

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:

James R. Boyd
Michael F. LeMay

Board member Clint Good was not present for the meeting.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Justin Garofalo, Board Administrator

Mr. Boyd, Chair, called the meeting to order at 10:05 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Mr. Boyd introduced and welcomed Mike Armstrong, CEO, NCARB and Kathy Hillegas, Director, NCARB Executive Office.

**Introduction of
NCARB
Representatives**

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

**Approval of
Agenda**

Mr. Duncan Abernathy, Virginia AIA, was present to address the Section. Mr. Abernathy stated that he experienced difficulty accessing information on the DPOR website and informed Ms. Nosbisch of the issue. Mr. Abernathy thanked Ms. Nosbisch and the DPOR staff for addressing and correcting the website issue and making further enhancements to the search feature.

**Public Comment
Period**

Mr. Armstrong, thanked the Section for inviting him to the meeting and provided a brief background on himself. Mr. Armstrong informed the Section that his first course of action, since coming to NCARB in June 2011, was to implement an outreach campaign. He will be meeting with all member boards and also plans to meet with state AIA chapters. Mr. Armstrong thanked Ms. Nosbisch for her participation and creative contributions as a Member Board Executive.

Ms. Nosbisch thanked Ms. Hillegas and the NCARB staff for their professionalism and dedication.

NCARB Update

Discussion was held on the Architect Practice Analysis Survey. Mr. Armstrong reported that four groups participated in the design of the survey in conjunction with NCARB – AIA, AIAS, NAAB and ACSA. The survey was emailed to approximately 80,000 participants, with an additional 20,000 postcards mailed. Approximately 8,000 responses were received which will provide a sufficient source of data. Mr. Armstrong stated the full report from the data will be available by the end of the year.

Mr. Boyd provided an update on the Region 2 meeting held in Nashville, March 23-25. Mr. Boyd reported that the Regional dues will increase from \$4,800 to \$5,000 annually.

Ms. Nobsch congratulated Mr. Boyd on his election as Vice Chair/Treasurer of Region 2.

Discussion was held on the new bylaws adopted by Region 2. Mr. Boyd stated that Region 2 had questions as to their status and liability issues. Mr. Armstrong stated that NCARB President, Scott Veazey, formed a governance task force with the six Regional Chairs participating to address concerns within the Regions.

Discussion was held on the IDP 2.0 conversion. Mr. Armstrong stated that the changes to the IDP program were a result of the last practice analysis survey. The new program includes new ways for interns to gain experience, such as working for interior designers, engineers or contractors. In addition, academic internships will be recognized as qualifying experience. NCARB is also considering lifting the cap to academic internship hours; the current cap is 930 hours. Mr. Armstrong stated that NCARB needs to be more flexible in obtaining licensure. Allowing more opportunities for experience enables architecture students to obtain the correct combination of experience and education, their knowledge of architecture would then bear out in examination.

Mr. Boyd reviewed the biographies of candidates running for NCARB offices to be voted on at the Annual meeting in June.

Section members reviewed the resolutions to be voted on at the NCARB Annual meeting June 20-24 in Minneapolis, MN. Section members voted on the position the Virginia Board would take on each resolution.

RESOLUTION 2012-01 – Supported by the Council Board of Directors (14-0)

TITLE: Bylaws Amendment – Voting Delegates
SUBMITTED BY: Council Board of Directors

RESOLVED, that Section 3 of Article V of the *Bylaws* be

amended to read as follows:

“SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at meetings of the Council by one or more official delegates who shall be members of that Member Board.

A delegate attending the Annual Meeting or any Special Meeting of the Council who is entitled to cast the vote of its Member Board shall be identified by a letter of credentials from the delegate’s Member Board, which voting delegate the Member Board may change by a subsequent letter of credentials. A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates.”

SPONSORS’ STATEMENT OF SUPPORT:

Currently, the *Bylaws* are silent on the transfer of voting credentials. The Bylaws Task Force proposes the changes above to clarify the Council’s longstanding practice that allows a Member Board to transfer the voting rights from one delegate to another through the submission of a new letter of credentials.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-02 – Supported by the Council Board of Directors
(14-0)

TITLE: Bylaws Amendment – Removal of Directors & Officers

SUBMITTED BY: Council Board of Directors

RESOLVED, that new Section 4 of Article VII of the *Bylaws* be amended to read as follows and that all existing Sections following such new Section be renumbered:

“SECTION 4. Removal. As provided by applicable Iowa law, a Regional Director may be removed with or without cause by the Regional Conference electing such Director by a majority vote of those present and voting at a meeting duly called for such purpose; the Member Board Executive Director and the Public Director may be removed with or without cause by a majority vote of those present and voting at a meeting duly called for such purpose, respectively by the Member Board Executives Committee in the case of the Member Board Executive Director and the Council Board of Directors in the case of the Public Director; and the Past President may be removed with or without cause by appropriately amending these Bylaws at a meeting of the Member Boards duly called for such purpose. Because any Officer is a Director on

account of his or her election as an Officer, any Officer removed as such Officer in accordance with these Bylaws shall cease to be a Director upon such removal.”

FURTHER RESOLVED, that new Section 6 of Article VIII of the *Bylaws* be amended to read as follows and that all existing Sections following such new Section be renumbered

“SECTION 6. **Removal.** As provided by applicable Iowa law, an Officer may be removed with or without cause by the Council Board of Directors by a majority vote of those present and voting at a meeting duly called for such purpose.”

SPONSORS’ STATEMENT OF SUPPORT:

Iowa nonprofit corporation law, which applies to NCARB because it is incorporated in Iowa, currently provides the means for removing directors and officers. The proposed amendments do not add to or diminish from what Iowa law provides, but simply includes those provisions in the *Bylaws*. The Regions nominate their regional directors, the Member Board Executives Committee nominates the Member Board Executive director, and the Council Board of Directors nominates the public director. For all of these directorships, the *Bylaws* provide that such nominated persons “shall be elected at the Annual Meeting.” Iowa law provides that any group selecting a director shall be the group that removes the director. The amendment follows Iowa law in providing that the Regions, committee, and directors respectively may remove the directors they have selected. Because the *Bylaws* stipulate that the past president shall be a director, Iowa law requires that the *Bylaws* be amended to remove such a person who holds office because of his or her position. If an officer is removed as an officer, that person automatically ceases to be a director.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-03 – Supported by the Council Board of Directors
(14-0)

TITLE: Bylaws Amendment – Miscellaneous
SUBMITTED BY: Council Board of Directors

RESOLVED, that the Section 10 of Article VIII of the *Bylaws* be amended to read as follows:

“SECTION 10. Treasurer. The Treasurer shall generally oversee the financial affairs of the Council and be the primary liaison of the Council Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council. The Treasurer shall report to the Council Board of

Directors and Annual Meeting on financial matters of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoing as the Council Board of Directors may designate.”

FURTHER RESOLVED, that the order of Sections 9 (Secretary) and 10 (Treasurer) of Article VIII as now appearing in the *Bylaws* be reversed.

FINALLY RESOLVED, that the duties of the Executive Committee in Section 8(D) of Article VII of the *Bylaws* be amended to read as follows:

“D. prior to the start of the new fiscal year of the Council, ~~prepare a~~ review the budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action.”

SPONSORS’ STATEMENT OF SUPPORT:

The Bylaws Task Force recommends these incidental changes:

- Under the “Resolved” section, clarify that it is the responsibility of the chief executive officer to designate the staff member that serves as the chief financial officer of the Council. This staff member is assigned to work with the treasurer on the financial affairs of the Council.
- Under the “Further Resolved” section, ensure that the usual order of listing the offices of secretary and treasurer is consistent throughout the *Bylaws*.
- Under the “Finally Resolved” section, the Executive Committee does not actually prepare the Council’s budget; it reviews the budget prepared by staff before it is presented to the full Board of Directors.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-04 – Supported by the Council Board of Directors (14-0)

TITLE: Bylaws Amendment – Clarifying Board Approval of Committee Changes

SUBMITTED BY: Council Board of Directors

RESOLVED, that Section 7(D) of Article VIII of the *Bylaws* be

amended to read as follows:

“D. develop charges for all committees that will serve during his or her term as President/Chair of the Board. Following approval of the charges by the Council Board of Directors, oversee the work of all committees in discharging their responsibilities;”

SPONSORS' STATEMENT OF SUPPORT:

The Bylaws Task Force recommends this change to formalize the longstanding practice that the incoming president/chair of the Board develops all committee charges for his/her year as president. This change further recognizes that all charges are then approved by the Board of Directors.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-05 – Supported by the Council Board of Directors (14-0)

TITLE: Bylaws Amendment – Membership Dues

SUBMITTED BY: Council Board of Directors

RESOLVED, that Section 1(A) of Article XI of the *Bylaws* be amended to read as follows:

“A. ~~Membership dues: Effective July 1, 2013, annual membership dues from each Member Board will be \$6,500; and effective July 1, 2014, \$7,000; effective July 1, 2015, \$7,500; effective July 1, 2016, \$8,000; effective July 1, 2017, \$8,500.~~ Annual membership dues may be changed for any period after July 1, 2018, by resolution adopted at an Annual Meeting with implementation of any change to take place not less than three years after such resolution is adopted.”

FURTHER RESOLVED, that membership dues were established by Resolution 2011-08 as follows: Effective July 1, 2013, annual membership dues from each Member Board will be \$6,500; and effective July 1, 2014, \$7,000; effective July 1, 2015, \$7,500; effective July 1, 2016, \$8,000; effective July 1, 2017, \$8,500. All future membership dues changes shall be approved by resolution at the Annual Meeting.

SPONSORS' STATEMENT OF SUPPORT:

Both the Governance Task Force and the Bylaws Task Force believe that identifying the dollar amount of the annual dues in the *Bylaws* is not customary for organizations such as NCARB. Dues changes for FY18 or later would be set by resolution adopted at an Annual Meeting to take

effect no sooner than three years after the resolution is adopted. Resolutions require an absolute majority vote, or a majority of all Member Boards regardless of the number actually voting (28), for a resolution to be adopted. *Bylaws* amendments require an absolute two-thirds vote, or two-thirds of all Member Boards regardless of the number actually voting (36). One effect of this amendment is to change the vote required to adjust membership dues from 36 to 28.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-06 – Supported by the Council Board of Directors (14-0)

TITLE: Bylaws Amendment – Changing “Regional Conferences” to “Regions”

SUBMITTED BY: Council Board of Directors

RESOLVED, that the Section 1 of Article VI of the *Bylaws* be amended to read as follows:

“SECTION 1. Purpose. In order to ~~establish~~ foster closer communication between Member Boards and the Council, as well as ~~between among~~ among Member Boards ~~within geographical areas~~, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, ~~A. six geographical Regions comprising, in the aggregate, all the Member Boards Jurisdictions, and B. Six Regional Conferenees, one within each Region, comprising the Member Boards in that Region,~~ are hereby established. Each Member Board shall be required to be a member of its ~~Regional Conferenee~~ Region.”

FURTHER RESOLVED, that throughout the *Bylaws* wherever the words “Regional Conference” or “Conference” appear the word “Region” alone be substituted, and that any appropriate grammatical corrections be made with respect to such changes.

SPONSOR’S STATEMENT OF SUPPORT:

The Governance Task Force and the Bylaws Task Force believe that the purpose of the Regions can be better stated, and that the notion of a “Regional Conference” is confusing. This resolution does not change any of the Regions, which continue as before and are identified in Article VI Section 2 of the *Bylaws*.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-07– Supported by the Council Board of Directors (14-0)

TITLE: Legislative Guidelines, Model Law and Model Regulations

Amendment – Broadening Legislative Guideline III to Include Misconduct in Connection with the ARE and IDP

SUBMITTED BY: Council Board of Directors

RESOLVED, that paragraph C of *Legislative Guideline III*, Qualification for Registration Under State Procedure, be revised to read as follows:

- “C If the state wishes to invest its state board with discretion to reject or take disciplinary action against an applicant who is not of “good moral character,” the statute should specify only the aspects of the applicant’s background germane to the inquiry, such as
- (i) conviction for commission of a felony;
 - (ii) misstatement or misrepresentation of fact or other misconduct by the applicant in connection with seeking registration his/her application, including without limitation misconduct involving violation of applicable rules protecting the integrity of the architect licensing process such as the Architect Registration Examination or the Intern Development Program;
 - (iii) violation of any of the rules of conduct required of registrants and set forth in the statutes or regulations (See Guideline II); and
 - (iv) practicing architecture without being registered in violation of registration laws of the jurisdiction in which the practice took place.

If the applicant’s background includes any of the foregoing, the state board should be allowed, notwithstanding, to register the applicant on the basis of suitable evidence of reform.”

SPONSORS’ STATEMENT OF SUPPORT:

The Procedures and Documents Committee recommends that the *Legislative Guidelines* include a more defined position relating to the conduct of interns. The committee recommends that the section on the Qualifications for Registration be broadened to provide language for Member Boards to reject an application or take disciplinary action against an applicant for licensure based on misconduct that may include violation of rules relating to the Architect Registration Examination® (ARE®) or the Intern Development Program (IDP). NCARB, which administers both of these programs, will itself take disciplinary measures when appropriate that can include withdrawal of rights to continue in such programs for periods of time. The proposed change further reinforces the Member Boards authority to take

appropriate disciplinary action when warranted.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-08– Supported by the Council Board of Directors
(14-0)

TITLE: *Rules of Conduct and Legislative Guidelines, Model Law and Model Regulations* Amendments – Broadening *Model Regulation* and the *Rules of Conduct* to Include Verification of Qualifications in Connection with the Intern Development Program

SUBMITTED BY: Council Board of Directors

RESOLVED, that Section 100.805 of the *Model Regulations* be amended to add the following as new paragraph D and renumbering the remaining two paragraphs, and that the same text be included in the *Rules of Conduct* as new Section 3.7:

“(D) An architect possessing knowledge of an applicant’s qualifications for registration shall cooperate with the applicant, the Board and/or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document that contains false or misleading information.”

SPONSORS’ STATEMENT OF SUPPORT:

The Internship Committee and the Procedures and Documents Committee believe that architect supervisors have an obligation to verify the work experience completed by interns under their direct supervision in a timely manner to support the intern’s pursuit of the IDP and initial licensure. Further, the IDP depends on architects providing truthful verifications of experience and related information about interns. The committees recommend that the *Rules of Conduct* and *Model Regulations* should be modified to include these provisions.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-09– The Council Board of Directors took no position in favor or n opposition (7-7)

TITLE: *Handbook for Interns and Architects* Amendment – Addition of Canadian Education Evaluation Alternative.

SUBMITTED BY: Council Board of Directors

RESOLVED, that Chapter 1 of the *Handbook*, Section 2 (B) be revised to read as follows and make corresponding changes to the *Education Guidelines*:

“B. With respect to applicants with a degree in the field of architecture granted by an academic institution outside the U.S. and Canada, either an EESA-NCARB evaluation report stating that you have met the NCARB Education Standard or an evaluation from the Canadian Architectural Certification Board sought in connection with licensing in Canada stating that you have met the requirements of the Conditions and Procedures for the Certification of Educational Qualifications Required for Admission (Registration or Licensing) to the Architectural Licensing Authorities in Canada, the Canadian Education Standard.”

SPONSORS' STATEMENT OF SUPPORT:

The Education Committee has reviewed the Canadian Education Standard and the *NCARB Education Standard* and concluded that these two standards are substantially equivalent. The Education Committee recommends that the *NCARB Education Standard* be modified to allow acceptance of the CACB evaluation of a foreign degree to satisfy the education requirement for an intern.

Under current requirements, NCARB accepts the CACB evaluation of a foreign degree *if* the architect is actively licensed in Canada and qualifies for NCARB certification through the requirements for Canadian architects. NCARB does not accept the CACB evaluation of a foreign degree for an applicant in an intern (non-licensed) status. Without the changes recommended above, an intern in this situation would be required to have their education re-evaluated by the NAAB. According to NAAB, this duplicate evaluation process has impacted less than one intern a year.

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

RESOLUTION 2012-10– Supported by the Council Board of Directors
(14-0)

TITLE: *Handbook for Interns and Architects* Amendment –
Correction of Canadian Intern Architect Program Reference.

SUBMITTED BY: Council Board of Directors

RESOLVED, that Chapter 1 of the *Handbook*, Section 3 be amended to read as follows:

“In lieu of completing the IDP, NCARB will accept ~~either of the following:~~ 1) Registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDP in each of the training areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011.

~~2) Satisfactory completion of the Canadian Intern Architect Program.”~~

SPONSORS’ STATEMENT OF SUPPORT:

Chapter 1 of the *Handbook for Interns and Architects* identifies the requirements for certification of U.S. architects. Chapter 2 of the *Handbook* identified the requirements for certification of Canadian architects. Reference to the Canadian Intern Architect Program is misplaced in Chapter 1 and should be removed. It already exists in Chapter 2.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-11– Supported by the Council Board of Directors (14-0)

TITLE: *Handbook for Interns and Architects* Amendment – Correction of the Canadian Examination Requirement.

SUBMITTED BY: Council Board of Directors

RESOLVED, that Chapter 2 of the *Handbook*, Section 4 (C) be revised to read as follows:

“C. Written professional practice examinations administered in the province of Quebec since from 1977 through 2001.”

SPONSORS’ STATEMENT OF SUPPORT:

Chapter 2 of the *Handbook for Interns and Architects* documents the requirements for the certification of Canadian architects. This chapter provides alternatives to the ARE when certain Canadian examinations were accepted for certification of Canadian architects. The provision C noted above was adopted to deal with the circumstance where the ARE was not available in French in Quebec after 1977. However, the final translation of all ARE divisions into French was completed and made available to Canadian candidates for examination in 2001. The end date for this alternative should have been set to 2001 at that time. This recommended change will properly limit the application of this alternative.

The Architect Section agreed by consensus to this resolution.

RESOLUTION 2012-12– Supported by the Council Board of Directors
(14-0)

TITLE: *Handbook for Interns and Architects* Amendment –
Correction of the Canadian Equivalency Requirement.

SUBMITTED BY: Council Board of Directors

RESOLVED, that Chapter 2 of the *Handbook*, Section 6 be
revised to read as follows:

“6. In lieu of the requirements set out in Sections 2 through 4 above, you must have been certified by a Canadian provincial association as having achieved the education, training, and/or examination which ~~the provincial association~~ **NCARB** deems equivalent to the current NCARB requirements for education, training, and/or examination, and have 10 years experience in practice as a principal as defined in the *IDP Guidelines*.”

SPONSORS' STATEMENT OF SUPPORT:

Chapter 2 of the *Handbook* establishes the requirements for the certification of Canadian architects. In the event that the standard education, training, and examination requirements are not met, paragraph 6 indicates that a Canadian provincial association has the authority to determine equivalence of education, training, and examination requirements for NCARB certification. The Procedures and Documents Committee determined that this responsibility lies with NCARB and recommends that the *Handbook* be modified to reflect that only NCARB can deem any other alternatives as equivalent for the purpose of NCARB certification.

The Architect Section agreed by consensus to this resolution.

Ms. Nobsch Kate reported that the first APELSCIDLA Continuing Education audit had been conducted with approximately 400 letters mailed to a random sampling of licensees. The letter was mailed to 70 architects, 270 engineers, 10 landscape architects, 30 land surveyors, 3 LSB and 3 photogrammetrists. Final results of the audit will be presented at the June 12, APELSCIDLA board meeting.

Ms. Nobsch also reported that she participated in the AIA Mentoring Mayhem program February 16, in Norfolk and will be participating in the Central Virginia AIA meeting, May 24 in Charlottesville.

Other Business

Mr. Garofalo provided an overview of the new comity application review form. Ms. Nosbisch acknowledged Mr. Garofalo's work on the form.

Discussion was held on regulants contacting board members directly. Mr. Boyd stated that board members should not respond and instead forward any such correspondence to Ms. Nosbisch.

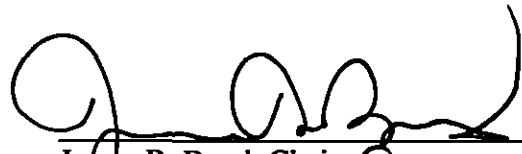
Discussion was held on the need for a repository for Region 2 information and documents. Mr. Boyd inquired whether NCARB could possibly provide a place. Ms. Hillegas stated that NCARB is working on a repository for committee information which could possibly include Regional information.

Conflict of Interest forms were completed by all members present.

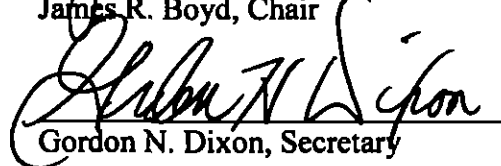
**Conflict of
Interest Forms**

There being no further business, the meeting was adjourned at 12:25 p.m.

Adjourn



James R. Boyd, Chair



Gordon N. Dixon, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Michael F. LeMay
2. Title: Board Member
3. Agency: Architects Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting May 8, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

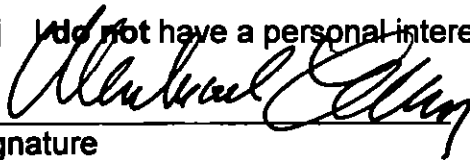
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

5/8/12

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: James R. Boyd
2. Title: Board Member
3. Agency: Architects Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting May 8, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

5/8/12
Date