual basis file with the board a request for licensure and registration, stating the name of the proposed limited liability company and designating therein the supervising professional architect who shall perform all professional architectural services or who shall directly supervise the performance of all architectural services by said limited liability company. The applicant is required to complete said application fully and return same to the executive director. Upon receipt of such application and the fee, the board shall promptly either approve said application and certify the limited liability

company as authorized to practice architecture or disapprove said application advising the applicant of the reasons therefor.

E. Only those persons who are presently licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158, who are in compliance with said provisions, who are full-time active employees of the limited liability company, and whose primary occupation is with that limited liability company may be designated as supervising professional architects.

F. The limited liability company shall authorize the registered supervising professional architect to appear for and act on behalf of the limited liability company in connection with the execution and performance of all contracts to provide architectural services.

G. In the event that such registered supervising professional architect ceases being a full-time active employee of the limited liability company or no longer employed by the limited liability company on a primary basis, the authority of the limited liability company to practice architecture is suspended until such time as the limited liability company designates another supervising professional architect pursuant to §1505.D above. However, if a contract to provide architectural services has been executed and the performance of architectural work is in progress on the date the authority of the limited liability company would be suspended in accordance with the first sentence of this paragraph, the authority of the limited liability company to practice architecture concerning that contract only may continue for a period not exceeding ninety (90) days from the date the registered supervising professional architect ceases being a full-time active employee of the limited liability company or no longer employed by the limited liability company on a primary basis, or until that contract is completed, whichever occurs first.

H. The designated supervising professional architect will be responsible to this board for all acts and conduct of such limited liability company.

I. It will be the responsibility of the supervising professional architect to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action, including suspension, revocation, or rescission of the license of the supervising professional architect.

## LOUISIANA REGISTERED ARCHITECTS ELECT NEW SELECTION BOARD MEMBERS

*by: John Morton, Board Member*

On Friday, July 14, 2000 the Louisiana State Board of Architectural Examiners, under the supervision of accountants Dyer and Vicknair, opened and tabulated ballots that elected three new members to the Louisiana Architects Selection Board. Those elected are:

District 1:	Jesse D. Cannon, Jr. - New Orleans
District 2:	Jerome H. Alciatore - Metairie
District 5:	George Jackson, Jr. - Shreveport

### **Elected without opposition:**

District 3:	Jerry W. Jones - Baton Rouge
District 4:	J. J. Champeaux - Lake Charles

Currently, 1,084 registered resident architects are eligible to participate in this important decision. On Friday, 484 (43%) resident architects cast their ballots. Tabulation results are as follows: District 1: Jesse D. Cannon, Jr. (334), Lewis Clements (132); District 2: Jerome H. Alciatore (245), J. Ashley Inabnet (225); and District 5: George A. Jackson, Jr. (260), C. Henry Wells (181).

Since the founding of the Selection Board, the State's architects and the LSBAE have striven to simplify this balloting process. Even with this broad effort to make voting easy, 26 ballots were not in compliance with voting requirements or were mailed too late. With a goal of making every ballot valid, the State's architects are reminded of the following common oversights:

- Over 2% of the ballot envelopes were not signed or marked with the voter's License Number. The space labeled for this purpose was frequently and mistakenly used for a return address stamp. Ballot envelopes can not be opened unless envelopes are marked as instructed.
- Over 2% of the ballots arrived too late to be counted.
- Six architects had not notified the LSBAE of changes in address, since they last renewed their license.
- A few architects placed an incorrect license number on their ballot envelope or failed to mark their ballot. One architect voted on the candidate's biographical sheet.
- The rules allow the architect to vote for one candidate in each district. In addition, the architect does not have to vote in each district race. A total of 58 chose the later option and only voted in one or two of the three district races.

On behalf of the candidates elected and the LSBAE, we thank you for participating in this important election.

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# IDP NEWS

*by: J. David Brinson*

In last February's issue of the "News", we discussed Interns entering the practice environment and the issues raised at last year's IDP Summit Conference. Since then little more has been learned about what changes in IDP will be forthcoming. NCARB continues to administer applications and documents related to IDP. The number of interns in Louisiana continues to increase. Because of the current shortage of qualified personnel in the job market, Intern programs continue to be a popular way to bring junior talent into an architectural firm. However, the A/E Risk Review publication reports that an AIA "Work-On-The-Boards Survey reported that 36% of firms feel interns are poorly prepared for practice." There are also reports of interns being hired by firms as independent contractors because of their computer skills. Such employment is not valid fulfillment of IDP requirements. There are stories on the street by both practitioners and clients that firms are depending on inexperienced personnel to handle assignments demanding skills that these young folks may not yet be capable of handling. Yet, there is emphasis being placed on a more "seamless transition" from the academic realm to practice. For the first time that this writer can remember in more than thirty years of practice, architects are actually in demand.

Most people have as much work as they want to have and, in many cases, too few people to do it. One obvious problem is the "gap" that now exists between people who are experienced in construction and architecture and those who are computer oriented and experienced in construction and architecture. Add to that mix the incessant and rapid change in everything and it becomes easy to see why there is uncertainty in the future course of IDP. The interns are in a hurry to be accepted into the profession. Because of the current prosperity and their confidence, they expect much higher compensation. This is encouraged by the schools and professional organizations that emphasize that the interns' services "should be more valued". Consequently, firms necessarily must be able to expect more from their interns and be able to provide them with the guidance and training necessary for practice orientation while getting some return on the firm's investment in the intern.

What all this means and what the ramifications of the Summit results will be remains uncertain. Stay tuned!!!

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## NEWS FROM THE STATE FIRE MARSHAL'S OFFICE

*By: Henry C. Reed, Sr.*

### CHANGING OF THE GUARD

On September 28, 2000, Jerry Jones, the former Chief Architect and Deputy Assistant Secretary accepted a new position in the Department of Public Safety. Mr. Jones currently holds the Under Secretary's position for the department and will be assisting the new head of State Police, Col. Terry Landry, in his efforts to reorganize DPS. The position was accepted on the executive loan program whereby at the end of this term, Jerry will return to his position in the Fire Marshal's office. Mr. Jones was replaced by Mr. Mark F. Gates, Architect/Attorney, formerly the inspections supervisor for the entire state of Louisiana. Mr. Gates has the unique distinction of being both a licensed architect and an attorney. These assets will definitely come in handy, for this position requires one to wear many hats. Mr. Gates also has the distinction of being a former Chief Building Official for the city of New Orleans and is a graduate of the USL School of Architecture and the Loyola School of Law. We all respect and support him in his new position.

### ENERGY CONSERVATION CODE

Due to the low voluntary compliance rate (+/- 50%) during the last fiscal year, projects submitted for review without the

required energy conservation documentation will be issued not in compliance letters. Additionally, copies of the drawings will be held for review by the architect's and engineer's licensing boards. This will apply to all projects received after December 31, 2000.

### WHEN MUST AN ARCHITECT EMPLOY AN ENGINEER?

That is the question the Fire Marshal's Office posed to the architect's and engineer's licensing boards many, many years ago. The Boards are diligently working hard to agree on wording for engineering thresholds. Once mutually accepted by the Boards, the Fire Marshal will promulgate a rule.

### FEE PAYMENT CHANGE

Due to the numerous personal checks that have been returned due to insufficient funds, personal checks will no longer be accepted after September 1, 2000. If you have received notice regarding a NSF check or a review letter indicating an underpayment for a plan view or an appeal request as a result of our recent fee increases, please indicate the project number on your company check when making payment.

# BOARD MEMBERS

## **Raymond “Skipper” Post, FAIA - President**

12032 Bricksome Avenue  
Baton Rouge, LA 70816  
(225) 293-6964 (225) 293-5189 FAX  
E-Mail: skipper@postarchitects.com

## **Glenn E. Angelle, AIA, NCARB - Secretary**

123 Ridgeway Dr., Suite 200  
Lafayette, LA 70503  
(337) 406-1172 (337) 406-1175 FAX  
E-Mail: glenn@angelle.com

## **Edwin Wallace Elberson, AIA, NCARB**

P. O. Box 1810  
Shreveport, LA 71166  
(318) 425-7721 (318) 425-7676 FAX  
E-Mail: ewe@somdal.com

## **John F. Morton, Jr., AIA, NCARB**

4640 S. Carrollton Ave., #2A  
New Orleans, LA 70119-6088  
(504) 488-7739 (504) 488-7743 FAX  
Email: MORVER@AOL.COM

## **Henry V. Stout**

P. O. Box 3068  
Ruston, LA 71272  
(318) 257-2816 (318) 257-4687 FAX  
E-Mail: stout@vm.cc.latech.edu

## **Teeny Simmons, Executive Director**

8017 Jefferson Hwy., Ste.B-2  
Baton Rouge, LA 70809  
(225) 925-4802 (225) 925-4804 FAX  
Email: lastbdarchs@eatel.net

## **Paul H. Spaht, Board Attorney**

Kantrow, Spaht, Weaver, & Blitzer  
P. O. Box 2997  
Baton Rouge, LA 70821  
(225) 383-4703 (225) 343-0630 FAX  
Email: paul@KSWB.com

## **J. David Brinson, AIA, NCARB**

**IDP Coordinator**  
7948 Goodwood Blvd.  
Baton Rouge, LA 70806  
(225) 926-5045 (225) 926-5046 FAX  
Email: dbarch@bellsouth.net

## CONGRATULATIONS TO:

**Karen S. Campbell**

**Charles M. Oliver**

**Chris David Coincon**

**Geoffrey Karl Perego**

**David M. Connick**

**John Dean Ramares**

**Angela Cronin**

**O. Wayne Reynaud**

**Jay Philip Dufour**

**K. Vaughan Sollberger, Jr.**

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**Stephen Scott Godail**

**Mark F. Stielper**

**Mary J. Holmes**

**Gary Trochesset**

**Neil L. Keller**

**Damon Philip Ward**

**Sherrie V. Lewis**

**Marcus L. Lundin**

*on having successfully completed the Architectural Registration Examination since our last newsletter.*

**Kimberly P. Nunez**

**Jonathan N. O’Rear**

## NCARB MONOGRAPHS

Those who are not aware of the ease and economy associated with the NCARB monographs complain about traveling to a faraway city where they have to pay for a hotel, food and mileage while being non-productive and out of the office. NCARB has developed eight monographs: Seismic Mitigation, Energy-Conscious Architecture, Indoor Environment, Subsurface Conditions, Fire Safety in Buildings, Wind Forces, Slope Roofing, and Professional Conduct. The monographs provide 10 contact hours each, except for Wind Forces that provides 14 contact hours and all are HSW. All you have to do is read it at the office, on the train, at home or on a plane. When finished, simply complete the quiz (it is open book), and mail it in. The price for most includes the monograph, the quiz, and the scoring (even one free retest if you should happen to fail the first time). Cost is \$95.00 (\$75.00 for NCARB certificate holders). For more information, call 202/783-6500 or visit their website at [www.ncarb.org](http://www.ncarb.org).

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## ARCHITECTS LICENSED SINCE FEBRUARY, 2000

Lawrence C. Abell, La Plata, MD  
Dennis W. Anderson, Stillwater, MN  
Robert E. Andrus, Rockford, MI  
Robert Balian, Alpharetta, GA  
Robert Laverne Barnes, Hubbard Woods, IL  
Jack Alan Bialosky, Jr., Cincinnati, OH  
Bryan David Block, New Orleans, LA  
Ronald A. Bogard, Dallas, TX  
J. Max Bond, Jr., New York, NY  
David G. Boyce, Orlando, FL  
Frederick G. Bremer, Jacksonville, FL  
Gary F. Brock, Maitland, FL  
Thomas M. Calla, Anchorage, AK  
Karen S. Campbell, Baton Rouge, LA  
John Chaney, Denver, CO  
David Erik Chase, Princeton Junction, NJ  
Joe Chauncey, Seattle, WA  
James M. Cober, Dallas, TX  
Chris David Coincon, Denham Springs, LA  
John W. Cole, Somerville, MA  
David M. Connick, New Orleans, LA  
Kevin L. Cooper, Anderson, MO  
Angela Cronin, New Orleans, LA  
William G. Cummings, Houston, TX  
Thomas Curtis, Dallas, TX  
Sy Cymerman, Akron, OH  
Jerry C. Davis, Arlington, TX  
Jay Phillip Dufour, New Orleans, LA  
Murray Thomas Duncan, Goleta, Ca  
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Donald F. Evans, Orlando, FL  
Guy F. Faber, Holiday, FL  
J. Gary Gardner, Pittsburgh, PA  
Roy Gilman Garrison, Atlanta, GA  
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Jimmy Hudspeth, West Memphis, AR  
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Maurice J. Jennings, Fayetteville, AR  
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George M. Lewis, Grand Rapids, MI  
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Kip Anthony Moore, North Little Rock, AR  
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Thomas Joseph O'Connor, Atlantic City, NJ  
Jonathan N. O'Rear, Metairie, LA  
Charles M. Oliver, Baton Rouge, LA  
Brad Lee Patterson, Gulf Shores, AL  
Geoffrey Karl Perego, Shreveport, LA  
Charles M. Purvis, Panacea, FL  
Brian M. Quinn, Arlington, VA  
John Dean Ramares, Shreveport, LA  
O. Wayne Reynaud, Shreveport, LA  
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### LOUISIANA STATE BOARD OF ARCHITECTURAL EXAMINERS

8017 Jefferson Hwy., Ste. B-2  
Baton Rouge, LA 70809