

MISSISSIPPI STATE BOARD OF ARCHITECTURE (BOA)

Minutes of a Regular Meeting

January 24, 2024, 9:00 AM

Ridgeland, Mississippi

Members Present: Charles Barlow, Jr. (joined by teleconference at 10:39 AM), Bradford Jones (joined by teleconference at 9:10 AM), Larry Bishop, Leigh Jaunsen, Richard McNeel

Others Present: John Cothron, Andrew Kilpatrick, Jimmy Sullivan, Ellie Word

Guests: Connie Dolan (State Chief Deputy Fire Marshal), Mark Lampton (Mississippi Insurance Department Attorney), B.J. Malley (State Fire Marshal's Office), Mark Roberts (Senior Regional Manager, Government Relations, International Code Council), Bill Rodgers (Chair, State Building Code Council)

With a quorum present, Mr. Bishop called the meeting to order.

Agenda Item	Explanation	Actions Taken/Planned
1. Enforcement of Building Codes	Members discussed the Board's concerns about enforcement of building codes and means to address those concerns with Ms. Dolan, Mr. Lampton, Mr. Malley, Mr. Roberts, and Mr. Rodgers. As a starting point, members suggested adding qualified architects and engineers to the staff of the State Fire Marshal's office to review the plans, specifications, and drawings for construction or renovation of all high-rise buildings in Mississippi. Ms. Dolan and Mr. Lampton stated that they were open to this suggestion and would discuss it with Insurance Commissioner Mike Chaney and follow up with the BOA.	
Ms. Dolan, Mr. Lampton, Mr. Malley, Mr. Roberts, and Mr. Rodgers departed from the meeting. The Board recessed from 10:10 AM to 10:26 AM.		
2. Minutes		Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to approve the BOA minutes from October 17-18, 2023. The motion passed 4-0.
3. Approval of Certificates		Motion was made by Ms. Jaunsen and seconded by Mr. McNeel to approve certificates issued since the October 2023 meeting (attached). The motion passed 4-0.
Mr. Barlow joined the meeting.		
4. Complaint #2020-5	Mr. Kilpatrick and Ms. Word reported that the Board of Licensure for Professional Engineers and Surveyors (PEPLS) voted not to produce the requested documents associated with the complaint based upon a claimed exemption in the Public Records Act for investigative reports.	Motion was made by Ms. Jaunsen and seconded by Mr. Bishop to remand the complaint to the file pending any subsequent information that may be obtained related to the project. The motion passed 4-0-1, with Mr. McNeel abstaining from the vote.

5. Complaint #2023-7	Mr. Cothron and Mr. Sullivan provided a summary of the complaint involving the alleged unlawful practice of architecture by a residential designer who prepared plans for three (3) non-exempt building projects, one of which was sealed by a Professional Engineer and another of which was sealed by a Registered Architect (see complaint #2024-4 below).	Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to issue a cease-and-desist letter (on Attorney General letterhead) to the respondent and close upon receiving assurance of compliance and to refer the project sealed by the Professional Engineer to the PEPLS Board (noting that the architect is also being investigated). The motion passed unanimously.
6. Complaint #2023-11	Mr. Cothron and Mr. Sullivan provided a summary of the complaint alleging possible plan stamping.	Mr. Barlow agreed to review the complaint when all the documents are received from the respondent.
7. Complaint #2023-13	Mr. Cothron provided a summary of the complaint alleging unlawful use of the title "architect."	Motion was made by Ms. Jaunsen and seconded by Mr. McNeel to issue a letter of education to the respondent regarding unlawful use of the title and close upon receiving assurance of compliance. The motion passed unanimously.
8. Complaint #2023-14 Complaint #2023-15	Mr. Cothron reported that the unlicensed out-of-state firm responded to the Board's letter of education issued following the October 2023 meeting, providing assurance of compliance with the law. However, the response notes that a local architect of record has assumed responsible control of the project in question.	Mr. Bishop agreed to review the project plans obtained by Mr. Sullivan to determine the degree of responsible control exercised by the local architect of record.
9. Complaint #2023-17	Mr. Cothron provided a summary of the complaint and noted that the respondent had addressed the issue raised by the complainant.	Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to close the complaint with no action. The motion passed unanimously.
10. Complaint #2024-4	Mr. Cothron provided a summary of the complaint involving alleged plan stamping.	Ms. Jaunsen agreed to review the complaint.
11. Late CEH Complaints #2023-18 #2023-19 #2023-20 #2023-21 #2023-22 #2023-23 #2023-24 #2023-25 #2023-26 #2024-1 #2024-2	Mr. Cothron noted that all respondents reported late continuing education hours and had signed consent agreements providing for private letters of admonition and payment of fines.	Motion was made by Mr. Barlow and seconded by Ms. Jaunsen to approve the consent agreements. The motion passed unanimously.
12. Michael Byrd Reinstatement Application	Members discussed the applicant's solicitation prior to licensure disclosure.	Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to issue an intent to deny letter to Mr. Byrd for practicing architecture without a license with authority to propose a consent agreement providing for a public reprimand and a \$1,000 fine in lieu of denial of his application. The motion passed unanimously.

13. Renewals with Discipline	Mr. Cothron reviewed renewals with disciplinary action. Members took no action regarding Shlomo Wygoda (Architect #5632).	<p>Motion was made by Mr. Barlow and seconded by Ms. Jaunsen to issue a letter of warning to Paul Curtis Steelman (Architect #3260) regarding the requirement to report disciplinary actions in other jurisdictions. The motion passed unanimously.</p> <p>Motion was made by Mr. Barlow and seconded by Mr. McNeel to issue a letter of warning to James A. Garritani (Architect #4434) regarding the requirement to report disciplinary actions in other jurisdictions. The motion passed unanimously.</p>
14. Business Name Approval Request: J. Davis Architects, P.C.	Members reviewed the request to use the name "J. Davis Architects, P.C." in order to register with the Secretary of State for payroll tax purposes.	This item was tabled to provide time to obtain additional information.
15. Proposed Modifications to <i>Miss. Code. Ann.</i> §73-1-19	Mr. Kilpatrick reviewed the modifications to <i>Miss. Code. Ann.</i> §73-1-19 approved by the BOA in October 2023. Mr. Cothron reported that the PEPLS Board is remaining neutral on the legislation and that the American Council of Engineering Companies of Mississippi (ACEC-MS) had not yet provided feedback on the proposed modifications.	Motion was made by Ms. Jaunsen and seconded by Mr. McNeel to move forward with filing legislation, using the language approved by the BOA in October 2023. The motion passed unanimously.
16. Legislative Report	Mr. Cothron reviewed pending legislation impacting the Board.	
The Board recessed for lunch from 12:12 PM to 1:03 PM.		
17. Executive Director's Report <ul style="list-style-type: none"> Second Quarter FY 2024 Financial Report 	Mr. Cothron reported on administrative matters and reviewed the financial report for the second quarter of FY 2024.	
18. NCARB Updates	Members and staff serving on committees provided brief updates. Members also discussed proposed regional realignment.	
19. Proposed Rule Changes	Mr. Kilpatrick and Mr. Cothron reviewed proposed BOA rule changes discussed in October 2023.	<p>Motion was made by Mr. McNeel and seconded by Mr. Barlow to table proposed changes to Rule 4.5.2 (regarding responsible control) for discussion at the April 2024 meeting. The motion passed unanimously.</p> <p>Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to approve proposed changes to Rule 4.3.5 (regarding services during emergencies). The motion passed unanimously.</p> <p>Motion was made by Ms. Jaunsen and seconded by Mr. McNeel to approve proposed changes to Rule 3.2.16 (regarding construction administration services). The motion passed unanimously.</p>

		<p>Motion was made by Mr. Barlow and seconded by Ms. Jaunsen to approve new rule 3.2.8.1 (regarding non-resident consulting architects), as amended. The motion passed unanimously.</p> <p>Motion was made by Mr. Barlow and seconded by Mr. McNeel to approve proposed changes to Rule 2.1.1 (regarding applicants for initial registration by examination). The motion passed unanimously.</p>
20. NCARB Statement on Multiple Paths for Licensure and Reciprocity Requirements (<i>Miss. Code. Ann. §§73-1-13 and 73-1-21</i>)	<p>Members stated that they are open to exploring alternative paths to licensure and agreed to continue discussion of this item at future meetings, including the rules retreat in October 2024.</p> <p>Members also reviewed the portfolio submitted by Mohammed Al Mathno.</p>	
Mr. Jones departed from the meeting.		
21. NCARB Meeting Attendees		<p>Motion was made by Mr. McNeel and seconded by Mr. Barlow to designate Mr. Cothron and Mr. Bishop to attend the Southern Conference of NCARB Educators and Practitioners Conference on February 3, 2024, and to designate all five (5) BOA members, the Executive Director, and legal counsel to attend the NCARB MBE Workshop/Regional Summit on February 29-March 2, 2024, and the NCARB Annual Meeting on June 13-15, 2024. The motion passed 4-0.</p>
22. Meeting Schedule	<p>Members affirmed April 16-17, 2024, as the date of the next meeting.</p>	<p>Members agreed to move the July meeting to August 6, 2024.</p>
14. Business Name Approval Request: J. Davis Architects, P.C., cont.	<p>Mr. Cothron was asked to contact the Department of Revenue to determine if registration with the Secretary of State is necessary for paying payroll tax in Mississippi.</p>	<p>Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to table this item until the next meeting. The motion passed 4-0.</p>
23. Officer Elections		<p>Motion was made by Mr. McNeel and seconded by Ms. Jaunsen to elect Mr. Bishop as Board President and Mr. Barlow as Secretary/Treasurer. The motion passed 4-0.</p>

There being no further business, the meeting adjourned with unanimous consent at 3:25 PM.

4-16-2024

Date Approved


 Larry W. Bishop, President


 Charles Barlow, Jr., Secretary/Treasurer

John Cothron

Prepared by John Cothron, Executive Director, on 1/31/2024

Architect Certificates Issued for Approval			
Lic Number	Name	License Date	Method
5972	Brent M. Amos	10/18/2023	RECIPROCITY
5992	Ryan E. Baker	12/27/2023	RECIPROCITY
5983	Lurita M. Blank	11/17/2023	RECIPROCITY
5984	Joseph Axel Carlson	12/14/2023	RECIPROCITY
3765	Keith E. Carlson	11/29/2023	REINSTATEMENT
5981	David J. Dixon	11/17/2023	RECIPROCITY
5971	Gabriel Fey	10/18/2023	RECIPROCITY
1086	Howard Bruce Glatstein	12/14/2023	REINSTATEMENT
5991	Greg Hayslett	12/18/2023	RECIPROCITY
5993	Emily Heausler	12/27/2023	RECIPROCITY
5970	William E. Hoisington	10/18/2023	RECIPROCITY
5862	Paul G. Homeyer	10/17/2023	RECIPROCITY
5980	Daniel L. Isackson	11/17/2023	RECIPROCITY
5982	Jefrey D. Jakalski	11/17/2023	RECIPROCITY
5988	Kelly Johnson	12/14/2023	RECIPROCITY
5973	Kasey S. Kluxdal	10/18/2023	RECIPROCITY
5978	Daniel E. Koster	11/10/2023	RECIPROCITY
5994	Ronald Kwaske	12/27/2023	RECIPROCITY
5979	Gene Lavastida	11/10/2023	RECIPROCITY
5989	Corey Peter Lee	12/14/2023	RECIPROCITY
4832	James Manguso	10/30/2023	REINSTATEMENT
5985	Yerix R. Morel, Jr.	11/29/2023	EXAM
5986	Daniel Nenonen	11/29/2023	RECIPROCITY
5977	Christopher B. Reebals	11/10/2023	RECIPROCITY
5976	Gary J. Sadler	11/10/2023	RECIPROCITY
5975	Jason Schroer	11/10/2023	RECIPROCITY
5987	Robert A. Scott V	11/29/2023	RECIPROCITY
5990	Kevin Songer	12/14/2023	RECIPROCITY
5932	Derek C. Webb	10/17/2023	RECIPROCITY
5974	Michael Winner	11/27/2023	RECIPROCITY