

**MISSISSIPPI STATE BOARD OF ARCHITECTURE****Minutes of a Regular Meeting****October 22, 2019, 12:01 PM****Greenwood, Mississippi****Members Present:** Larry Bishop, Greg Durrell, Leigh Jaunsen, Richard McNeel, Heath Perry**Others Present:** John Cothron, Faye Dodds, Andrew Kilpatrick, Jimmy Sullivan, Ellie Word**With a quorum present, Mr. Perry called the meeting to order.**

<b>Agenda Item</b>	<b>Explanation</b>	<b>Actions Taken/Planned</b>
1. Minutes		Motion was made by Mr. Durrell and seconded by Mr. Bishop to approve the minutes of the July 16, 2019, Board of Architecture (BOA) meeting, the July 15, 2019, Interior Design Advisory Committee (IDAC) meeting, and the August 13, 2019, Landscape Architecture Advisory Committee (LAAC) meeting. The motion passed unanimously.
2. Approval of Certificates		Motion was made by Mr. McNeel and seconded by Mr. Durrell to approve certificates issued since the July 2019 meeting (attached). The motion passed unanimously.
3. Per Diem for Complaint Reviews	Mr. Cothron reported that legal counsel has determined that members may receive per diem compensation for review of complaints. Legal counsel recommended a vote to assign complaints to members for review.	Motion was made by Mr. Bishop and seconded by Mr. Durrell to allow members to receive per diem compensation for review of complaints. The motion passed unanimously.
4. Complaint #2017-15	The administrative hearing scheduled for September 10, 2019, was continued.	Motion was made by Mr. Durrell and seconded by Mr. McNeel to reschedule the hearing for January 28, 2020, at 10:00 a.m. The motion passed unanimously.
5. Complaint #2018-3	Mr. Cothron reported on the respondent's compliance with the consent agreement.	
6. Complaint #2019-4	Messrs. Cothron, Durrell and Sullivan reported on the results of the investigation, in which no violations of the laws or rules were found.	Motion was made by Mr. Bishop and seconded by Mr. McNeel to dismiss the complaint. Following discussion, motion was made by Mr. Bishop and seconded by Mr. McNeel to amend the main motion to add the issuance of a letter of instruction to the respondent regarding keeping clients informed of the status of projects. The amendment passed 4-0, with Mr. Durrell recusing himself from the vote. The amended motion to dismiss the complaint and issue a letter of instruction to the respondent passed 4-0, with Mr. Durrell recusing himself from the vote.

7. Complaint #2019-9	Messrs. Cothron, Bishop and Sullivan reported on the results of the investigation.	<p>Motion was made by Mr. McNeel and seconded by Mr. Durrell to issue a notice of hearing and complaint for violation of Rule 4.5.8. The motion passed 4-0, with Mr. Bishop recusing himself from the vote.</p> <p>Motion was made by Mr. McNeel and seconded by Mr. Durrell to refer the complaint to the Board of Licensure for Professional Engineers and Surveyors for possible unlicensed practice of engineering. The motion passed 4-0, with Mr. Bishop recusing himself from the vote.</p>
8. Complaint #2019-7	Messrs. Cothron, Perry and Sullivan reported on the results of the investigation.	Motion was made by Mr. Durrell and seconded by Mr. McNeel to issue a letter of education to the respondent making reference to Rule 4.5.11. The motion passed 4-0, with Mr. Perry recusing himself from the vote.
9. Complaint #2019-10	Mr. Kilpatrick noted that the criminal case against the respondent is still pending.	Motion was made by Mr. Durrell and seconded by Mr. Bishop to remand the complaint to the file until the criminal case is resolved. The motion passed unanimously.
10. Complaint #2019-11	Mr. Cothron provided a summary of the complaint.	Motion was made by Mr. Durrell and seconded by Mr. McNeel to assign the complaint to Ms. Jaunsen for review. The motion passed unanimously.
11. Late CEH Fine Process	Mr. Cothron reported that the Attorney General's office recently determined, in reviewing rules presented to the Occupational Licensing Review Commission (OLRC), that the Board lacks statutory authority to assess a penalty for late continuing education hours through the renewal process. He outlined a proposed process to assess fines for failure to complete continuing education hours in the prescribed period, in which a consent agreement would be sent with a notice of violation. Such actions would not be reported to NCARB or other jurisdictions.	Motion was made by Mr. Durrell and seconded by Mr. Bishop to issue letters of admonition for late continuing education hour violations and to assess a fine of \$500 for each calendar year in which any number of the required hours were deficient. The motion passed unanimously.
The Board took a break at 1:35 PM and readjusted at 1:54 PM.		
12. Application Review	Members discussed Anthony Rohr's reciprocity application. Mr. Rohr had previously applied in 2011 in connection with a solicitation of work prior to licensure, but did not complete the application process at that time.	Motion was made by Mr. Bishop and seconded by Mr. Durrell to approve Mr. Rohr's application. The motion passed unanimously.
13. Rulemaking Update	Mr. Cothron reported that rule revisions approved in July 2019 have been filed with the OLRC.	

14. Executive Director's Report	Mr. Cothron reported on administrative matters, reviewed the FY 2020 financial report for the first quarter, and provided an update on the FY 2021 budget request.	Motion was made by Mr. Durrell and seconded by Mr. Bishop to approve the revised FY 2021 budget request of \$355,668. The motion passed unanimously.
15. Model Legislation	Mr. Cothron reviewed model legislation proposed by the American Legislative Exchange Council (the "Occupational Licensing Review Act" and the "Freedom to Travel and Work Act").	
16. NCARB Updates	Members and staff serving in leadership roles or on committees of NCARB provided brief updates. Mr. McNeel and Mr. Bishop expressed concerns regarding documentation provided for the AXP Portfolio process.	
17. NCARB Model Law Task Force Draft	Members reviewed the NCARB Model Law Task Force draft document.	Mr. Cothron will compile comments for submission to NCARB.
18. Enforcement of State Fire Prevention Code	Mr. McNeel reported that he has contacted the Insurance Commissioner regarding setting up a meeting to discuss ways to improve enforcement of the state fire prevention code.	Members agreed to hold this item for discussion at the next meeting.
19. Communication from Brian Deschamp, PE, re: Bidding of Services and Violation of IBC	Members reviewed an e-mail from Mr. Deschamp and a memo prepared by Mr. Kilpatrick.	<p>Motion was made by Mr. McNeel and seconded by Ms. Jaunsen for Mr. Kilpatrick to respond to Mr. Deschamp in accordance with his memo. The motion passed unanimously.</p> <p>Members requested that the issues raised by Mr. Deschamp be added to the agenda for the next meeting of the Joint Committee on Building Design and Construction.</p>
20. Joint Committee on Building Design and Construction Meeting	Mr. Cothron noted that the Engineering/Surveying Board has proposed that the Joint Committee meet on either December 3 or 5, 2019. Agenda items would include development of the handbook for building officials and use of the term "architectural engineering" by engineering firms, which was identified as a discussion topic at the July 2019 BOA meeting.	<p>Mr. McNeel and Mr. Bishop agreed to attend the meeting if it is scheduled for December 3, and Mr. Perry and Mr. Bishop agreed to attend if it is scheduled for December 5. Mr. Cothron was asked to invite code officials, as well.</p> <p>Members requested that use of the term "architectural engineering" not be included on the agenda for the Joint Committee. Mr. Cothron was asked to obtain additional information from the architect who has raised the issue.</p>

21. LAAC Rule Changes	Mr. Cothron reviewed rule changes approved by the LAAC at the October 15, 2019, meeting, which would make revisions to comply with the "Fresh Start Act of 2019" and add a rule to provide definitions for persons exempted by <i>Miss. Code Ann. § 73-2-19</i> .	Motion was made by Mr. McNeel and seconded by Mr. Durrell to approve the proposed rule changes. The motion passed unanimously.
22. Meeting Schedule		<p>Motion was made by Mr. Durrell and seconded by Mr. McNeel to approve the following 2020 meeting dates:</p> <ul style="list-style-type: none"> <li>• January 28-29</li> <li>• March 24 (MSU)</li> <li>• July 21-22</li> <li>• October 20-21 (Natchez)</li> </ul> <p>The motion passed unanimously.</p> <p>The next new licensee recognition ceremony is scheduled for December 10, 2019, and the 2020 ceremony is tentatively scheduled for December 8. Mr. Cothron was asked to plan a joint BOA/LAAC/IDAC meeting in conjunction with the ceremony on December 10, 2019.</p>

The meeting recessed at 4:53 PM by unanimous consent.

**MISSISSIPPI STATE BOARD OF ARCHITECTURE****Minutes of a Rules Retreat****October 23, 2019, 8:15 AM****Greenwood, Mississippi****Members Present:** Larry Bishop, Greg Durrell, Leigh Jaunsen, Richard McNeel, Heath Perry**Others Present:** John Cothron, Faye Dodds, Andrew Kilpatrick, Ellie Word**With a quorum present, Mr. Perry called the meeting to order.**

Agenda Item	Explanation	Actions Taken/Planned
23. Education Requirements for Licensure ( <i>Miss. Code Ann. § 73-1-13</i> )	Due to concerns regarding NCARB's processes for determining educational equivalency, members decided to take no action on this item.	
24. Higher Education Funding ( <i>Miss. Code Ann. § 73-1-11</i> )	Members supported adding the following language to the law: "The board may make grants from its surplus funds to any state educational institution for assistance in advancing education and research programs in architecture, with such grant to be in the sole discretion of the board and upon such terms and conditions as the board may require."	
25. Firm Requirements ( <i>Miss. Code Ann. § 73-1-19</i> )	<p>Members supported the changes drafted by Mr. Kilpatrick, which would allow architects to practice through business corporations and LLCs while preserving personal liability for any negligent or wrongful act or omission.</p> <p>In the interest of reducing complexity, members did not support changing the ownership requirements to allow a licensed landscape architect to have ownership interest in architectural firms.</p>	
26. Continuing Education Penalties ( <i>Miss. Code Ann. § 73-1-27</i> )	Members supported amending the law to provide statutory authority for the Board to assess a penalty for late continuing education hours (see item #11).	
The Board took a break at 10:12 AM and readjourned at 10:38 AM.		
27. Prohibition on Rules re: Competitive Bidding ( <i>Miss. Code Ann. § 73-1-29</i> )	Mr. McNeel proposed amending <i>Miss. Code Ann. § 73-1-29(1)(d)</i> to read, "Any professional misconduct, as defined by the board through bylaws, rules and regulations, and standards of conduct and ethics, including rules restricting competitive bidding," and removing the statement, "(professional misconduct	

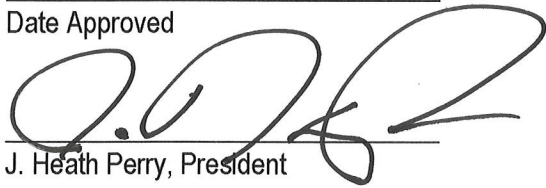
	may not be defined to include bidding by architects for contracts based on price)." It was noted that this change would bring the laws and rules for architects into alignment with the laws and rules for engineers, which restrict competitive bidding.	
Proposed Law Changes		<p>Motion was made by Mr. McNeel and seconded by Mr. Durrell to pursue changes to <i>Miss. Code Ann.</i> §§ 73-1-11, 73-1-19, 73-1-27, and 73-1-29, as discussed, and to propose the changes as one bill with the "Fresh Start Act" changes approved in July 2019. The motion passed 4-0-1, with Mr. Durrell abstaining.</p> <p>Mr. Cothron was asked to add the proposed change to <i>Miss. Code Ann.</i> § 73-1-29, regarding competitive bidding, to the agenda for the next meeting of the Joint Committee on Building Design and Construction.</p>
28. Exam Conditions (Rule 1.7)	Members supported adding language regarding exam misconduct.	
29. Firm Ownership Requirements (Rule 3.2.1)	Members agreed to place the proposed change on hold pending the outcome of proposed law changes, which, if passed, would require additional changes to the rule.	
30. Design/build when architect is also contractor (Rule 3.2.7)	Members supported adding the following language to the rule: "If the architect of record is also an owner in the contracting firm for the project, the architect shall recommend the owner employ a third party to provide construction administration."	
31. Compliance with Criminal Laws (Rule 4.3.1)	Members supported the proposed change to bring the rule into compliance with the "Fresh Start Act."	
32. Actions required when decisions violate building laws and regulations (Rule 4.4.4)	Following discussion of the placement of the rule, members agreed to keep the rule in its current location.	
33. An architect's responsibility for firm practice (Rule 4.4.9)	Members agreed that no changes are necessary.	
34. "Electronic" versus "digital" signatures (Rules 3.2.4 and 4.5.7)	Members accepted the proposed re-wording adapted from Missouri's rules to distinguish between electronic and digital signatures.	
The Board took a break at 11:55 AM and readjournalled 12:06 PM.		
35. Offering Services on a Contingency Basis (Rule 4.5.11)	Members agreed that no changes are necessary.	
36. Disciplinary Actions (Chapter 5)	Members supported the proposed changes to Chapter 5, detailing the disciplinary process.	

37. Revising HSW Definitions (Rule 6.5)	Members supported the proposed changes to Rule 6.5, with the addition of commentary listing acceptable topics for each subject area from NCARB's Continuing Education Guidelines.	
Proposed Rule Changes		A redline of rule revisions will be considered during the January meeting.
38. Outsourced Drafting	Members discussed the use of drafting services by architects and the need for responsible control.	Mr. Cothron was asked to research if NCARB or other jurisdictions have addressed this issue.
39. Open Discussion	Mr. Perry inquired if the Board of Licensure for Professional Engineers and Surveyors has adopted a rule similar to Rule 4.5.3 (regarding gifts).	

There being no further business, the meeting adjourned with unanimous consent at 1:12 PM.

1/28/2020

Date Approved



J. Heath Perry, President



Larry Bishop, Secretary/Treasurer



Prepared by John Cothron, Executive Director, on 10/30/19

Architect Certificates Issued for Approval			
Lic Number	Name	License Date	Method
5511	Samia Coker	8/12/2019	RECIPROCITY
5518	Shawn P. Corbin	9/13/2019	RECIPROCITY
5526	Kwayera Lakei Franklin	10/8/2019	EXAM
3203	James H. Hartsell	10/15/2019	REINSTATEMENT
5519	Ryan C. Horne	9/13/2019	RECIPROCITY
5506	Erik L. Jorgensen	7/19/2019	RECIPROCITY
4395	George Law	9/20/2019	REINSTATEMENT
5510	Benjamin Marshall	8/12/2019	EXAM
5520	Edward McGonigle	9/13/2019	RECIPROCITY
5508	Michael McSwain	8/5/2019	RECIPROCITY
5503	Christopher M. Migneron	7/12/2019	RECIPROCITY
5505	Thomas Olesak	7/18/2019	RECIPROCITY
5512	Gregory Phassos	9/3/2019	RECIPROCITY
5513	Adam Pickett	9/3/2019	RECIPROCITY
5525	Gregory Dean Register	10/8/2019	RECIPROCITY
5522	Robert C. Shumake	9/25/2019	RECIPROCITY
4532	James M. Splawn	7/12/2019	REINSTATEMENT
5501	Albert A. Taus	7/11/2019	RECIPROCITY
5509	Michael Twiss	8/5/2019	RECIPROCITY
5502	Lawrence T. Valenza	7/11/2019	RECIPROCITY
5514	Charles Wallace	9/3/2019	RECIPROCITY
5507	Ethan Warren	8/1/2019	EXAM
5521	Bryan W. Wilson	9/13/2019	RECIPROCITY
5504	Jay L. Woodburn	7/12/2019	RECIPROCITY