**ARCHITECTS SECTION MEETING**

**MINUTES**

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 8, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Robert A. Boynton
Michael F. LeMay
Clint Good

Board staff present for all or part of the meeting were:

Kathleen R. (Kate) Nosbisch, Executive Director
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting was:

Mark N. Courtney, Senior Director, Regulatory & Public Affairs

**Call to Order**

Mr. Good, Chair, called the meeting to order at 9:30 a.m.

**Emergency Evacuation Procedures**

Mr. Good advised the Section of the emergency evacuation procedures.

**Approval of Agenda**

Mr. Boynton moved to approve the agenda. Mr. LeMay seconded the motion which was unanimously approved by members: Boynton, Good and LeMay.

**Public Comment Period**

Mr. Duncan Abernathy, Virginia AIA, was present to address the Section. Mr. Abernathy put forward information regarding an out-of-state company that uses AIA in the title of their firm. The company is not a regulant and performed exempt work in Virginia. A building official informed them that they could not use AIA in their title, if they did not have a Virginia license to offer architectural services. Discussion was held on providing information to review boards regarding exempt work. The Section agreed by consensus to take no action at this time.

**NCARB Update**

Ms. Nosbisch reminded the Section members of the ARE blackout period beginning July 1, due to the exam's transition from one consultant, Prometric, to two consultants, Prometric and Alpine. During the blackout period member boards will not be able enter or change candidate information in Accelerator, or view candidate information or scores stored in Accelerator. Candidate will not be able to schedule exam divisions, take exam divisions or contact Prometric to receive authorization to test or update their

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information. 12 weeks will be automatically added to candidates rolling clock, however the blackout period is expected to take eight (8) weeks.

Following the blackout period, Prometric's biometric check-in procedure will be implemented when taking a division for the first time: photo ID will be scanned, six digital finger swipes (3 from each hand), and a test day photo. Beginning fall 2013, candidates will have the option of sitting for the exam in major commercials markets outside the US and Canada – Prometric centers in London, Hong Kong and Abu Dhabi. Candidates must be approved y one of the 54 US Boards to sit for the exam. The exam fee for each division taken outside of the US is $310.

Ms. Nosbisch informed the Section that NCARB's Board of Directors approved two potential changes to the IDP program, and asked for feedback from member boards. The first proposed change allows interns to earn IDP credit for valid work experience in short employment periods. Currently interns must be employed for 15 hours per week for eight consecutive weeks. By consensus, the Section had "no position." Ms. Nosbisch stated that the Board's regulations require eight weeks, there would have to be a change in the regulations to implement.

The second proposed change will modify the point of eligibility to participate in the IDP as the receipt of a US high school diploma or equivalent. Mr. Boynton moved to endorse the proposed change to the eligibility date. Mr. LeMay seconded the motion which was unanimously approved by members: Boynton, Good and LeMay.

Ms. Nosbisch informed the Section that there is a total of $75,000 available for up to three awards for the 2013 NCARB Awards. The 2013 submission deadline is September 24, 2013. She further informed the Section the BEA Program fees have been restructured, and there is a cap of $5,000; in addition, there has been a rescheduling fee increase for the first time in ten years; and that there will be a cloud-based ARE practice exam launched on May 1, which will provide unlimited ARE practice, there is a $10 per year fee.

Ms. Nosbisch reported that Dennis Ward, currently NCARB Treasurer is running for 2nd Vice-President, and that Christine Harding is running for Secretary.

Mr. Good provided an update on the NCARB Region II meeting which he attended March 14-17, in Providence, RI. Mr. Good reported that the Region voted to hire a part time Executive Director. Ms. Nosbisch reported the NCARB Annual meeting will be held June 20-22, in San Diego, CA.

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Ms. Nosbisch, Mr. Good and Mr. Boynton will be attending the meeting.

Section members reviewed the resolutions to be voted on at the NCARB Annual meeting June 20-23 in San Diego, CA. Section members voted on the position the Virginia Board would take on each resolution.

**RESOLUTION 2013-A**
Supported by the Council Board of Directors

**TITLE:** *Certification Guidelines* Amendment – Modifications to Broadly Experienced Architect Terminology

**SUBMITTED BY: C**ouncil Board of Directors

**RESOLVED**, that Section 2.2, paragraph A, Alternatives to the Education Requirement of the *Certification Guidelines* be amended to read as follows:

> "2.2 **Alternatives to the Education Requirement**
> If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:
>
> A. Satisfaction of NCARB's Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in ~~comprehensive practice~~ practicing architecture as defined in the *Legislative* *Guidelines and Model Law, Model Regulations* in which the applicant exercised responsible control within a U.S. jurisdiction while registered in such jurisdiction to demonstrate that a combination of education and/or ~~comprehensive practice~~ experience in practicing architecture satisfies all of his/her education deficiencies with respect to the *NCARB Education Standard* set forth in the *Education Guidelines*. The required years are:
>
> - Six years for architects who hold a pre-professional degree in architecture awarded by a U.S.-regionally accredited institution or the Canadian equivalent, or
> - Eight years for architects who hold any other baccalaureate or higher degree, or
> - Ten years for architects who do not hold a post-

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secondary baccalaureate or higher degree."

**SPONSORS' STATEMENT OF SUPPORT:**
The Broadly Experienced Architect (BEA) Committee recommends replacing the term "comprehensive practice" with "practice of architecture" in the *Certification Guidelines* to clarify the purpose of the program. The BEA Program is a way for architects, who do not have a degree from a NAAB-accredited program, to demonstrate how their experience in the practice of architecture satisfies identified education deficiencies. The concept of comprehensive practice is not relevant to BEA Program eligibility, and review of a BEA dossier is focused on the projects, or parts of projects, that demonstrate that the architect has overcome the specific education deficiencies.

By consensus, the Architect Section did not agree to this resolution.

**RESOLUTION 2013-B**
Supported by the Council Board of Directors

**TITLE:** *Certification Guidelines* Amendment – Alternative to Education Requirement

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that sub-section B of *s*ection 2.2 of the *Certification Guidelines* be amended to read as follows:

> "B. Applicants with a degree in the field of architecture that is not accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) granted by an academic institution outside the United ~~States and Canada~~ must obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*."

**SPONSORS' STATEMENT OF SUPPORT:**
The Broadly Experienced Architect (BEA) Committee recommends that any architect with a degree from a non-accredited program, wherever educated, have the opportunity to show that he or she has obtained education that meets the NCARB *Education Standard* as verified by an Education Evaluation Services for Architects (EESA)-NCARB evaluation conducted by the National Architectural Accrediting Board (NAAB). At

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present, only holders of degrees from academic institutions outside the United States and Canada may do this.

The committee believes that if there are no deficiencies to overcome, no further assessment beyond an EESA-NCARB evaluation should be required of anyone, and those architects meeting the *Education Standard would also satisfy the education requirement for certification outside of the* BEA Program. Architects who have not satisfied the *Education Standard* must satisfy any deficiencies as noted in the *Education Guidelines*.

The Architect Section agreed by consensus to this resolution.

**RESOLUTION 2013-C**
Supported by the Council Board of Directors

**TITLE:** *Certification Guidelines* Amendment – Modification to Broadly Experienced Foreign Architect Terminology

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that section 5.4 Experience Requirement of the *Certification Guidelines* be amended to read as follows:

> "5.4 **Experience Requirement**
> You must have completed a minimum of seven (7) years of comprehensive practice as a
> credentialed architect over which you exercised responsible control in the foreign country in which you are credentialed.
>
> - "Comprehensive practice" means the application of the knowledge and skills of <u>those aspects of the profession assessed by</u> an architectural practice that regularly ~~involves familiarity with all of those areas tested on~~ the Architect Registration Examination, including programming, design, technical and construction ~~documents production, and construction administration~~.
> - "Responsible control" means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by U.S. registered architects applying the required professional standard of care."

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**SPONSORS' STATEMENT OF SUPPORT:**
The Broadly Experienced Architect (BEA) Committee, which oversees both the BEA and Broadly Experienced Foreign Architect (BEFA) Programs, recommends changes to the definition of "comprehensive practice" in the *Certification Guidelines* for clarity. It believes the current definition does not adequately define the depth and assessment required of the BEFA Program, which allows foreign architects to demonstrate competence to independently practice architecture, while protecting the health, safety, and welfare to meet the examination requirement of NCARB certification.

The change identified in the resolution provides a more accurate definition for the program requirement—to demonstrate competence through completed projects (application of knowledge and skill) in a foreign country. The committee also recommends eliminating the list of specific categories covered by the Architect Registration Examination (ARE) in the definition of comprehension practice. This allows for flexibility for future changes to the divisions of the ARE without affecting the comprehensive practice.

By consensus, the Architect Section did not agree to this resolution.

**RESOLUTION 2013-D**
Supported by the Council Board of Directors

**TITLE:** *Bylaws* Amendment – Eligibility for the Public Director Position

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the third paragraph of Article VII, section 2 of the *Bylaws* be amended to read as follows:

> "A candidate for election as the Public Director (i) shall be ~~(i)~~ a citizen of the United States, (ii) shall not be a person engaged in or licensed to engage in the design of any portion of buildings or structures or a person participating in the regulation of design ~~of any portion of buildings or structures~~ member of a Member Board or Member Board Executive, and (iii) shall be nominated by the Council Board of Directors and elected at the Annual Meeting, and (iv) such person so nominated shall be elected at the Annual ~~Meeting~~. A Public Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy

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in the office of Public Director shall be filled by the Council Board of Directors."

**SPONSORS' STATEMENT OF SUPPORT:**
The Governance Task Force recommends clarifying who may not be a public director on the NCARB Board of Directors. This resolution modifies the *Bylaws* to formally restrict a Member Board Member or a Member Board Executive from serving as the public director. It ensures that a person who can contribute an outsider's perspective, which is not prejudiced or influenced by current involvement with NCARB, fills the position. The resolution also expands the ability of the Board to nominate someone who is familiar with architecture, but not engaged in or licensed to engage in the design of buildings or structures, such as a code official.

The Architect Section agreed by consensus to this resolution.

**RESOLUTION 2013-E**
Supported by the Council Board of Directors

**TITLE:** *Model Regulations* Amendment – Continuing Education Requirements for License Reinstatement

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Section 100.703 of the *Model Regulations* be amended by adding new sub- section (D) and that old sub-section (D) be renumbered as (E) as follows:
"**100.703 Renewal**

**[Describe terms, including fee with cross-reference to 100.107, citing applicable statute.]**

**[The Board may require that each registered architect demonstrate continuing education by including the following provisions.]**

Continuing Education Requirements. In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 Continuing Education Hours each calendar year or be exempt from these continuing education requirements as provided below. Failure to comply with these requirements may result in non-renewal of the architect's registration.

**(A)** Continuing Education Hours. Twelve (12) Continuing Education Hours must be

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completed in Health, Safety, and Welfare Subjects acquired in Structured Educational Activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.

**(B)** Reporting and Record keeping. An architect shall complete and submit forms as required by the Board certifying that the architect has completed the required Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. Documentation of reported Continuing Education Hours shall be maintained by the architect for six years from the date of award. If the Board disallows any Continuing Education Hours the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the Continuing Education Hours disallowed or to remedy the disallowance by completing the required number of Continuing Education Hours (but such Continuing Education Hours shall not again be used for the next calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.

**(C)** Exemptions. An architect shall not be subject to these requirements if:

**1.** The architect has been granted emeritus or other similar honorific but inactive status by the Board; or

**2.** The architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements.

**(D)** Reinstatement. To reinstate a registration an applicant shall submit proof of completion of 12 Continuing Education Hours. Said hours may be earned either in the calendar year of reinstatement or in the immediately prior calendar year. Such hours may be applied to satisfy a continuing education requirement applicable to the first registration renewal following

reinstatement but shall not be used to satisfy any continuing education requirement applicable to the second registration renewal following reinstatement.

**(E)** The Board adopts the forms [at the end of the Model Regulations] as the forms to be used for reporting compliance with these requirements.

**SPONSORS' STATEMENT OF SUPPORT:**
In 2011, NCARB Member Boards revised the continuing education requirements in the Council's *Model Law and Regulations* to recommend 12 CEHs in health, safety, and welfare subjects each calendar year. Since 45 jurisdictions now require continuing education hours (CEHs) for registration renewal, the Continuing Education, Member Board Executive, and Procedures and Document Committees reviewed how continuing education might be applied toward reinstatement.

This resolution provides a standard for requiring continuing education for reinstatement of a license. The committees all agreed that requiring 12 CEHs is the fair and appropriate standard for reinstatement regardless of the length of time the registration has lapsed. If a registrant has earned 12 CEHs in the current or previous calendar year, he or she may apply those hours to reinstatement. If a registrant has not earned 12 CEHs, they must earn 12 hours before their license is reinstated.

The resolution also allows the hours earned for reinstatement to be used to satisfy the first renewal if they are earned in the appropriate calendar year. For example, if a registrant earns 12 CEHs in 2013 to reinstate their license, they do not need to earn an additional 12 CEHs in 2013 to renew their license in 2014. This is the most appropriate and simple standard for Member Board Executives to administer for all registrants since a registrant may reinstate at time, but renewals occur on a regular timeframe.

The Architect Section agreed by consensus to this resolution.

**Resolution 2013-F**
Supported by the Council Board of Directors

**Title:** *Model Law and Regulations* Amendment – Use of Electronic Seals and Signatures

**Submitted By:** Council Board of Directors

**RESOLVED**, that the first three sentences of Section 6, Seal in the

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*Model Law* be amended to read as follows:

> "Every registered architect shall have a seal of a design authorized by the Board by regulation. All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the architect with the impression of his/her seal and the signature of the architect. The signature and seal may be electronic and shall mean that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care."

**FURTHER RESOLVED,** that the first sentence sub-section (B) of section 100.805 (Professional Conduct) of the *Model Regulations* be amended to read as follows:

> "**(B)** All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be signed and sealed by with the impression of the seal and signature of the registered architect, which signature and seal may be electronic."

**FINALLY RESOLVED,** that sub-section (B) of section100.806 (Design and Use of Architect's
Seal) of the *Model Regulations* be amended to read as follows:

> "**(B)** As required by [statutory reference], the seal and signature shall be imprinted appear on all technical submissions, as follows: on each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. ~~The~~ original signature of the individual named on the seal shall appear across the face ~~of each original seal imprint.~~ Such seal and signature may be electronic."

**SPONSORS' STATEMENT OF SUPPORT:**
The Member Board Executives Committee and the Procedures and Documents Committee have
identified outdated language in the existing *Model Law* and the *Model Regulations* describing the seal and signature on technical

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submissions. Both reference an imprint or impression in describing the seal and require the physical application of the seal and signature. Neither allow for an electronic image of the seal or signature, which is now becoming common practice and is even required by governmental authorities in some jurisdictions. To align current practice, the committees recommend modifying the language to allow for the use of an electronic image of the seal and signature.

This change is consistent with federal law, which now states that a contract or signature in interstate or foreign commerce "may not be denied legal effect, validity, or enforceability solely because it is in electronic form." Electronic Signatures in Global and National Commerce Act (Pub.L. 106-229, 14 Stat. 464, enacted June 30, 2000, 15 U.S.C. ch.96).

The Architect Section agreed by consensus to this resolution.

**RESOLUTION 2013-G**
Supported by the Council Board of Directors

**TITLE:** *Inter-Recognition Agreement with Canada* – Update and Conforming Changes to *Certification Guidelines*

**SUBMITTED BY:** Council Board of Directors

RESOLVED, that the existing Inter-Recognition Agreement be dissolved and the new Mutual Recognition Agreement between the National Council of Architectural Registration Boards and the Canadian Architectural Licensing Authorities be and hereby is ratified and approved in the form published in the *Pre-Annual Meeting Report*.

**FURTHER RESOLVED,** that Sections 3 and 4 of the *Certification Guidelines* by deleted in their entirety.

**SPONSORS' STATEMENT OF SUPPORT:**
Architects licensed to practice in a U.S. or Canadian jurisdiction have benefitted from the long-standing *Inter-Recognition Agreement Between the National Council of Architectural Registration Boards and the Committee of Canadian Architectural Councils* (now known as the Canadian Architectural Licensing Authorities (CALA)) for the mutual recognition of licensure. The agreement, signed in 1994, established recognized standards and grandfathering provisions for education, internship, and examination for the basis of immediate and mutual recognition. The agreement has served the members of NCARB and

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CALA well and has been a model for mutual recognition agreements around the world. Evolution in the path to licensure within the Canadian provinces has necessitated a review and update of the existing agreement in order to continue the facilitation of the cross-border practice of architecture.

NCARB and CALA represent mature and sophisticated regulatory bodies that support professional licensure and protect the public. Each country conducts a practice analysis that serves to identify the competencies required to practice architecture. The results of the practice analysis are used to shape and inform the requirements of three rigorous components commonly referred to as the three "E"s: education, experience, and examination. NCARB traditionally looks at the three components individually, while Canada is moving toward a more holistic view.

Comparing and contrasting the current programs found:

- EDUCATION: A professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) is still considered to be the equivalent of a degree from a program accredited by the Canadian Architectural Certification Board (CACB). NAAB and CACB remain in close contact and regularly review each other's accreditation procedures and conditions.
- EXPERIENCE: The Intern Development Program (IDP) and Canada's Internship in Architecture Program (IAP) remain focused on the broad range of experience required prior to licensure; however, they now primarily differ in length. The IDP requires completion of 5,600 hours in a combination of three different experience settings, starting as early as post-high school for those working in an architect's office. A revised IAP released in 2012 requires completion of 3,720 hours of experience; however, all hours are gained <u>after</u> completion of a CACB degree and <u>only</u> in the office of an architect. Some consider the IDP more flexible; others consider IAP more concentrated.
- EXAMINATION: The Architect Registration Examination® (ARE®) and Canada's Examination for Architects in Canada (ExAC), released in 2008, are significantly different in approach. The ARE is a seven-division computer-based examination that requires the demonstration of the knowledge and skill required to practice independently. The Canadian exam is a four division, paper-and-pencil exam administered over a two- day

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period once each year. The ExAC focuses on the *Canadian Handbook of Practice* and the *National Building Code of Canada*. The purpose of the ExAC is to assess the experience interns gain through the IAP. There is no consideration for testing the academic knowledge previously tested and proven through the education process.

When reviewing these recent changes, the leadership of NCARB and CALA determined that the terms and conditions of the existing agreement were no longer applicable. After more than a year of exploration and negotiation, both parties are proposing to their member regulators that all architects now be required to complete 2,000 hours (approximately one year) of licensed practice in their home jurisdiction prior to seeking reciprocal licensure. This new experience requirement and delayed recognition is intended to overcome perceived differences in the individual requirements for initial registration.

Under this new agreement, the architect must provide proof of licensure, attest to having completed 2,000 hours of licensed practice, and the regulatory authority must provide a statement of good standing. Through the NCARB Certificate, the architect can obtain authorization to practice from each host jurisdiction that is a signatory to the new agreement. The architect must comply with all practice requirements of the jurisdiction and is subject to all governing legislation and regulations of the jurisdiction.

The agreement is only accessible to those architects that are citizens or permanent residents of the United States or Canada and that acquired their license in a U.S. or Canadian jurisdiction without having been registered by means of a foreign reciprocal registration procedure such as the Broadly Experience Foreign Architect Program or other international mutual recognition agreement. Those architects currently licensed or certified under the existing agreement are not affected.

Supporting and implementing this new agreement allows current architects on both sides of the border the continued professional recognition afforded by the original agreement. However, the focus of the new forward-looking agreement is on the future generations of architects. The new agreement respects each country's rigorous path to licensure rather than dissecting the individual steps along the way and serves as a bold model for mutual recognition agreements in the future.

The Architect Section agreed by consensus to wait until further discussions were held at the annual meeting before deciding how to vote.

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**Other Business**

Ms. Nosbisch provided statistics of architect unlicensed activity complaints, as requested at the March 20 APELSCIDLA Board meeting. In FY12 there were seven (7) complaints, FY 13 (through 4/16) there have been four (4). Mr. Good commented that unlicensed activity may be more prevalent than the numbers indicate. Mr. Courtney explained that when complaints are received by the agency regarding unlicensed activity, staff attempts to have the person stop or come into compliance.

Mr. Abernathy, VSAIA, stated that the Board does have the civil authority to fine a person or company for unlicensed activity. Mr. Courtney responded that the Board only has the civil authority to fine only after a cease and desist order has been issued, and there is no compliance with that order.

Mr. Good asked if staff could obtain information regarding the number of unlicensed practice cases in other jurisdictions. Ms. Nosbisch stated that she would reach out to colleagues in other states for information and will provide the information at the August 13 Architect Section meeting.

Section members reviewed an email from Mr. Abernathy regarding an education news website that promoted six accredited architecture schools in Virginia. Although the website does not state accredited by whom, Mr. Abernathy feels that it is misleading to students and parents. Mr. Abernathy inquired as to whether the Board could provide the information to the Secretary of Education's office. Ms. Nosbisch stated that the VSAIA may want to contact the Secretary's office, that it is not within the purview of the Board.

**Conflict of Interest Forms**

Conflict of Interest forms were completed by all members present.

**Adjourn**

There being no further business, the meeting was adjourned at 11:05 a.m.

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Clint Good, Chair

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Gordon N. Dixon, Secretary

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