

APELSCIDLA Board

***TENTATIVE* Agenda**

August 4, 2023, 10:00 a.m.

Board Room 2

Department of Professional & Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

804-367-8506

1. Call to Order
2. Emergency Evacuation
3. Announcements
4. Approval of Agenda
5. Approval of Minutes
 - APELSCIDLA Board Meeting, March 27, 2023
 - APELSCIDLA Statutory/Regulatory Review Committee, March 27, 2023
 - APELSCIDLA Statutory/Regulatory Review Committee, April 19, 2023
 - APELSCIDLA Statutory/Regulatory Review Committee, May 15, 2023
 - APELSCIDLA Statutory/Regulatory Review Committee, May 16, 2023
 - Land Surveyor Section Meeting, May 31, 2023
 - Land Surveyor Section Meeting, June 2, 2023
 - Professional Engineer Section Meeting, June 14, 2023
 - Land Surveyor Section Meeting, June 20, 2023
 - Architect Section Meeting, June 22, 2023
 - APELSCIDLA Statutory/Regulatory Review Committee, June 23, 2023
 - Landscape Architect Section Meeting, June 23, 2023
 - Land Surveyor Section Meeting, July 12, 2023
6. Public Comment
7. Resolutions
 - April Drake
 - Mike Zmuda
 - Hypatia Alexandria
8. File Review
 - File Number 2023-02142 Clarence Fernando McAllister, Sr. IFF (Jackson-Bailey) – Licensing
 - File Number 2023-02126 Russell Tobin Brown

IFF (Jackson-Bailey) – Licensing

- File Number 2022-01137 Hamid Moghavemi Tehrani
IFF (Zmuda & Kelly) – Disciplinary
- File Number 2022-00392 Mahesh Prasad Adhikari
IFF (Zmuda & Kelly) – Disciplinary
- File Number 2023-02163 Partner Assessment Corporation
IFF (Kelly) – Licensing
- File Number 2023-02503 Joshua Ryan Glover
IFF (Kelly) – Licensing
- File Number 2023-02653 Ryan Thomas Hehir
IFF (Kelly) – Licensing
- File Number 2023-00358 John D Lewis
CO (Zmuda) – Disciplinary

9. Landscape Architects

- CLARB Update
 - i. CLARB Certification Revised to Align with the Uniform Standard-
Emailed March 16, 2023
 - ii. May’s “In the Know:” Hear from ICOR CEOs – Emailed April 27, 2023
and May 12, 2023
- LARE
 - i. Review of the LARE- Emailed May 30, 2023

10. Professional Engineers

- NCEES Update
 - i. NCEES combined zone interim meeting- candidates for zone office-
Emailed March 22, 2023
 - ii. Reminder: NCEES seeks licensed engineers’ professional expertise and
advice- Emailed March 27, 2023
 - iii. Sent on Behalf of Oklahoma Board Member Aaron Morris-SZ AVP
Candidate- March 28, 2023
 - iv. NCEES- Emailed April 6, 2023
 - v. Looking Forward to Seeing You at the All-Zone Meeting in Houston –
Candidate for 2023 NCEES National Treasurer – Emailed April 10, 2023
 - vi. Correction on URL in Previous Email – Emailed April 10, 2023
 - vii. NCEES Zone Meeting – Dr. Sina Nejad, PE, Peng, for Assistant Vice
President – Emailed April 10, 2023
 - viii. Dr. Sina Nejad, PE, Peng – Emailed April 14, 2023
 - ix. ANS Letter to Engineering Member Boards- Emailed May 24, 2023

- x. NCEES seeks licensed engineers' professional expertise and advice- Emailed June 12, 2023
- xi. NCEES seeks licensed engineers' professional expertise and advice- Emailed June 26, 2023
- xii. Reminder- Virtual Law Enforcement Forum: Responsible Charge and Supervision starts in 1 day- Emailed June 27, 2023
- xiii. NCEES Committee Assignment- emailed July 7, 2023
- xiv. Action Items and Conference Reports available now- Emailed July 7, 2023
- xv. NCEES Booklets:
 - 1. 2022 Squared
 - 2. Minutes and Reference Material, 101st Annual Meeting
 - 3. 2022 Annual Report
- xvi. NCEES 2023 Annual Meeting Motions
- PE License Plates – Emailed April 11, 2023

11. Land Surveyors

- NCEES Update (as above)
 - i. Congratulation to Doyle Allen- Southern Zone Distinguished Service Award
- VAS
 - i. A Career in Surveying- Emailed May 11, 2023
 - ii. Survey Foot- Emailed May 12, 2023
 - iii. VAS Seminar: DEQ Permitting and Surveyor Ethics- Emailed May 31, 2023
 - iv. Experience Works 2023: Pathways for the Future-Conference Program
 - v. Special Edition of the Old Dominion Surveyor- Emailed July 21, 2023
- Substantially Equivalent Discussion

12. Architects

- AIA
 - i. April Drake AIA Recognition
 - ii. Reminder: Your AIA Virginia March Newsletter- Emailed March 22, 2023
 - iii. Destination Architect: Retiring the Rolling Clock – Emailed April 12, 2023
 - iv. Design Awards Open and more in your AIA Virginia April Newsletter – Emailed April 12, 2023
 - v. Advocacy, Education & Awards, Oh My! Your AIA May Newsletter- Emailed May 17, 2023
 - vi. Reminder: Your AIA Virginia June Newsletter- Emailed June 20, 2023
 - vii. Your AIA Virginia June Newsletter- Emailed June 26, 2023
 - viii. AIA Virginia News: July 2023- Emailed July 12, 2023
- NCARB Update
 - i. Here Are Your Essential Resolution and Election Resources- Emailed March 19, 2023

- ii. Invitation to the NCARB Annual Business Meeting- Emailed March 19, 2023
 - iii. NCARB February Fast Facts- Emailed March 22, 2023
 - iv. NCARB Update: February 2023- Emailed March 22, 2023
 - v. UIA Survey- Emailed March 22, 2023
 - vi. NCARB March Fast Facts- Emailed April 5, 2023
 - vii. March 2023 NCARB Update – Emailed April 18, 2023
 - viii. ARE Update – Guidelines Changes – Emailed April 21, 2023
 - ix. The New MRA with the UK is Live – Apply Now – Emailed April 25, 2023
 - x. NCARB April Fast Facts – Emailed April 27, 2023
 - xi. ARE Update – Rolling Clock Launch – Emailed April 27, 2023
 - xii. NCARB 2023 Resolutions to be Acted Upon
 - 1. Guide to Proposing Amendments 2023
 - 2. 2023 Draft Resolution Feedback
 - xiii. National Architect: NCARB Is Waiving Reactivation Fees Through June 30- Emailed May 10, 2023
 - xiv. NCARB May Fast Facts- Emailed May 24, 2023
 - xv. April NCARB Update- Emailed May 25, 2023
 - xvi. Letter of Support for Resolution 2023-05 from the FY23 DEI Committee- Emailed May 31, 2023
 - xvii. May NCARB Update- Emailed June 12, 2023
 - xviii. NCARB Updated Fees and Exam Rescheduling Change- Emailed July 6, 2023
 - xix. NCARB June 2023 Fast Facts- Now Available! - Emailed July 12, 2023
 - xx. NCARB Sanctions Six ARE Candidates- Emailed July 12, 2023
 - xxi. NCARB ARE Update: Changes to ARE 5.0 Guidelines- Emailed July 18, 2023
- ESL/ELL accommodations for the ARE Examinations- Inquiry

13. Certified Interior Designers

- CIDQ Update
 - i. CIDQ Q Connection Spring 2023- Emailed April 4, 2023
 - ii. CIDQ Announces...- Emailed April 4, 2023
 - iii. Nominate Someone Outstanding Today – Emailed April 18, 2023
 - iv. Just 2 Days Left to Apply! - Emailed May 10, 2023
 - v. CIDQ Q Connection Summer 2023- Emailed July 6, 2023

14. ARPL

- ARPL One-Pager (Benenson Study Group)- Emailed May 31, 2023

15. Governor's Proclamations

- Engineers Week: February 19 – 25, 2023
- Surveyors Week: March 19 – 25, 2023

16. Regulatory Update /NOIRA
17. Statutory/Regulatory Review Committee
18. Periodic Review of Regulations
19. 2024 Meeting Dates
20. Licensed and Certified Population
21. Financial Statements
22. Other Business
23. Conflict of Interest and Travel Vouchers
24. Adjourn

NEXT MEETING SCHEDULED FOR *November 1, 2023*

Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

**Five minute public comment, per person, with the exception of any open disciplinary or application files.*

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as official board position
DRAFT AGENDA

- **Call to Order**
- **Emergency Evacuation**
- **Announcements**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on March 27, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Architects

Tim Colley
Mel Price

Professional Engineers

James Kelly
Vinay Nair
Rick Townsend

Land Surveyors

Doyle Allen
Mike Zmuda

Interior Designers

Caroline Alexander
Cameron Stiles

Landscape Architects

Frank Hancock, III
Ann Stokes

Citizen Members

Karen Reynes

Hypatia Alexandria, Vickie Anglin, April Drake, Steve Kirschner, and Elizabeth Peay were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, CID Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Breanne Henshaw, Licensing Operations Administrator
Free Williams, Director of Adjudication
Adam Cocker, Legal Analyst, Complaint Analysis and Resolution
Christine Goulding, Legal Analyst, Complaint Analysis and Resolution

Members of the audience:

Mahesh Prasad Adhikari, P.E.
Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter
David Krisnitiki, P.E., AMT Engineering
Thomas Roberts, P.E., H2R Engineering
Chris Stone, P.E., former Board Member

No one was present from the Office of the Attorney General.

Mr. Kelly, Chair, called the meeting to order at 10:08 a.m.

Call to Order

Mr. Kelly advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch announced there is a Statutory/Regulatory Review Committee meeting immediately following the Board meeting. Ms. Nosbisch introduced members of the audience.

Announcements

Mr. Kelly stated that the Board does not have a quorum, but we are expecting one more Board member so the Board will continue with informational items on the agenda.

Mr. Roberts discussed the use of Light Detection and Ranging (LIDAR) data. He stated that maps do not reach the accuracy of LIDAR data. He stated that the dam safety regulations state to use LIDAR data. To reach the accuracy of LIDAR data, the cost of a cross section survey would be astronomical. He requested the Board to reconsider the regulations and the guidance document prohibiting the use of LIDAR.

**Public Comment
Period**

Mr. Krisnitski spoke to the same issue and requested the Board revise the regulation and guidance document during regulatory review.

Ms. Nosbisch informed the Board that she attended the virtual Licensing Summit last week, and that CLARB is a very engaged member in the Alliance for Responsible Professional Licensing (ARPL).

**Landscape
Architect Update**

Ms. Nosbisch stated the Board wishes the best for Mr. Kelly in his nomination as Vice President of the Southern Zone of NCEES. She stated the NCEES update items were provided for informational purposes.

**Professional
Engineer Update**

Ms. Nosbisch indicated that in addition to the NCEES update, the Virginia Association of Surveyors (VAS) items were provided for informational purposes. She stated she will be speaking at the VAS annual meeting on April 15, 2023.

**Land Surveyor
Section Update**

Ms. Nosbisch stated the NCARB information was provided for informational purposes. She noted the changes to the NCARB Rolling Clock Policy.

**Architect Section
Update**

Ms. Stokes arrived at 10:24 a.m.

**Arrival of Board
Member**

Ms. Nosbisch stated the certified interior designer update items were provided for informational purposes.

Certified Interior Designer Section Update

Ms. Davis informed the Board that the fee adjustment regulatory change was submitted to the Governor's Office and the regulatory changes to the professional engineer and land surveyor regulations will be submitted as fast track regulations.

Regulatory Update

Mr. Allen arrived at 10:35 a.m.

Arrival of Board Member

Ms. Nosbisch stated that in 2016 the Board agreed that the Executive Director would review and approve business agreements without technical or moral turpitude issues, and present at the next board meeting and present to the Board for review. The Board also previously agreed to not "piling on" and taking action just because another state had done so. Ms. Nosbisch requested the Board to consider the rationale behind a business agreement. A business agreement places the business on notice that they must follow the regulations and are on probation for one year. Because all businesses must follow the regulations, it seems unnecessary and punitive to request a business agreement. If a business has disciplinary action in another state, it has been resolved, and there is no harm to the health or economic well-being of the public, Board staff could record the information in the licensing database. For any technical or moral turpitude issue, Ms. Nosbisch will consult with the Chair to determine if the matter should be just recorded in the licensing database or forwarded to Compliance and Resolution for further investigation. The Board agreed by consensus to the change.

Business Agreements

Ms. Nosbisch stated the Committee consists of a representative from each profession, plus a citizen member. The line-by-line review will begin with the statutes, and then move to the regulations. The Committee will be meeting today following the Board meeting.

Statutory / Regulatory Review Committee

Director Melis provided information on the Universal Licensing Recognition. He stated that the individuals working in a state that does not license or certify that profession may be eligible for licensure or certification in Virginia provided they have worked in the profession for three years and pass any examination required by the Board. It was noted the professional engineers, architects, land surveyors, and landscape architects are exempt from this regulation. Mr. Kelly stated that licensure is based on experience, education, and examination.

General Assembly Update

Having a quorum present, Ms. Stokes moved to approve the agenda. Mr. Zmuda

Approval of

seconded the motion which was unanimously approved by: Alexander, Allen, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Townsend, and Zmuda.

Agenda

Ms. Stokes moved to approve the February 8, 2023 Board meeting minutes. Ms. Stiles seconded the motion which was approved by: Alexander, Allen, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Townsend, and Zmuda.

Approval of Minutes

Mr. Kelly passed the gavel to Ms. Reynes to chair the meeting for the disposition of the next case on the agenda.

Change of Chair

Mr. Kelly and Mr. Zmuda recused themselves from the meeting for discussion and deliberation of the file.

Recusal of Board Member

Regarding **File Number 2022-00392, Mahesh Prasad Adhikari**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference.

File Number 2022-00392, Mahesh Prasad Adhikari

Mr. Adhikari was present at the meeting and informed the Board he had new information to present to the Board. Due to the new information, Ms. Nosbisch inquired if the Board wished to remand the file back for a new Informal Fact Finding conference. Mr. Allen moved to remand the file to a new Informal Fact Finding Conference. Ms. Price seconded the motion which was approved by: Alexander, Allen, Colley, Hancock, Nair, Price, Reynes, Stiles, Stokes, and Townsend.

Mr. Kelly and Mr. Zmuda returned to the meeting.

Return of Board Members

Regarding **File Number 2023-00167, John Claiborne Lewis**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Lewis.

File Number 2023-00167, John Claiborne Lewis

Ms. Stiles moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-740.B.4 (Count 1). For this violation, Mr. Lewis agrees to pay the following monetary penalties: \$500.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total monetary penalty of \$650.00. Mr. Colley seconded the motion which was unanimously approved by members: Alexander, Allen, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Townsend, and Zmuda.

The licensee counts as of March 1, 2023:

Licensed and Certified

APELSCIDLA Businesses	4,968
Architects	7,714
Professional Engineers	30,628
Land Surveyors	1,215
Land Surveyors B	57
Land Surveyor Photogrammetrists	101
Certified Interior Designers	472
Landscape Architects	949

Population

Ms. Nosbisch stated the financial statements were provided for informational purposes only.

Financial Statements

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Board members present.

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting was adjourned at 10:48 a.m.

Adjourn

James Kelly, Chair

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Regulatory Review Committee of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Regulatory Review Committee of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on March 27, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Caroline Alexander
Doyle Allen, L.S.
Jim Kelly, P.E.
Karen Reynes
Ann Stokes
Rick Townsend, P.E.
Mike Zmuda, L.S.

Vickie McEntire Anglin and April Drake were not present at the meeting.

Staff present for all or part of the meeting were:

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Breanne Henshaw, Administrative Coordinator

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational
Outreach Lead for Tidewater/Hampton Roads Chapter
Chris Stone, P.E., former Board Member and Subject Matter Expert

No one was present from the Office of the Attorney General.

Mr. Kelly, Chair, called the meeting to order at 11:14 a.m.

Call to Order

Mr. Kelly advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Mr. Zmuda moved to approve the agenda. Ms. Stokes seconded the motion which was unanimously approved by: Alexander, Allen, Kelly, Reynes, Stokes, Townsend, and Zmuda.

**Approval of
Agenda**

There was no public comment.

Public Comment

	<u>Period</u>
The Committee began a line-by-line review of the Board's statutes starting with 54.1-400 to determine the relevance and necessity of each statute.	<u>Statutory Review</u>
The Board took a recess from 12:27 p.m. to 12:36 p. m.	<u>Recess</u>
The Committee completed review of statutes through 54.1-402.	<u>Statutory Review</u>
The Committee determined the next meeting will be held on April 19, 2023 at 10:00 a.m.	<u>Timeline Going Forward</u>
There was no other business.	<u>Other Business</u>
Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.	<u>Conflict of Interest Forms / Travel Vouchers</u>
There being no further business, the meeting was adjourned at 2:05 p.m.	<u>Adjourn</u>

James Kelly, Chair

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Regulatory Review Committee of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Regulatory Review Committee of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on April 19, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Caroline Alexander
Vickie Anglin
Jim Kelly, P.E.
Karen Reynes
Ann Stokes

Demetrios Melis, Director, Kishore Thota, Chief Deputy Director, and April Drake were not present at the meeting.

Staff present for all or part of the meeting were:

Steve Kirschner, LRPD Deputy Director
Joe Haughwout, Regulatory Affairs Manager
Kate Nosbisch, Executive Director
Kelley Smith, Executive Director, BCHOP
Bonnie Davis, Regulatory Operations Administrator

No one was present from the Office of the Attorney General.

Mr. Kelly, Chair, called the meeting to order at 10:01 a.m.

**Call to Order and
Introduction**

Ms. Nosbisch introduced Kelley Smith, Executive Director for the Board for Barbers and Cosmetology, and the Board for Hearing Aid Specialists and Opticians.

Mr. Kelly advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Reynes moved to approve the agenda. Ms. Anglin seconded the motion which was unanimously approved by: Alexander, Anglin, Kelly, and Reynes.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Stokes arrived to the meeting at 10:10 a.m.

Arrival of Board Member

The Committee began a line-by-line review of the Board's statutes starting with 54.1-402.2 to determine the relevance and necessity of each statute.

Statutory Review

Mr. Haughwout arrived to the meeting at 10:50 a.m. Ms. Nosbisch introduced Mr. Haughwout to the Board and stated Mr. Haughwout will be working with staff to catalog all of DPOR's regulations.

Arrival of Staff

Mr. Kirschner arrived to the meeting at 10:57 a.m.

The Board took a recess from 11:17 a.m. to 11:27 a. m.

Recess

A discussion took place regarding statute 54.1-402.2 Cease and Desist Orders for Unlicensed Activity; Civil Penalty. Mr. Kirschner stated DPOR will be having an internal discussion on this subject, and he will advise the Committee of the outcome. Mr. Kelly requested he also discuss with DPOR increasing the maximum civil penalty.

Statutory Review continued

A discussion on business registrations and Board quorum also took place. This item will be place on the agenda of the next Board meeting on May 16, 2023.

The Committee completed review of statutes through 54.1-405.

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting was adjourned at 2:12 p.m.

Adjourn

James Kelly, Chair

Demetrios J. Melis, Secretary

Regulatory Review Committee of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Regulatory Review Committee of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 15, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Caroline Alexander (CID)
Vickie Anglin (LS)
April Drake (Arch)
Jim Kelly (PE)
Karen Reynes (Citizen)

Ann Stokes, Demetrios Melis, Director, Kishore Thota, Chief Deputy Director, and Steve Kirschner, LRPD Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Kate Nosbisch, Executive Director
Joe Haughwout, Regulatory Affairs Manager
Bonnie Davis, Regulatory Operations Administrator

No one was present from the Office of the Attorney General.

Mr. Kelly, Chair, called the meeting to order at 1:14 p.m.

Call to Order

Mr. Kelly advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Reynes moved to approve the agenda. Ms. Drake seconded the motion which was unanimously approved by: Alexander, Anglin, Drake, Kelly, and Reynes.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Nosbisch stated that DPOR is developing its legislative package for the Administration to consider for the 2024 General Assembly session and the information is due by May 26, 2023 for consideration.

Statutory Review

The Committee determined it would complete another review of the statutes to determine which items would be recommended to be placed in the legislative

package.

Mr. Haughwout arrived to the meeting at 1:50 p.m.

Arrival of Staff

The Board took a recess from 3:17 p.m. to 3:26 p. m.

Recess

Discussion took place regarding statutes §54.1-402.1. State and local government employees; license exemptions for persons employed prior to March 8, 1992, § 54.1-403. Board members and officers; quorum, § 54.1-404.2. Continuing education, § 54.1-405. Examinations and issuance of licenses and certificates, and § 54.1-406. License required.

Statutory Review
continued

The Committee completed review of the statutes and began review of the definitions in 18VAC10-20-10.

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

Conflict of Interest
Forms / Travel
Vouchers

There being no further business, the meeting was adjourned at 4:56 p.m.

Adjourn

James Kelly, Chair

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Regulatory Review Committee of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Regulatory Review Committee of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 16, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Caroline Alexander (CID)
Vickie Anglin (LS)
April Drake (Arch)
Jim Kelly (PE)
Karen Reynes (Citizen)

Ann Stokes, Demetrios Melis, Director, and Kishore Thota, and Chief Deputy Director were not present at the meeting.

Staff present for all or part of the meeting were:

Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Joe Haughwout, Regulatory Affairs Manager
Bonnie Davis, Regulatory Operations Administrator

No one was present from the Office of the Attorney General.

Mr. Kelly, Chair, called the meeting to order at 11:35 a.m.

Call to Order

Mr. Kelly advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Reynes moved to approve the agenda. Ms. Drake seconded the motion which was unanimously approved by: Alexander, Anglin, Drake, Kelly, and Reynes.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

The Committee completed a recap of the statutes that will be recommended to DPOR to be placed in the legislative package for the 2024 General Assembly session.

Statutory Review

The Committee began review of the Board's regulations starting with the

Regulatory Review

definitions.

The Committee took a recess from 1:22 p.m. to 1:30 p. m.

Recess

The Committee continued review with regulation 18VAC10-20-20. General Entry Requirements. A discussion took place regarding Good Moral Character. The Committee requested staff provide language that defines Good Moral Character. The language will be placed on the agenda of the next Committee meeting.

Regulatory Review continued

The Committee determined the next meeting will be scheduled for June 23, 2023 at 10:00 a.m. The Certified Interior Designers will meet at 9:00 a.m. to submit its section regulations to the Committee at 10:00 a.m.

Mr. Kelly passed the gavel to Ms. Anglin to chair the meeting.

Change of Chair

Mr. Kelly left the meeting at 2:24 p.m. and did not return.

Departure of Chair

The Committee completed review of regulations through 18VAC10-20-40.

Regulatory Review continued

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting was adjourned at 3:06 p.m.

Adjourn

James Kelly, Chair

Demetrios J. Melis, Secretary

Land Surveyor Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Land Surveyor Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 31, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Doyle Allen
Vickie Anglin
Mike Zmuda

Demetrios Melis, Director, and Kishore Thota, Chief Deputy Director were not present at the meeting.

Staff present for all or part of the meeting were:

Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator

No one was present from the Office of the Attorney General.

Ms. Anglin called the meeting to order at 10:17 a.m.

Call to Order

Ms. Nosbisch opened the floor for nominations for Chair to the Land Surveyor Section meeting. Mr. Allen nominated Ms. Anglin as Chair. Ms. Anglin accepted the nomination. Mr. Zmuda seconded the motion. As there were no other nominations from the floor, Ms. Nosbisch closed the nominations. Ms. Anglin was approved Chair of the Section meeting by: Allen, Anglin, and Zmuda.

**Election of
Committee Chair**

Ms. Anglin advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Mr. Allen moved to approve the agenda. Mr. Zmuda seconded the motion which was unanimously approved by: Allen, Anglin, and Zmuda.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Anglin provided an overview of the regulatory review matrix.

Regulatory Review

Matrix

The Section began a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart in order to determine the relevance of each regulation. A long discussion took place regarding the decoupling of the Principles and Practice of Surveying exam. The Section requested staff provide the number of states that are currently decoupled. This information will be provided at the next Committee meeting on June 2, 2023.

**Land Surveyor
Regulatory Review**

The Committee took a recess from 11:16 a.m. to 11:26 a.m.

Recess

The Committee continued review of the Board's regulations. A long discussion took place regarding the experience requirements.

**Land Surveyor
Regulatory Review
continued**

The Committee took a recess from 2:09 p.m. to 2:19 p. m.

Recess

The Committee continued review of regulations. A discussion took place regarding Verification of Experience and the State Specific Exam. The Committee requested staff provide exam score rates for the State Specific Exam. The scores will be provided at the next Committee meeting on June 2, 2023.

**Land Surveyor
Regulatory Review
continued**

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:32 p.m.

Adjourn

Vickie Anglin, Chair

Demetrios J. Melis, Secretary

Land Surveyor Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Land Surveyor Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 2, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Doyle Allen, Land Surveyor
Vickie Anglin, Land Surveyor
Mike Zmuda, Land Surveyor

Demetrios Melis, Director, and Kishore Thota, Chief Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Breanne Henshaw, Licensing Operations Administrator

No one was present from the Office of the Attorney General.

Ms. Anglin called the meeting to order at 10:14 a.m.

Call to Order

Ms. Nosbisch advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch informed the Section that they have been provided a handout with information indicating the current states who have decoupled the Principles and Practice of Surveying exam as requested. The Section discussed decoupling the exam and Ms. Nosbisch indicated staff will review previous meeting minutes to determine whether the land surveyor Board members have previously discussed decoupling the exam.

**Handouts Provided
and Discussion**

The Section was also provided with a handout of passing score statistics for the Virginia-specific exam as required.

Mr. Allen moved to approve the agenda. Mr. Zmuda seconded the motion which was unanimously approved by: Allen, Anglin, and Zmuda.

**Approval of
Agenda**

There was no public comment.

Public Comment

Period

Ms. Anglin reminded the Section about using the regulatory review matrix during their review of the land surveyor regulations.

Regulatory Review Matrix

The Section continued a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by reviewing 18VAC10-20-360. A long discussion took place regarding the requirements for land surveyor and land surveyor photogrammetrist comity applicants.

Land Surveyor Regulatory Review

The Committee took a recess from 11:37 a.m. to 11:49 a.m.

Recess

The Committee continued review of the Board's regulations and continued with 18VAC10-20-370. A long discussion took place regarding minimum standards, specifically on rural, urban, and suburban land boundary surveys.

Land Surveyor Regulatory Review continued

The Section scheduled their next Land Surveyor Section Regulatory Review meeting for June 20, 2023, which will last from 11:00 a.m. to 4:00 p.m.

Other Business

The Section reviewed and discussed an inquiry the Board received regarding proposed utility easement.

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting was adjourned at 3:02 p.m.

Adjourn

Vickie Anglin, Chair

Demetrios J. Melis, Secretary

Professional Engineer Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Professional Engineer Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 14, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

James Kelly, Professional Engineer
Rick Townsend, Professional Engineer

Demetrios Melis, Director and Kishore Thota, Chief Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Jermaine Gray, Board Operations Administrator
Ecila Williams, Administrative Coordinator

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter

No one was present from the Office of the Attorney General.

Mr. Kelly called the meeting to order at 10:11 a.m.

Call to Order

Ms. Nosbisch advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch welcomed Ms. Williams., Mr. Gray, and Mr. Dahl.

Announcements

Ms. Nosbisch opened the floor for nominations for Chair to the Professional Engineer Section of the Regulatory Review Committee. Mr. Townsend nominated Mr. Kelly as Chair. As there were no other nominations from the floor, Ms. Nosbisch closed the nominations. Mr. Kelly seconded the motion for Mr. Kelly as Chair. Mr. Kelly accepted the nomination. Mr. Kelly was approved Chair of the Committee by: Kelly and Townsend.

**Election of
Committee Chair**

Mr. Townsend moved to approve the agenda. Mr. Kelly seconded the motion which was unanimously approved by: Kelly and Townsend.

**Approval of
Agenda**

Mr. Dahl stated that VSPE had received the notification of the Periodic Regulatory Review and that VSPE is satisfied with how the Board conducts business.

**Public Comment
Period**

Ms. Nosbisch reminded the Section about using the regulatory review matrix during their review of the professional engineer regulations.

**Regulatory Review
Matrix**

The Section began a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by reviewing 18VAC10-20-160. A long discussion took place regarding the requirements for engineer in training and professional engineer applicants.

**Professional
Engineer
Regulatory Review**

The Committee took a recess from 11:20 a.m. to 11:35 a.m.

Recess

The Committee continued review of the Board's regulations and continued with 18VAC10-20-240. A long discussion took place regarding the experience verification form be completed by a licensed professional engineer.

**Professional
Engineer
Regulatory Review
continued**

The Section scheduled their next Land Surveyor Section Regulatory Review meeting for June 20, 2023, which will last from 11:00 a.m. to 4:00 p.m.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 1:54 p.m.

Adjourn

James Kelly, Chair

Demetrios J. Melis, Secretary

Land Surveyor Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Land Surveyor Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 20, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Doyle Allen, Land Surveyor
Vickie Anglin, Land Surveyor
Mike Zmuda, Land Surveyor

Demetrios Melis, Director, Steve Kirschner, LRPD Deputy Director and Kishore Thota, Chief Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator

No one was present from the Office of the Attorney General.

Ms. Anglin called the meeting to order at 11:21 a.m.

Call to Order

Ms. Anglin advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch welcomed Ms. Williams as the new Administrative Coordinator.

Announcements

Mr. Zmuda moved to approve the agenda. Mr. Allen seconded the motion which was unanimously approved by: Allen, Anglin, and Zmuda.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Anglin reminded the Section about using the regulatory review matrix during their review of the land surveyor regulations.

**Regulatory Review
Matrix**

The Section continued a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by reviewing 18VAC10-20-370. A long discussion took place regarding minimum field procedures.

**Land Surveyor
Regulatory Review**

The Committee took a recess from 12:10 p.m. to 12:20 p.m.

Recess

The Committee continued review of the Board's regulations and continued with 18VAC10-20-370. A long discussion took place regarding defining specifically what is considered rural, urban and suburban.

**Land Surveyor
Regulatory Review
continued**

The Committee took a recess from 1:58 p.m. to 2:08 p.m.

Recess

The Committee continued review of the Board's regulations with 18VAC10-20-370. A discussion took place regarding office procedures.

**Land Surveyor
Regulatory Review
continued**

The Section scheduled their next Land Surveyor Section Regulatory Review meeting for July 12, 2023 pending everyone's ability.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 3:33 p.m.

Adjourn

Vickie Anglin, Chair

Demetrios J. Melis, Secretary

Architect Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Architect Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 22, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Tim Colley, Architect
Robert Boynton, Former Architect Board Member, SME

Demetrios Melis, Director and Kishore Thota, Chief Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Kate Nosbisch, Executive Director
Steve Kirschner, LRPD Deputy Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator

No one was present from the Office of the Attorney General.

Mr. Colley called the meeting to order at 11:04 a.m.

Call to Order

Ms. Nosbisch advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch welcomed Ms. Williams as the new Administrative Coordinator. Ms. Nosbisch informed the Section that board member April Drake resigned from her position as an Architect on the board effective immediately.

Announcements

Section approved the agenda by consensus.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Nosbisch reminded the Section about using the regulatory review matrix during their review of the architect regulations.

**Regulatory Review
Matrix**

The Section conducted a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by reviewing 18VAC10-20-110. A discussion took place regarding education, experience and references.

**Architect
Regulatory Review**

The Committee took a recess from 10:58 a.m. to 11:03 a.m.

Recess

Mr. Kirschner arrived at the meeting at 11:04 a.m.

Arrival of Staff

The Committee continued review of the Board's regulations and continued with 18VAC10-20-150. A long discussion took place regarding licensure by endorsement.

**Architect
Regulatory Review
continued**

The Committee took a recess from 11:43 a.m. to 11:55 a.m.

Recess

The Committee continued review of the Board's regulations and continued with 18VAC10-20-105. A long discussion took place regarding qualifications for licensure and alternate pathways in obtaining a license.

**Architect
Regulatory Review
continued**

Mr. Kirschner left the meeting at 1:00 p.m.

Departure of Staff

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 1:51 p.m.

Adjourn

Tim Colley, Chair

Demetrios J. Melis, Secretary

DRAFT
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA
DRAFT AGENDA

Statutory/Regulatory Review Committee of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Statutory/Regulatory Review Committee of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 23, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Vickie Anglin, Land Surveyor
Jim Kelly, Professional Engineer
Karen Reyes, Citizen Board Member
Ann Stokes, Landscape Architect
Robert Boynton, Former Architect Board Member, SME
Christopher Stone, Former Professional Engineer Board Member, SME

Demetrios Melis, Director and Kishore Thota, Chief Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Kate Nosbisch, Executive Director
Steve Kirschner, LRPD Deputy Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational
Outreach Lead for Tidewater/Hampton Roads Chapter

No one was present from the Office of the Attorney General.

Mr. Kelly called the meeting to order at 10:12 a.m.

Call to Order

Ms. Nosbisch advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch welcomed Ms. Williams as the new Administrative Coordinator.

Announcements

Ms. Stokes moved to approve the agenda. Ms. Anglin seconded the motion, which was unanimously approved by: Anglin, Kelly, Reyes, and Stokes.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Nosbisch reminded the Section about using the regulatory review matrix during their review of the architect regulations.

**Regulatory Review
Matrix**

The Section continued a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by reviewing 18VAC10-20-25. A discussion took place regarding education, experience and references.

**SRRC Regulatory
Review**

Mr. Kirschner arrived at the meeting at 10:50 a.m.

Arrival of Staff

The Committee took a recess from 11:27 a.m. to 11:40 a.m.

Recess

The Committee continued review of the Board's regulations and continued with Part VIII. A long discussion took place business entity and branch office language.

**SRRC Regulatory
Review continued**

The Committee took a recess from 1:10 p.m. to 1:20 p.m.

Recess

The Committee continued review of the Board's regulations and continued with Part X. A discussion took place regarding standards of practice and conduct.

**SRRC Regulatory
Review continued**

Mr. Kirschner left the meeting at 1:21 p.m.

Departure of Staff

Mr. Frank Hancock III arrived at the meeting at 1:58 p.m.

**Staff Arrival of
Board Member**

The next Section meeting is scheduled for Friday, August 4, 2023 at 10:00 AM.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:36 p.m.

Adjourn

Jim Kelly, Chair

Demetrios J. Melis, Secretary

DRAFT
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA
DRAFT AGENDA

Landscape Architect Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Landscape Architect Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 23, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Frank Hancock III, Landscape Architect
Ann Stokes, Landscape Architect

Demetrios Melis, Director, Kishore Thota, Chief Deputy Director, and Steve Kirschner, LRPD Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator

No one was present from the Office of the Attorney General.

Ms. Nosbisch called the meeting to order at 2:41 p.m.

Call to Order

Ms. Nosbisch advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Nosbisch welcomed Ms. Williams as the new Administrative Coordinator.
Mr. Hancock was nominated as chair and accepted the position.

Announcements

Ms. Stokes moved to approve the agenda. Mr. Hancock seconded the motion which was unanimously approved by: Stokes and Hancock

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

Ms. Nosbisch reminded the Section about using the regulatory review matrix during their review of the land surveyor regulations.

**Regulatory Review
Matrix**

The Section conducted a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by reviewing 18VAC10-20-400. A long discussion took place regarding alternative pathways in obtaining licensure and creating a education/experience pathway chart.

Landscape
Architect
Regulatory Review

There was no other business.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Committee members present.

Conflict of Interest
Forms / Travel
Vouchers

There being no further business, the meeting was adjourned at 4:24 p.m.

Adjourn

Frank Hancock III, Chair

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Land Surveyor Section of the
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Land Surveyor Section of the of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on July 12, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Doyle Allen, Land Surveyor
Vickie Anglin, Land Surveyor
Kevin Shreiner, Land Surveyor
Mike Zmuda, Former Land Surveyor Board Member, SME

Demetrios Melis, Director and Kishore Thota, Chief Deputy Director were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator

No one was present from the Office of the Attorney General.

Ms. Anglin called the meeting to order at 10:04 a.m.

Call to Order

Ms. Anglin advised the Section of the emergency evacuation procedures. Ms. Nosbisch advised the Section of the 911 Procedures

Emergency Evacuation

Announcements

Ms. Nosbisch announced that Mr. Zmuda is no longer a Board Member for the Section. Mr. Zmuda will serve as a subject matter expert. Ms. Nosbisch welcomed Mr. Shreiner as the newest Board Member replacing Mr. Zmuda.

Ms. Anglin made a comment of the application process and would like to review the process more in depth.

Mr. Allen moved to approve the agenda. Mr. Shreiner seconded the motion which was unanimously approved by: Allen, Anglin, and Shreiner.

Approval of Agenda

There was no public comment.

**Public Comment
Period**

Ms. Anglin reminded the Section about using the regulatory review matrix during their review of the land surveyor regulations.

**Regulatory Review
Matrix**

The Section continued a line-by-line review of the regulations using the Regulatory Review Matrix Flowchart to determine the relevance of each regulation. The Section began by continuing the review of 18VAC10-20-370. Discussions took place on office procedures and minimum standards and procedures for surveys determining the location of physical improvements as they reviewed review of 18VAC10-20-380.

**Land Surveyor
Regulatory Review**

Mr. Kirschner arrived at the meeting at 10:50 a.m.

Arrival of Staff

The Committee took a recess from 11:10 a.m. to 11:18 a.m.

Recess

The Committee continued review of the Board's regulations and continued with 18VAC10-20-380. A discussion took place regarding defining physical improvements.

**Land Surveyor
Regulatory Review
continued**

The Committee took a recess from 11:54 a.m. to 12:05 p.m.

Recess

The Committee continued review of the Board's regulations with 18VAC10-20-382. A discussion took place regarding minimum standards and procedures for surveys determining topography, geodetic surveys, photogrammetric surveys and standard of care and completed the regulatory review at 18VAC10-20-395.

**Land Surveyor
Regulatory Review
continued**

Mr. Kirschner departed the meeting at 12:48 p.m.

Departure of Staff

The Section meeting scheduled for July 14, 2023, was canceled due to completion of the regulatory review.

Other Business

Mr. Allen suggested standardizing what is substantially/equivalent when reviewing applications. Ms. Nosbisch stated that this item will be added to the next APELSCIDLA meeting agenda on August 9th, 2023.

Conflict of Interest forms and travel vouchers were completed by all Committee members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:21 p.m.

Adjourn

Vickie Anglin, Chair

Demetrios J. Melis, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation of official board position
DRAFT AGENDA

➤ **Public Comment**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ Resolutions

- **April Drake**
- **Mike Zmuda**
- **Hypatia Alexandria**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Landscape Architects**

○ **CLARB Update**

- **CLARB Certification Revised to Align with the Uniform Standard- Emailed March 16, 2023**

- **May's "In the Know:" Hear from ICOR CEOs – Emailed April 27, 2023 and May 12, 2023**

○ **LARE**

- **Review of the LARE- Emailed May 30, 2023**

DRAFT AGENDA
Materials combined in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ Professional Engineers

○ NCEES Update

- NCEES combined zone interim meeting- candidates for zone office- Emailed March 22, 2023
- Reminder: NCEES seeks licensed engineers' professional expertise and advice- Emailed March 27, 2023
- Sent on Behalf of Oklahoma Board Member Aaron Morris-SZ AVP Candidate- March 28, 2023
- NCEES- Emailed April 6, 2023
- Looking Forward to Seeing You at the All-Zone Meeting in Houston – Candidate for 2023 NCEES National Treasurer – Emailed April 10, 2023
- Correction on URL in Previous Email – Emailed April 10, 2023
- NCEES Zone Meeting – Dr. Sina Nejad, PE, Peng, for Assistant Vice President – Emailed April 10, 2023
- Dr. Sina Nejad, PE, Peng – Emailed April 14, 2023

- **ANS Letter to Engineering Member Boards- Emailed May 24, 2023**
- **NCEES seeks licensed engineers' professional expertise and advice- Emailed June 12, 2023**
- **NCEES seeks licensed engineers' professional expertise and advice- Emailed June 26, 2023**
- **Reminder- Virtual Law Enforcement Forum: Responsible Charge and Supervision starts in 1 day- Emailed June 27, 2023**
- **NCEES Committee Assignment- emailed July 7, 2023**
- **Action Items and Conference Reports available now- Emailed July 7, 2023**
- **NCEES Booklets:**
 - **2022 Squared**
 - **Minutes and Reference Material, 101st Annual Meeting**
 - **2022 Annual Report**



MOTIONS TO BE PRESENTED AT THE 2023 ANNUAL MEETING

Special Committee on Bylaws (4 motions)

Bylaws Motion 1

Move that *Bylaws* 4.05 be amended as follows:

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed professional engineer, ~~or licensed professional~~ surveyor, or public member; shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired during their term as NCEES Treasurer or Vice-President may run for President-Elect if

- ~~• Their term on their state board has expired during their term as NCEES Treasurer or Vice President;~~
- They have obtained emeritus standing within the Council, ~~they have the approval of their state board; and~~
- They have the approval of their Member Board; and
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer, ~~or licensed professional~~ surveyor, or public member and shall be from the zone that elects him or her.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 4.05 as presented by ACCA and approved by the Council at the 2022 annual meeting. The amendment is to clarify the eligibility of members of the board of directors to run for president-elect and to modify the qualifications for the offices of president-elect and zone vice president to include public members as eligible to serve in that capacity.

Board of directors' position

Endorses, consent agenda

Bylaws Motion 2

Move that *Bylaws* 3.021 be amended as follows:

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor at meetings of the Council. Associate Members may serve on any committee or task force to which duly appointed under the *Bylaws*. Associate Members are

eligible to hold the elective office of zone Secretary-~~Treasurer~~ but are not eligible to serve on the NCEES Board of Directors.

Rationale

Monies for each zone meeting are now handled through the budget approval process. Therefore, the sole duty of the zone officer currently titled “Secretary-Treasurer” is to act as the secretary for the zone. The title change is proposed to reflect the duties of the office, which no longer include handling zone financial affairs or submitting financial statements.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 3

Move that *Bylaws* 3.09 be amended as follows:

Section 3.09 Zone Organization. Each zone shall adopt the *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in conformity to the *NCEES Bylaws*.

Each zone shall submit copies of its minutes to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all duties of the Vice President in the event that the Vice President is unable to perform for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

Each zone shall elect a Secretary-~~Treasurer~~. Members and associate members shall be eligible to hold the office of Secretary-~~Treasurer~~. The Secretary-~~Treasurer~~ shall keep and have published zone minutes and maintain records of zone activities.

Administration of the financial affairs of the zone shall be consistent with those of the Council as governed by the Council’s Articles of Incorporation and the *Bylaws*.

Rationale

Monies for each zone meeting are now handled through the budget approval process. Therefore, the sole duty of the zone officer currently titled “Secretary-Treasurer” is to act as the secretary for the zone. The title change is proposed to reflect the duties of the office, which no longer include handling zone financial affairs or submitting financial statements.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 4

Move that *Bylaws* 11.04 be amended as follows:

Section 11.04 Election of Vice Presidents. Vice Presidents from the Southern and Northeast Zones shall be elected at their Zone Interim Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Zone Interim Meeting in even-numbered years.

The Secretary-~~Treasurer~~ of the zone shall file with the Chief Executive Officer the name of the zone-elected Vice President and Assistant Vice President not less than 60 days prior to the opening of the Annual Business Meeting of the Council.

Rationale

Monies for each zone meeting are now handled through the budget approval process. Therefore, the sole duty of the zone officer currently titled “Secretary-Treasurer” is to act as the secretary for the zone. The title change is proposed to reflect the duties of the office, which no longer include handling zone financial affairs or submitting financial statements.

Board of directors’ position

Endorses, consent agenda

Advisory Committee on Council Activities (2 motions)

ACCA Motion 1

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 3.021:

Section 3.021 Associate Members. An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Member Board Administrators shall automatically be designated as an associate member. Recommendations for other associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor at meetings of the Council. Associate Members may serve on any committee or task force to which duly appointed under the *Bylaws*. Associate Members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

Rationale

MBAs are a vital part of NCEES, and almost every MBA is named an associate member in due course. This change would streamline the process for designating MBAs associate members. Other member board staff who wish to be designated associate members would need to continue to go through the formal process.

Board of directors' position

Endorses, consent agenda

ACCA Motion 2

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* Section 4.05:

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed professional engineer, licensed professional surveyor, or public member; shall have been a member of NCEES at least three years; and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired during their term as NCEES Treasurer or Vice President may run for President-Elect if

- They have obtained emeritus standing within the Council; and
- They have the approval of their Member Board; and
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer, licensed professional surveyor, or public member and shall be from the zone that elects him or her.

Rationale

ACCA believes that once a member board member is elected zone vice president or treasurer, they should be able to continue through the entire leadership pathway (vice president/treasurer, president-elect, president, and immediate past president) even if their term on their member board expires prior to the end of this pathway.

Board of directors' position

Endorses, non-consent agenda

Committee on Education (3 motions)

Education Motion 1

Move that the NCEES Surveying Education Award program be modified to include two-year programs offering surveying education through articulation agreements with four-year college/university programs.

Rationale

The committee feels that two-year programs that lead to a four-year degree in surveying, geomatics, etc., should be recognized for their work through the NCEES Surveying Education Award program. The committee requests that staff develop the program and bring a recommendation back to the committee as soon as possible.

Financial impact

The estimated budget impact is \$50,000 per year.

Board of directors' position

Endorses, consent agenda

Education Motion 2

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 240.30 B*:

240.30 Continuing Professional Competency

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
 - a. The term “contact hour” is defined as a minimum of 50 minutes of course/activity.
 - b. The total number of hours allowed for a course/activity cannot exceed the actual number of clock hours.
2. Ethics Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts, (2) an enhanced familiarity with the codes of conduct, or (3) an understanding of standards of practice or care.
34. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee’s field and methods of practice.
45. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours in an approved continuing education course.
56. College Semester/Quarter Hour—Credit for course in ABET-accredited programs or other related college course approved in accordance with subsection E of this section.
67. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice. Regular duties are not considered qualified activities.
78. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

Rationale

The definitions contained within *Model Rules 240.30 B* are accurate; the committee is only proposing revisions to define ethics separately from business-related courses. The committee noted that several jurisdictions require an ethics course as part of continuing education requirements for license renewal, and separating the definitions will make it clear that such a course should be in ethics and not business practices.

Board of directors' position

Endorses, consent agenda

Education Motion 3

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating amendments to *Model Rules* 240.30 to accommodate the following definition for the NCEES Continuing Professional Competency Standard:

240.30 Continuing Professional Competency

I. NCEES CPC Standard Definition

The NCEES CPC Standard requires a licensee to obtain the equivalent of 15 PDHs per calendar year (January 1–December 31) with no carryover allowed. A minimum of 1 PDH of the 15 PDHs shall be earned by successfully completing a course or activity that has a content area focusing on engineering or surveying ethics.

Rationale

The *Model Rules* and *CPC Guidelines* reference the NCEES CPC Standard, but a search of the NCEES website is required to find the standard. The committee believes that incorporating the standard's definition in the *Model Rules* will make it easier for jurisdictions to use and reference.

Board of directors' position

Endorses, non-consent agenda

Committee on Examination Policy and Procedures (10 motions)

EPP Motion 1

Move that Exam Development Policy 2 be amended as follows:

EDP 2 Examination Quality Development Standards

The goal of the NCEES examinations program shall be for the development, use, and scoring of examinations prepared by, or under control of, NCEES to comply with the current edition of *Standards for Educational and Psychological Testing*—as published jointly by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education—or other nationally accepted standards.

Rationale

The committee believes this policy deals with more topics than just exam quality and that a broader title provides more clarity.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that Exam Development Policy 3 be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

B. Principles and Practice of Engineering Examinations

The Principles and Practice of Engineering examinations shall be offered in the following disciplines and shall be open-book, via pencil-and-paper examinations or offered closed-book via CBT with supplied references as defined in EAP 4:

24. Structural

The PE Structural examination shall consist of two components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. The PE Structural examination and shall be considered and referred to as one examination.

D. Examination Item Banks

Examination items for all examinations shall be maintained either at NCEES headquarters or at an

offsite testing service that is able to demonstrate insurance, bond, or reserve to cover the pecuniary liability for the items should the items be compromised, lost, or damaged by the testing service.

1. At the time an exam development committee releases a linear, ~~fixed-~~ form (LFF) exam to be published, the exam item bank shall contain sufficient operational items to create three times the number of exam forms available to examinees in a testing window.
2. At the time an exam development committee releases a pool of items to be published for linear-on-the-fly testing (LOFT), the pool shall contain, at a minimum, the number of operational items required to create three unique, non-overlapping exam forms. At the time of publishing, the exam item bank shall have sufficient operational items to create two additional pools of similar composition. Pool size ~~will~~ shall be determined by the psychometric consultant per the criteria listed in the NCEES *Exam Development Procedures Manual*.

F. Exam Preparation Material Development

Exam preparation material shall be developed for each NCEES examination. This material shall ~~provide~~ include both a standard reference handbook and sample questions and solutions on each major topic area sufficient to provide candidates with a sense of the structure, scope, and difficulty of the examination. ~~Exam preparation material shall remain current and be available six months prior to the administration of an examination.~~ Standard reference handbooks shall be made available to candidates six months prior to the exam administration during an exam re-specification year and a minimum of three months prior to the exam administration during a standard exam administration year. Sample questions and solutions materials shall remain current and be available six months prior to the administration of an examination during a re-specification year.

Rationale

The committee felt that this policy included extraneous information regarding the PE Structural exam. While no other exam has multiple components and it is important to clarify terminology, the additional information, although correct, is unnecessary and should be eliminated for clarity and consistency.

After consulting with NCEES staff responsible for the dissemination of exam preparation material, the committee felt revisions were required to include the standard reference handbook and a minimum delivery time for these materials.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that Exam Development Policy 4 be amended as follows:

EDP 4 Entry of New Discipline or Depth Module or Reinstatement of PE Examination Status

A. Accreditation Requirement

No discipline shall be added or reinstated to the examination program unless there is an EAC/ABET-accredited program ~~in the discipline that offers an undergraduate degree program or there is a graduate degree program focused on the examination topic area.~~

B. Professional or Technical Society Involvement

No discipline shall be added or reinstated unless a national professional or technical society agrees to support the examination. All professional or technical societies that support examinations shall sign an agreement with NCEES delineating the responsibilities of both parties.

C. Member Board Requirement

Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction by each providing a letter of support for the new discipline or depth module in accordance with paragraph D. A request older than four years must be reaffirmed by the member boards.

D. Letters of Support

All ~~R~~ requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that

additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module. The estimate of usage shall include the methodology used to derive that estimate.

DE. Minimum Number of Exam Candidates

No discipline or depth module shall be added or reinstated to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question ~~is composed of~~ comprises a unique ~~set~~ body of knowledges important for safeguarding the health, safety, and welfare of the public.

EF. CBT Format

The request shall include a plan to develop the exam in CBT format.

FG. Notification to Member Boards

Member boards shall be notified one year in advance of the addition or reinstatement of any discipline or depth module to the PE examination program.

H. Requests to Divide an Existing Examination

Requests to divide an existing examination into multiple examinations shall be made to the Committee on Examinations for Professional Engineers (EPE). Requests shall include proof of such need in accordance with sections A–D of this policy.

Rationale

These changes align the language of EDP 4 and EDP 9 to clarify the expectations of supporting member boards. Specifically, the changes clarify the types of degrees required and that, while local support is valued, broad technical or professional society involvement is required. It also incorporates language previously contained in EDP 6 for clarity and consistency.

Board of directors' position

Endorses, consent agenda

EPP Motion 4

Move that Exam Development Policy 5 be amended as follows:

EDP 5 Adoption of a New Discipline-Specific FE Examination

A. Accreditation Requirement

No discipline-specific FE examination shall be added to the examination program unless there is an EAC/ABET-accredited program in the discipline.

B. Member Board Requirement

A Requests for ~~the a~~ discipline-specific FE examination must be made by no fewer than 10 member boards collectively who can each demonstrate a need for that discipline in their jurisdiction. Requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public. Proof of such need shall include evidence that knowledge areas and skills are not adequately measured in an existing FE examination and evidence that those knowledge areas and skills required for the discipline are sufficient to support a new FE examination. The estimate of usage shall include the methodology used to derive that estimate.

C. Notification to Member Boards

Member boards shall be notified at least one year in advance of the addition of any discipline-specific ~~module to the~~ FE examination ~~program~~.

Rationale

These changes align the language of EDP 4 and EDP 5 and clarify the expectations of supporting member boards.

Board of directors' position

Endorses, consent agenda

EPP Motion 5

Move that Exam Development Policy 6 be deleted.

EDP 6 Dividing an Existing Examination into Multiple Examinations

Requests to divide an existing examination into multiple examinations should be made to the Committee on Examinations for Professional Engineers (EPE) or the Committee on Examinations for Professional Surveyors (EPS). Requests shall include proof of such need (PAKS), estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Requests shall include evidence that knowledge areas and skills required for the discipline are sufficient to support separate examinations. The EPE/EPS Committee will perform due diligence with regard to the request and make a recommendation to the board of directors for action. Requests to create an examination for which there are no existing depth modules shall comply with EDP 5.

Rationale

EDPs 4–7 deal with similar topics. After considering them together, the committee determined that EDP 6 addresses creating a new examination by dividing an existing examination, and therefore its contents would be more appropriately incorporated within EDP 4 and EDP 9.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

Move that Exam Development Policy 7 be amended as follows:

EDP 7 Deleting/Combining/Renaming a Discipline or Module from the Examination Program

B. Deleting/Combining CBT Examinations

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee and the supporting technical society to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.
3. Place the examination, section, or module on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include ~~the combination of the examination with another examination or other~~ such action as the EPP Committee deems appropriate.
4. Discontinue the examination, section, or module.
5. Combine the examination, section, or module with another examination, section, or module.

C. Request to Delete an Examination, Section, or Module

If an NCEES committee, technical society, or other group desires to have an examination, section, or module deleted, it should make a request to the EPE/EPS Committee. The EPE/EPS Committee ~~will~~ shall review the request and make a recommendation to the board of directors.

Rationale

The committee proposes adding the term “section,” as used in the computer-based PE Structural examination, to clarify that the combination of an examination, section, or module can be a separate outcome and not strictly associated with placing the examination, section, or module on probation.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that Exam Development Policy 9 be amended as follows:

EDP 9 Adoption of a New Depth Module or Division of an Existing Examination into Multiple Examinations for the PS Examination

A. Member Board Requirement

Requests for depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the depth module in their jurisdiction. A request older than four years must be reaffirmed by the member boards. Requests shall include proof of such need, an estimate of usage, and the impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new module. The estimate of usage shall include the methodology used to derive that estimate.

B. Minimum Number of Exam Candidates

No discipline or depth module shall be added or reinstated to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question ~~is composed of~~ comprises a unique ~~set~~ body of knowledges important for safeguarding the health, safety, and welfare of the public.

F. Requests to Divide an Existing Examination

Requests to divide an existing examination into multiple examinations shall be made to the Committee on Examinations for Professional Surveyors (EPS). Requests shall include proof of such need in accordance with paragraphs A and B of this policy.

Rationale

These changes align the language of EDP 4 and EDP 9 to clarify the expectations of supporting member boards.

Board of directors' position

Endorses, consent agenda

EPP Motion 8

Move that Exam Development Policy 10 be amended as follows:

EDP 10 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

C. Restriction on Teaching Refresher Courses

Any person serving on an NCEES examination development committee or involved in a pass-point evaluation panel shall not teach a refresher course related to the preparation for that examination within three years after of serving on the committee or panel.

Rationale

EDP 10 was reexamined after amendments were approved at the 2022 NCEES annual meeting. The intention is not to prohibit these individuals from teaching normal coursework that would naturally prepare a candidate for an exam as part of their regular education but to prohibit teaching a specific class expressly designed to help a candidate prepare for the exam. Adding the word “refresher” back returns clarity to this policy’s intent.

Board of directors' position

Does not endorse, non-consent agenda

Board of directors' rationale

The board is not endorsing the motion because it feels that the term “refresher” is too limiting and that a more comprehensive description for courses taught specifically to aid someone in passing an NCEES examination is needed.

EPP Motion 9

Move that Exam Administration Policy 2 be amended as follows:

EAP 2 Examination Schedules

A. ~~Pencil and Paper Examinations~~

~~A schedule of examination dates shall be published for the PE Structural examination, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. NCEES will administer examinations in the published timeframes or on the published dates as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff. The examination dates should avoid conflicts with public and religious holidays.~~

~~NCEES will schedule and administer the PE Structural examination on the published dates. The Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component will be administered on subsequent days.~~

Any request for a deviation from this policy must be submitted within the prescribed lead time to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. ~~CBT Examinations~~

~~NCEES will administer CBT examinations in the published timeframes or on the published dates as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.~~

Rationale

These changes eliminate language that is not needed today and will not be needed after the conversion of the PE Structural examination to computer-based testing.

Board of directors' position

Endorses, consent agenda

EPP Motion 10

Move that Exam Administration Policy 8 be amended as follows:

EAP 8 Release and Use of Examination Results

D. Structural Engineering Examinations (Pencil-and-Paper Examinations)

~~For the PE Structural examination, a candidate may sit for either component in separate exam administrations but must receive acceptable results on both components within a five-year period in order to pass the examination.~~

A component results notice will be transmitted to the member board for each administration in which a candidate takes a component. Receiving an acceptable result on only one 8-hour component shall not be sufficient for any licensure purposes. After a candidate has received an acceptable result on both components, an examination pass notice will be transmitted to the member board to indicate that the candidate has passed the PE Structural examination.

E. Structural Engineering Examinations (CBT)

~~A section results notice will be transmitted to the member board for each administration in which a candidate takes a section. Receiving an acceptable result on only one section shall not be sufficient for any licensure purposes. After a candidate has received an acceptable result on all sections, an examination pass notice will be transmitted to the member board to indicate that the candidate has passed the PE Structural examination.~~

F. Release to Universities and Colleges

NCEES may provide directly to a university or college FE or FS examination data that will help measure learning outcomes of the total engineering or surveying education.

Rationale

For 2023–24, the PE Structural exam will be administered in both pencil-and-paper and computer-based formats. Additional language is needed to delineate how these results will be transmitted to accurately reflect the terminology related to components versus sections.

The committee reviewed the five-year time period requirement for PE Structural examinees to achieve acceptable results on all portions of the exam and determined that it should be eliminated to make it consistent with other PE examinations.

Board of directors' position

Endorses, consent agenda

Committee on Examinations for Professional Surveyors (1 motion)

EPS Motion 1

Move that NCEES develop a Public Land Survey System module to be used in conjunction with the Principles and Practice of Surveying examination for jurisdictions that require such an exam.

Rationale

[Rationale is not yet finalized.]

Financial impact

Expenses related to developing the PLSS module in 2023–24 would be \$51,900.

Board of directors' position

Does not endorse, non-consent agenda

Board of directors' rationale

[Rationale is not yet finalized.]

Committee on Finances (4 motions)

Finance Motion 1

Move that the adoption of the 2023–24 operating budget as shown in **Appendix B** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 2

Move that the adoption of the 2023–24 capital budget as shown in **Appendix C** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda

Finance Motion 3

Move that Financial Policy 1C be amended as follows:

FP 1 Council Funds

C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a level sufficient for each of the following:

1. A designated reserve equal to a minimum amount of ~~100~~75 percent of the annual operating budget
2. A designated exam breach reserve equal to the computed cost of a probable or potential exam breach based on the current approved item replacement costs
3. A data breach reserve equal to the anticipated costs of such an incident, including lost revenue during recovery, less insurance provisions
4. A building reserve for long-range capital improvements and ~~replacements for the NCEES headquarters building~~ [system and/or component replacements](#)

Rationale

The committee recommends that the current language in FP 1C be revised to reflect the financial changes to the reserve provisions and to clarify the intent of the NCEES headquarters building reserve.

Board of directors' position

Endorses, consent agenda

Finance Motion 4

Move that Financial Policy 6 be amended to add the Public Land Survey System module for the Principles and Practice of Surveying exam at a price of \$325, effective January 1, 2025.

Rationale

Implementation of the PLSS module for the PS exam will require an exam price.

Board of directors' position

Endorses, consent agenda

Committee on Law Enforcement (1 motion)

Law Enforcement Motion 1

Move that the following paragraph be added to Financial Policy 3:

FP 3 Travel Expenses

F. Approved Law Enforcement meetings

1. Members of the current NCEES board of directors as authorized by the president
2. A designated enforcement person from each member board

Financial impact

Assuming that one individual each from 30 member boards would attend the Law Enforcement Program at the NCEES annual meeting, the financial impact would be approximately \$60,400. This total includes travel, hotel, funding check, parking, and other meeting expenses.

Rationale

The Law Enforcement Program at the annual meeting includes a forum and workshop that provide important learning and collaboration opportunities for individuals involved in enforcement issues. Thus, funding someone designated by the board to handle enforcement issues is highly recommended. The proposed amendment to FP 3 mirrors the policy language for approved member board administrator meetings (paragraph E of FP 3), which provides funding for the MBA Meeting.

Board of directors' position

Endorses, consent agenda

Committee on Uniform Procedures and Legislative Guidelines (27 motions)

UPLG Motion 1

Move that the term "certificate of licensure" used throughout the *Model Law* and *Model Rules* be replaced with the term "license" and that NCEES staff be directed to make the modifications when the model documents are revised after the 2023 NCEES annual meeting.

Rationale

UPLG believes that the term "certificate of licensure" more closely relates to a printed or paper document, rather than a credential. Therefore, there are several places where the term could simply be replaced with "license." It should be noted when the existing language is referring to a printed or paper document, that change is not necessarily needed.

This one motion will allow the change to be made without having separate motions to make the edit each time the term is used.

Board of directors' position

Endorses, consent agenda

UPLG Motion 2

Move that the terms “licensed engineer” and “licensed surveyor” used throughout the *Model Law* and *Model Rules* be replaced with the terms “professional engineer” and “professional surveyor” respectively and that NCEES staff be directed to make the modifications when the model documents are revised after the 2023 NCEES annual meeting.

Rationale

UPLG feels that the definitions for “professional engineer” and “professional surveyor” specify that individuals are licensed and, therefore, proposes the motion above for consistency throughout the model documents. This one motion will allow the changes to be made without having separate motions to make edits each time the terms are used.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Law* 110.20 A be amended as follows:

110.20 Definitions

A. Professional Engineer

- ~~1. Engineer—The term “Engineer,” within the intent of this Act, shall mean an individual who is qualified to practice engineering by reason of engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data.~~
- ~~2. Professional Engineer—The term “Professional Engineer,” as used in this Act, shall mean an individual who is qualified to practice engineering by reason of engineering education, training, experience, and examination in the application of engineering principles and the interpretation of engineering data and who has been duly licensed as a professional engineer by the board. The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.~~

Rationale

The term “professional engineer” is used throughout the model documents, and the term “engineer” by itself is not used. Since this model document is for licensure, the term “engineer” should be eliminated and the definition of “professional engineer” revised as shown in the motion. The remaining definitions (currently A.3–6) will be reorganized as necessary to align with this revision.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Law* 110.20 A be amended as follows:

110.20 Definitions

5. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities, including the engineering design of buildings, structures, products, machines, processes, and systems, that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; ~~teaching engineering design courses~~ commissioning of engineered systems; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering ~~excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or~~

[resurveys of the public land survey system is limited to conducting field measurements to supplement the documentation of existing conditions.](#)

An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional engineer under this Act

Rationale

The revision has several parts. First, *Model Law* 170.20, Engineered Products and Systems, has been moved into this definition. Second, to address Charge 4, the committee used Position Statement 29, Commissioning of Engineered Systems, as the basis for adding engineered system commissioning to the definition. Third, while having the teaching of engineering design courses be part of the practice of engineering may be desirable, in practice this does not appear to be happening in universities across the country, making enforcement nearly impossible. And last, surveying incidental to the practice of engineering has been amended from what is excluded to what is allowed.

Board of directors' position

Endorses, non-consent agenda

UPLG Motion 5

Move that *Model Law* 110.20 B be amended as follows:

110.20 Definitions

B. Professional Surveyor (Professional Land Surveyor, Professional Surveyor and Mapper, Geomatics Professional, or equivalent term)

1. ~~Professional Surveyor~~—The term “Professional Surveyor,” as used in this Act, shall mean an individual [who is qualified to practice surveying by reason of surveying education, training, experience, and examination in the application of surveying principles and the interpretation of surveying data and](#) who has been duly licensed as a professional surveyor by the board ~~established under this Act and who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to surveying of real property, and engaged in the practice of surveying as herein defined.~~

Rationale

The term “professional surveyor” was modified to make it similar to the definition of “professional engineer.” The section that was removed from the definition of “professional surveyor” is included in the “practice of surveying” definition later in the same section. The remaining definitions (currently B.2–5) will be reorganized as necessary to align with this revision.

Board of directors' position

Endorses, consent agenda

UPLG Motion 6

Move that *Model Law* 110.20 J be amended as follows:

110.20 Definitions

J. Signature—The term “Signature,” as used in this Act, shall ~~be in accordance with the Rules~~ [mean a name, mark, or writing made by the professional engineer or professional surveyor at their direction used with the intention of verifying or authenticating a document.](#)

[Electronic or Digital Signature—The term “Electronic or Digital Signature” shall mean an electronic sound, symbol, process, or secure digital code that uniquely identifies and authenticates the sender, attached to or logically associated with an electronically transmitted record and executed or adopted by a person with the intent to sign the record.](#)

Rationale

The committee found that the term “signature” was not defined in the *Model Rules* and believes that the best place to define it is in the Definitions section of the *Model Law*.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 7

Move that *Model Law* 110.20 N be amended as follows:

110.20 Definitions

N. Authoritative—The term “Authoritative,” as used in this Act or Rules promulgated under this Act, shall mean being presented as trustworthy and competent when used to describe products, processes, applications, or data, resulting-derived from the practice of surveying, that results in a description that meets or exceeds the positional accuracy for the location of a feature, object, or boundary.

Rationale

UPLG is proposing these revisions to help to clarify the definition of “authoritative.”

Board of directors’ position

Endorses, consent agenda

UPLG Motion 8

Move that *Model Law* 110.20 O be amended as follows:

110.20 Definitions

O. Disciplinary Action—The term “Disciplinary Action,” as used in this Act, shall mean any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board’s laws and rules. Disciplinary actions include reprimands; sanctions; administrative fines; the board’s refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; surrendering, relinquishing, or agreeing not to renew the license as part of an agreement or board order; or any combination thereof.

Rationale

The definition for “disciplinary action” was revised based on the motion put forth by the Committee on Law Enforcement (Motion 2) and passed at the 2022 annual meeting. The amendment was presented to provide examples of disciplinary actions to clarify the definition.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 9

Move that *Model Law* 120.20 be amended as follows:

120.20 Board Qualifications

Each professional engineer member of the board shall be a citizen of the United States and a resident of this jurisdiction. He or she shall have been engaged in the lawful practice of engineering as a professional engineer for at least 12 years, shall have been in responsible charge of engineering projects for at least five years, and shall be a licensed professional engineer in this jurisdiction.

Each professional surveyor member of the board shall be a citizen of the United States and a resident of this jurisdiction. He or she shall have been engaged in the lawful practice of surveying as a professional surveyor for at least 12 years, shall have been in responsible charge of surveying projects for at least five years, and shall be a licensed professional surveyor in this jurisdiction.

Each public member of the board shall be a citizen of the United States and a resident of this jurisdiction and shall not be or have been a licensee.

Rationale

The revisions are to make this section more in line with current practice in some jurisdictions. Practicing as a professional for 12 years before board consideration could be viewed as an unnecessary barrier to getting newer licensees appointed to a jurisdiction's board. The committee felt this change would allow for a younger person to be considered for the board while still maintaining that the professional engineer or surveyor has been in responsible charge for at least five years.

Board of directors' position

Endorses, non-consent agenda

UPLG Motion 10

Move that *Model Law* 120.60 B be amended as follows:

120.60 Board Powers

B. In carrying into effect the provisions of this Act, the board may subpoena witnesses and compel their attendance and may ~~also~~ require the submission of ~~books, papers, documents, or other~~ pertinent records and data, in any disciplinary matter, or in any case wherever a violation of this Act is alleged. Upon failure or refusal to comply with any such order of the board or upon failure to honor its subpoena, as herein provided, the board may apply to a court of competent jurisdiction to enforce compliance with same.

Rationale

The revisions are to make this section more in line with current practice and for clarity.

Board of directors' position

Endorses, consent agenda

UPLG Motion 11

Move that *Model Law* 130.10 B be amended as follows:

130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering, signifying the area in which the engineer has demonstrated competence.

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

Rationale

The addition of this language is for jurisdictions that license by discipline.

Board of directors' position

Endorses, consent agenda

UPLG Motion 12

Move that *Model Law* 130.10 B be amended as follows:

130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

a. Initial Licensure as a Professional Engineer

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination, as described below and any jurisdiction-specific examination.

~~(a) The FE examination may be taken by a college senior or graduate of an engineering program of four years or more accredited by EAC/ABET, of a program that meets the~~

~~requirements of the NCEES *Engineering Education Standard*, or of an engineering master's program accredited by EAC/ABET.~~

~~(b) The PE examination may be taken by an engineer intern.~~

Rationale

With most jurisdictions allowing automatic approval for the Fundamentals of Engineering (FE) examination, these changes reflect the fact that the exam could be taken by someone who is a junior or below, even if the best chance to pass the examination is during a senior year in college. This change also eliminates some confusion as to when individuals may take the FE examination when they do not hold a degree from an ABET-accredited program but do meet the NCEES *Engineering Education Standard*. To truly decouple education, examination, and experience requirements, the other deletions are necessary, and education requirements are already noted in B.2.a(1).

Model Law Appendix D, Model Language for Member Boards that License Structural Engineers, will also be revised as appropriate by staff if these revisions are adopted.

Board of directors' position

Endorses, consent agenda

UPLG Motion 13

Move that *Model Law* 130.10 C be amended as follows:

130.10 General Requirements for Licensure

C. Surveying

1. Certification or Enrollment as a ~~Surveyor~~ Surveying Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification ~~or enrollment~~ as a ~~surveyor~~ surveying intern.

- a. Graduating from a surveying program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), ~~or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET);~~ graduating from a program of four or more years related to surveying with 30 or more semester course hours in core surveying topics; or meeting the requirements of the NCEES *Surveying Education Standard*
- ~~b. Graduating from a program related to surveying of four years or more as approved by the board and with a specific record of two years of progressive experience in surveying~~
- b. Passing the NCEES Fundamentals of Surveying (FS) examination
- ~~e. Graduating from a program of four years or more as approved by the board and with a specific record of four years of progressive experience in surveying~~

In addition to satisfying one of the above requirements, the applicant shall pass the NCEES Fundamentals of Surveying (FS) examination.

2. Licensure as a Professional Surveyor

- a. Initial Licensure as a Professional Surveyor

~~A surveyor intern with a specific record of four years or more of combined office and progressive field experience satisfactory to the board in surveying under the supervision of a professional surveyor shall be admitted to the NCEES Principles and Practice of Surveying examination and any required state specific examinations. Upon passing these examinations, the applicant shall be licensed as a professional surveyor, if otherwise qualified.~~

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional surveyor.

(1) Education Requirements

An individual seeking licensure as a professional surveyor shall possess one or more of the following education qualifications (a degree in surveying includes surveying, surveying engineering, mapping, geodesy, and geomatics):

- (a) A degree in surveying of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)

- (b) A degree in surveying of four years or more accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
- (c) A degree in surveying of four years or more accredited by the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET)
- (d) A degree related to surveying of four years or more with 30 or more semester course hours in core surveying topics
- (e) A bachelor's, master's, or doctoral degree from a non-accredited program related to surveying. This individual's education must be shown to meet the NCEES *Surveying Education Standard*.

(2) Examination Requirements

An individual seeking licensure as a professional surveyor shall take and pass the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination, and any jurisdiction-specific examination.

(3) Experience Requirements

An individual seeking licensure as a professional surveyor shall present evidence of a specific record of four years of progressive surveying experience after a qualifying degree is conferred as described in 2.a.(1) above. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice surveying. The following educational criteria may apply as a substitute to the length of experience set forth above:

- (a) An individual with a master's degree in surveying acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in 2.a.(1) above
- (b) An individual with an earned doctoral degree in surveying acceptable to the board and who has passed the FS exam: two years of experience
- (c) An individual with an earned doctoral degree in surveying acceptable to the board and who has elected not to take the FS exam: four years of experience

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

b. Licensure by Comity for a Professional Surveyor

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional surveyor:

- (1) An individual holding a certificate of licensure to engage in the practice of surveying issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.

Rationale

The motion presented by the EPS Committee and passed at the 2022 annual meeting (EPS Motion 1) essentially was to decouple education, examinations, and experience for surveying licensure. UPLG felt that the engineering licensure pathways already contained within the *Model Law* were easy to understand, so it modeled the surveying requirements after the engineering requirements.

Board of directors' position

Endorses, non-consent agenda

June 6, 2023

UPLG Motion 14

Move that *Model Law* 130.20 be amended as follows:

130.20 Applications and Fees

- A. ~~Application for licensure as a professional engineer and/or professional surveyor or certification as an engineer intern or surveyor intern shall be on a form prescribed and furnished by the board; shall contain a declaration made under penalty of perjury, showing the applicant's education and a detailed summary of technical and engineering experience or surveying experience; and shall include the names and contact information of the references.~~

~~The board may accept the verified information contained in a valid Council Record issued by NCEES for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.~~

~~All applications, including applications for examination if required, shall be on a form prescribed and furnished by the board, shall include the names and contact information of the references, and shall contain a declaration made under penalty of perjury. The board may accept the verified information provided by NCEES for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.~~

- B. The application fee shall be established by regulation of the board for licensure as a professional engineer or professional surveyor or for certification as an engineer intern or surveyor intern, and shall accompany the application.
- C. Should the board deny the issuance of a certificate of licensure or intern certification to any applicant, the fee paid shall be retained as an application fee.

Rationale

UPLG feels that the changes clarify what is needed in terms of applications and for acceptance of verified information from NCEES.

Board of directors' position

Endorses, consent agenda

UPLG Motion 15

Move that *Model Law* 150.30 A be amended as follows:

150.30 Grounds for Disciplinary Action—Unlicensed Individuals

- A. In addition to any other provisions of law, the board shall have the power to fine and recover costs from any unlicensed individual who is found guilty of:
1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction without being licensed in accordance with the provisions of this Act
 2. Using or employing the words "professional engineer," "engineering," "professional surveyor," "surveying," or any modification or derivative thereof in ~~his or her~~ the individual's name or form of business activity except as ~~licensed-provided~~ in this Act
 3. Using or advertising any title or description tending to convey the impression that the individual is a professional engineer or professional surveyor unless the person is duly licensed in this jurisdiction
 - ~~34.~~ Presenting or attempting to use the certificate of licensure or seal of a licensee
 - ~~45.~~ Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of licensure or intern certification
 - ~~50.~~ Impersonating any licensee
 - ~~67.~~ Using or attempting to use an expired, suspended, revoked, inactive, retired, or nonexistent certificate of license

Rationale

UPLG added the new language to further clarify that any attempt to imply licensure when the individual is not licensed should be grounds for disciplinary action.

Board of directors' position

Endorses, consent agenda

UPLG Motion 16

Move that *Model Law* 160.20 be amended as follows:

160.20 Managing Agent and Resident Professional

A firm shall designate a managing agent ~~and a resident professional. The managing agent and the resident professional may or may not be the same individual.~~

A. Managing Agent—The following criteria shall apply to the firm’s designation of a managing agent: A firm shall designate a licensee to be a managing agent for the firm. The managing agent is responsible for the engineering or surveying work and projects in ~~this jurisdiction~~ *[this jurisdiction]* offered or provided by the firm. A licensee may not be designated as a managing agent for more than one firm. A licensee who renders occasional, part-time, or consulting engineering or surveying services to, or for, a firm may not be designated as a managing agent, unless the licensee is an officer or owner of the firm. The managing agent’s responsibilities include:

1. Renewal of the firm’s certificate of authorization and notification to the board of any change in managing agent;
2. Overall administrative supervision of the firm’s licensed and subordinate personnel providing the engineering or surveying work in this jurisdiction; and
3. Institution and adherence of policies of the firm that are in accordance with the Rules of Professional Conduct.

~~B. Resident Professional—The following criteria shall apply to the firm’s designation of a resident professional: A firm shall also designate a resident professional engineer or a resident professional surveyor, as applicable, to be in responsible charge of the practice of engineering or surveying, as applicable, in each branch office in which engineering or surveying services are offered or provided. A resident professional engineer or surveyor shall meet the following criteria:~~

- ~~1. Spend a majority of normal business hours at a particular branch office;~~
- ~~2. Be a resident professional engineer or surveyor at only one particular branch office at one time; and~~
- ~~3. Be duly licensed as a professional engineer or a professional surveyor by the licensing board of the jurisdiction in which the branch office is located.~~

Rationale

As the engineering and surveying industries have moved into a remote workforce post-pandemic, the revised language is proposed to meet a more current reflection of practice.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 17

Move that *Model Law* 170.20 be deleted.

170.20 Engineered Products and Systems

~~Licensed engineers shall be in responsible charge of all engineering design of buildings, structures, products, machines, processes, and systems that can affect the health, safety, and welfare of the public.~~

Rationale

This section of the *Model Law* was moved under the “practice of engineering” definition in Section 110.20, making this section redundant.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 18

Move that *Model Rules* 210.30 be amended as follows:

210.30 Offering to Practice Engineering and Surveying

If the engineer or surveyor is licensed in another jurisdiction, the following items are not considered an offer to practice engineering or surveying:

- A. Advertisements published in print or electronic media, if professional services are not offered in jurisdictions where the [engineer or surveyor individual or firm](#) is not licensed
- B. Responses to inquiries regarding requests for proposals, if there is written disclosure that the [engineer/surveyor and individual or firm are is](#) not currently licensed in the jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- C. Responses to inquiries from prospective clients, if there is written disclosure that the [engineer/surveyor and individual or firm are is](#) not currently licensed in the jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- D. Using the title/designation professional engineer, licensed engineer, P.E., professional surveyor, licensed surveyor, P.S., or other indicia of licensure in correspondence or on business cards from an office in the jurisdiction where licensure is held

Proposals may not be submitted, contracts signed, or work commenced until the [engineer/surveyor and individual or firm becomes](#) licensed or authorized in the jurisdiction where the work is to be performed.

Rationale

Revisions are suggested for clarity and to include firms in point A.

Board of directors' position

Endorses, consent agenda

UPLG Motion 19

Move that *Model Rules* 230.10 be amended as follows:

230.10 Education Requirements Approved by the Board

- A. Engineering Program [defined in Section 130.10 B.1 of the NCEES Model Law](#)
 The term “an engineering program of four years or more” used in Section 130.10 B.1.a of the *NCEES Model Law* is interpreted by this board to mean the following:
 - 1. A degree from a bachelor’s or master’s engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) at the time of the awarding of the degree. The board may accept the degree if accreditation is received within ~~insert the prescribed time~~.
 - 2. A degree from an engineering program not accredited by EAC/ABET but that meets the requirements of the *NCEES Engineering Education Standard*.
- B. Surveying Program [defined in Section 130.10 C.1 of the NCEES Model Law](#)
 The following shall be considered as minimum evidence to the board that the applicant is qualified in terms of education for certification as a surveyor intern:
 - 1. Graduation from a surveying program of four years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET) at the time of awarding the degree or from a program that meets the requirements of the *NCEES Surveying Education Standard* as described in Section 130.10 C.1.a in *NCEES Model Law*. The board may accept the degree if accreditation is received within ~~insert the prescribed time~~.
 - 2. Graduation from a program related to surveying of four years or more as described in Section 130.10 C.1.b in *NCEES Model Law* is interpreted to be a bachelor’s degree including surveying courses, mathematics, and physical science.
 - 3. Graduation from a program of four years or more as described in *NCEES Model Law* 130.10 C.1.c is interpreted to mean a program other than those defined in 1 or 2 above that is accepted by the board.

Rationale

This section on education is already covered in the *Model Law*, and therefore its removal from the *Model Rules* is proposed to avoid redundancy.

Board of directors' position

Endorses, consent agenda

UPLG Motion 20

Move that *Model Rules* 230.40 A be amended as follows:

230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, ~~prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a:~~

1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. ~~Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by these Rules.~~
2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. ~~Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by these Rules.~~

This jurisdiction may provide the following examinations:

1. Jurisdictional examinations—The examinations may include jurisdiction laws, procedures, and standards for the practice of engineering.

Rationale

The revisions throughout this section of the *Model Rules* are to remove redundant information already contained within the *Model Law* and for clarity. For both the FE and PE, the statements concerning certification and licensure seem out of place considering this section is referring to examinations. The reference to jurisdictional examinations is added for any jurisdictions that require such exams for engineering licensure.

Board of directors' position

Endorses, consent agenda

UPLG Motion 21

Move that *Model Rules* 230.40 B be amended as follows:

230.40 Examinations

B. Eligibility Approval of Applicant for Engineering Examinations

1. NCEES Fundamentals of Engineering (FE) Examination
 - a. ~~Individuals who are in the final year of a program leading to a bachelor's degree in engineering~~ An individual applying to take the FE examination may register with NCEES directly to take the FE examination or, if required, apply to the board for admission to the FE examination.
 - b. ~~To be certified as an engineer intern, an application for certification may be submitted to the board upon passing the FE examination and meeting the education requirements.~~
2. NCEES Principles and Practice of Engineering (PE) Examination
 - a. ~~Applicants for licensure as a professional engineer~~ An individual will be permitted to sit for the PE examination upon satisfactorily fulfilling all ~~application~~ requirements of the jurisdiction.
 - b. ~~No applicant may sit for the PE examination until the board has established that the applicant is eligible for the examination.~~
 - eb. Engineering doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) and with a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the PE examination without having taken or passed the FE examination.

Rationale

The revisions throughout this section of the *Model Rules* are to remove redundant information already contained within the *Model Law* and for clarity. UPLG revised this section, noting that the term “eligibility” seemed incorrect and replacing it with “approval.” The other revisions coincide with decoupling examinations, education, and experience in *Model Law*.

Board of directors' position

Endorses, consent agenda

UPLG Motion 22

Move that *Model Rules* 230.40 C be amended as follows:

230.40 Examinations

C. Classification of Surveying Examinations

This jurisdiction or its designee will provide the following examinations, ~~prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure:~~

1. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. ~~Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.~~
2. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, which may be divided in separate parts as determined by the board. ~~Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.~~

This jurisdiction may provide the following examinations:

1. Jurisdictional examinations—The examinations may include jurisdiction laws, procedures, and standards for the practice of surveying.

~~Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying.~~

Rationale

The revisions throughout this section of the *Model Rules* are to remove redundant information already contained within the *Model Law* and for clarity. For both the FS and PS, the statements concerning certification and licensure seem out of place considering this section is referring to examinations.

Board of directors' position

Endorses, consent agenda

UPLG Motion 23

Move that *Model Rules* 230.40 D be amended as follows:

230.40 Examinations

D. Eligibility Approval of Applicant for Surveying Examinations

1. NCEES Fundamentals of Surveying (FS) Examination
 - a. ~~Individuals who are in the final year of a program leading to a bachelor's degree in a surveying or surveying related program. An individual applying to take the FS examination may register with NCEES directly to take the FS examination or, if required, apply to the board for admission to the FS examination.~~
 - b. ~~To be certified as a surveyor intern, an application for certification may be submitted to the board upon passing the FS examination and meeting the education and experience requirement.~~
2. NCEES Principles and Practice of Surveying (PS) Examination
 - a. ~~An applicant for licensure as a professional surveyor will not be permitted to sit for the PS examination until the FS examination has been passed. An individual will be permitted to take the PS examination upon satisfactorily fulfilling all requirements of the jurisdiction.~~
 - b. ~~No applicant may sit for the PS examination until the board has established that the applicant is eligible for the examination.~~
 - b. Surveying doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET) and with a doctorate degree in surveying and with experience that meets the qualifications defined by the board may sit for the PS examination without having taken or passed the FS examination.

Rationale

The revisions throughout this section of the *Model Rules* are to remove redundant information already contained within the *Model Law* and for clarity. UPLG revised this section, noting that the term “eligibility” seemed incorrect and replacing it with “approval.” The other revisions coincide with decoupling examinations, education, and experience in the *Model Law* and also add a pathway that would exempt someone with a doctorate in surveying from taking the FS examination (similar to what is in the *Model Rules* for engineering).

Board of directors’ position

Endorses, consent agenda

UPLG Motion 24

Move that *Model Rules* 230.40 E and K–M be amended as follows:

230.40 Examinations

E. Examination Dates and Locations

1. ~~NCEES E~~examinations are offered on dates set by NCEES.
2. Locations at which the examinations are given are designated by the board or by NCEES.

K. Examination Results

1. ~~NCEES E~~examination results will be released in accordance with established NCEES policy.
2. Jurisdictional examination results will be released in accordance with established board policy.

L. Review of Examinations

There shall be no post-administration access to, or review of, NCEES examination questions. Member boards may request that NCEES manually verify an examinee’s results from a pencil-and-paper examination. Such verification shall be conducted in accordance with NCEES policy.

M. Examination for Record Purposes

1. Any ~~professional engineer individual~~ licensed by this board may take for Record purposes the FE/~~FS~~ examination and/or a PE/~~PS~~ examination in a chosen discipline offered by NCEES upon payment of *[insert fee set by board regulation and/or NCEES]*.
2. Failure to pass either or both examinations will in no way affect current licensure.

Rationale

The revisions throughout this section of the *Model Rules* are to remove redundant information already contained within the *Model Law* and for clarity. The paragraph within Section 230.40 concerning pencil-and-paper examinations (I) should be removed when the last pencil-and-paper examination is administered, presumably October 2023.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 25

Move that *Model Rules* 230.60 E be amended as follows:

230.60 Applications

E. Licensure by Comity

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer or Model Law Surveyor ~~as set forth in the designated by~~ NCEES ~~Manual of Policy and Positions Statements~~. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

Rationale

Revisions are made for clarity.

Board of directors' position

Endorses, consent agenda

UPLG Motion 26

Move that *Model Rules 240.20* be amended as follows:

240.20 Seal on Documents

- A. The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or final surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION."
- B. The seal and signature shall be placed on all ~~original copy~~ copies, tracings, or other reproducible documents listed in 240.20 A so that the seal and signature will be reproduced when copies are made.
- C. When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided that a note under the seal designates the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet.
- D. The seal and signature shall be placed on work only when it was under the licensee's responsible charge. The licensee shall sign and seal only work within the licensee's areas of competence.
- ~~E. Plans, plats, specifications, drawings, reports, and other documents will be deemed to have been prepared under the responsible charge of a licensee only when all the following conditions have been met and documented:~~
- ~~1. The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;~~
 - ~~2. The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;~~
 - ~~3. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and~~
 - ~~4. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.~~
- E. In order to exercise full professional knowledge of and control over work, a licensee in responsible charge of engineering or surveying work must:
1. Have and exercise the authority to review and to change, reject, or approve both the work in progress and the final work product, through examination, evaluation, communication, and direction throughout the development of the work;
 2. Be personally aware of the project's scope, needs, parameters, limitations, and special requirements;
 3. Be capable of answering questions relevant to the engineering or surveying decisions made as part of the services provided, in sufficient detail to demonstrate reasonable knowledge of and proficiency in the work; and
 4. Accept full responsibility for the work.
- The board has final authority regarding the determination of whether work was actually prepared under the responsible charge of a licensee. The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.

Rationale

The committee analyzed the existing language and concluded that it did not address some important aspects of demonstrating responsible charge of work, so the committee drafted alternate language. It was noted that the

current paragraph E was process related, instead of making sure that the person who seals the deliverable was in responsible charge.

Board of directors' position

Endorses, non-consent agenda

UPLG Motion 27

Move that *Model Rules* 240.30 H be amended as follows and that the following paragraph H be added to *Model Rules* 240.40:

240.30 Continuing Professional Competency

H. Reinstatement

A licensee ~~may bring applying to reinstate~~ a retired or inactive license ~~to active status by should~~ obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required. If the applicant is required to retake and pass an NCEES Principles and Practice examination by the board, PDHs may not be required.

240.40 Expirations, Renewals, and Reinstatement to Active Practice

H. If the applicant for reinstatement has not been engaged in the legal practice of engineering or surveying for more than five years prior to seeking reinstatement, the licensing board may require the applicant to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

Rationale

These revisions come from a Committee on Education motion (Motion 9) that passed as amended at the 2022 annual meeting. The motion as amended was to charge UPLG with incorporating the following amendments:

240.30 Continuing Professional Competency

H. Reinstatement

A licensee ~~may bring applying to reinstate~~ a retired or inactive license ~~to active status by should~~ obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required. If the applicant has not been engaged in the legal practice of their profession for more than five years prior to seeking reinstatement, the licensing board may require the applicant to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

During the review of this section and considering the motion that was passed, UPLG felt that sections 230.30 and 230.40 both needed to be revised. *Model Rules* 240.30 H is a revision, while 240.40 H is new section.

Board of directors' position

Endorses, consent agenda

Engineering Licensure Model Task Force (1 motion)

ELMTF Motion 1

Move that a Special Committee on Bylaws be charged with developing a new standing Committee on Licensure and proposing amendments as needed to *Bylaws* Section 7 to establish the committee.

Financial impact

The task force estimates that the cost of a new committee will be commensurate with the cost of the current task force and other standing committees, which is approximately \$20,000 annually.

Rationale

During the past three years, the Engineering Licensure Model Task Force reviewed many licensure systems and potential changes to the current licensing model. During this work, it has become obvious to the task force that the component requirements for licensure are interconnected and must be considered together when developing and evaluating a future licensure framework. Further, the practice of engineering is becoming increasingly dynamic, and the need for changes to licensure requirements in the future is likely. To that end, the task force

has concluded that NCEES would best be served by establishing a new standing committee: the Committee on Licensure.

Licensure is an interconnected endeavor, and it is important for all the components be considered holistically. A standing licensure committee would be a valuable addition to NCEES and would help to ensure that the licensure process is consistent and comprehensive.

Board of directors' position

Endorses, consent agenda

Board of Directors (2 motions)

Board of Directors Motion 1

Move that the application of the Structural Engineering Licensure Coalition to become a member of the NCEES Participating Organizations Liaison Council be approved.

Financial impact

Less than \$1,000 per year for annual meeting registration (POLC members pay own travel expenses, and POLC dues currently set at \$0)

Rationale

The Structural Engineering Licensure Coalition meets the requirements for admittance to POLC: (from *Bylaws*, Section 3.04) "A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council."

Board of directors' position

Endorses, non-consent agenda

Board of Directors Motion 2

Move that NCEES staff be directed to prepare amended language to remove references to pencil-and-paper examinations in all NCEES documents after completion of the last pencil-and-paper examination, to present such amended language to the NCEES board of directors for approval, and to add additional language to clarify any references to pencil-and-paper examinations that staff cannot change.

Rationale

Since references to pencil-and-paper examinations are in numerous NCEES documents, the board feels that NCEES staff should search all documents and the website and then report back to the board instead of charging individual committees to review the various documents separately. The one exception is the *Bylaws*—any references to pencil-and-paper examinations in the *Bylaws* would go through the appropriate committee for recommended revisions.

Board of directors' position

Endorses, non-consent agenda

- **PE License Plates – Emailed**
April 11, 2023

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Land Surveyors**

○ **NCEES Update (as above)**

- **Congratulation to Doyle Allen- Southern Zone Distinguished Service Award**

○ **VAS**

- **A Career in Surveying- Emailed May 11, 2023**
- **Survey Foot- Emailed May 12, 2023**
- **VAS Seminar: DEQ Permitting and Surveyor Ethics- Emailed May 31, 2023**
- **Experience Works 2023: Pathways for the Future-Conference Program**
- **Special Edition of the Old Dominion Surveyor- Emailed July 21, 2023**

○ **Substantially Equivalent Discussion**

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official board position

➤ **Architects**

○ **AIA**

- **April Drake AIA Recognition**
- **Reminder: Your AIA Virginia March Newsletter- Emailed March 22, 2023**
- **Destination Architect: Retiring the Rolling Clock – Emailed April 12, 2023**
- **Design Awards Open and more in your AIA Virginia April Newsletter – Emailed April 12, 2023**
- **Advocacy, Education & Awards, Oh My! Your AIA May Newsletter- Emailed May 17, 2023**
- **Reminder: Your AIA Virginia June Newsletter- Emailed June 20, 2023**
- **Your AIA Virginia June Newsletter- Emailed June 26, 2023**
- **AIA Virginia News: July 2023- Emailed July 12, 2023**

○ **NCARB Update**

- **Here Are Your Essential Resolution and Election Resources- Emailed**

March 19, 2023

- **Invitation to the NCARB Annual Business Meeting- Emailed March 19, 2023**
- **NCARB February Fast Facts- Emailed March 22, 2023**
- **NCARB Update: February 2023- Emailed March 22, 2023**
- **UIA Survey- Emailed March 22, 2023**
- **NCARB March Fast Facts- Emailed April 5, 2023**
- **March 2023 NCARB Update – Emailed April 18, 2023**
- **ARE Update – Guidelines Changes – Emailed April 21, 2023**
- **The New MRA with the UK is Live – Apply Now – Emailed April 25, 2023**
- **NCARB April Fast Facts – Emailed April 27, 2023**
- **ARE Update – Rolling Clock Launch – Emailed April 27, 2023**
- **NCARB 2023 Resolutions to be Acted Upon**

- 1) **Guide to Proposing Amendments 2023**
 - 2) **2023 Draft Resolution Feedback**
- **National Architect: NCARB Is Waiving Reactivation Fees Through June 30- Emailed May 10, 2023**
 - **NCARB May Fast Facts- Emailed May 24, 2023**
 - **April NCARB Update- Emailed May 25, 2023**
 - **Letter of Support for Resolution 2023-05 from the FY23 DEI Committee- Emailed May 31, 2023**
 - **May NCARB Update- Emailed June 12, 2023**
 - **NCARB Updated Fees and Exam Rescheduling Change- Emailed July 6, 2023**
 - **NCARB June 2023 Fast Facts- Now Available! - Emailed July 12, 2023**
 - **NCARB Sanctions Six ARE Candidates- Emailed July 12, 2023**
 - **NCARB ARE Update: Changes to ARE 5.0 Guidelines- Emailed July 18, 2023**

- **ESL/ELL accommodations for the ARE Examinations-Inquiry**

- **“According to the NCARB website, New York is the only state that will not accept scores from any examination given under non-standard conditions for ESL candidates. Would you be able to confirm that Virginia will accept scores from ESL candidates given extra time and/or word-to-word translation dictionaries?”**

Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation or official board position



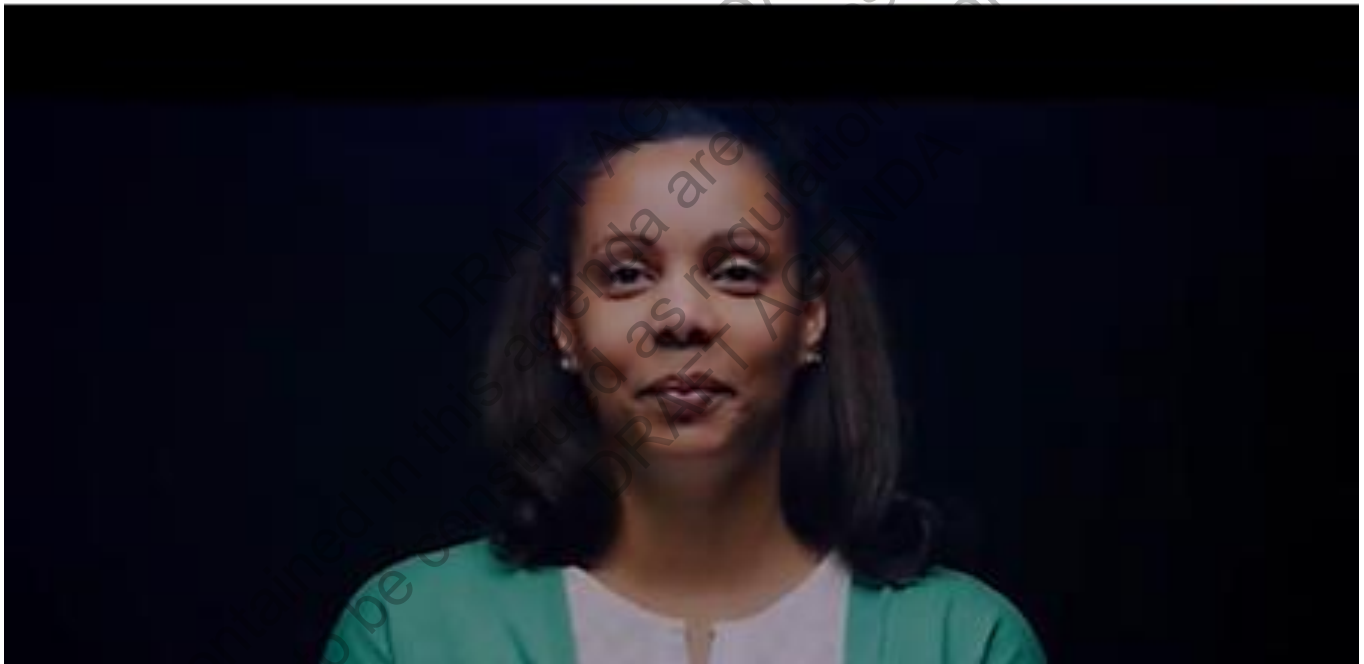
The American Institute of Architects

March 24 · 🌐

April Drake, AIA, leads by example! ✨ She is one of the first 400 Black women licensed architects in the nation.

April is also the 2023 President of [AIA Northern Virginia](#) and the first Black woman to hold that office.

Learn more about April & Future Focused: <https://bit.ly/3mSgLRL> | #WomensHistoryMonth



Materials can be used for educational purposes only and are not to be used for commercial purposes.

Resolutions to be Acted Upon

2023 NCARB Annual Business Meeting

This packet includes an overview of this year's resolutions, the resolution language with statements of support, and additional supporting documents in appendices as needed.



National Council of Architectural Registration Boards

1401 H Street NW, Suite 500, Washington, DC 20005

Tel: 202/783-6500 | Fax: 202/783-0290

www.ncarb.org

Resolutions to be Acted Upon

2023 NCARB Annual Business Meeting

TABLE OF CONTENTS

FY23 Resolutions Overview.....	2
Resolution 2023-01: <i>NCARB Model Law and Regulations</i> Amendment – Responsible Control.....	4
Resolution 2023-02: Omnibus Sunset of Education Policy Resolutions	7
Resolution 2023-03: Omnibus Sunset of Resolutions in Conflict With Current Council Policies.....	9
Resolution 2023-04: <i>NCARB Model Rules of Conduct</i> Amendment – Ethics Updates.....	11
Resolution 2023-05: Amendment and Restatement of the <i>NCARB Bylaws</i> - Governance.....	14

APPENDIX

Appendix A: Mississippi Board’s Proposed 2023 Resolution: Memorandum from the NCARB Board of Directors.....	19
Appendix B: Legal Analysis: Memorandum from Venable Law Firm.....	23
Appendix C: NCARB Education Policy Resolutions to Sunset: 1960-1999.....	30
Appendix D: NCARB Policy Resolutions to Sunset: 1960-1979, Part 1.....	37
Appendix E: Proposed <i>NCARB Bylaws</i> Updates.....	51
Appendix F: Proposed Transition Model.....	87

FY23 RESOLUTION OVERVIEW

At the April Board of Directors Meeting, the Board reviewed the proposed resolutions and determined which resolutions will be on the June Annual Business Meeting agenda. There will be two webinars prior to ABM to ask questions to the resolution advocates:

- Thursday, May 18, 2023, 3 p.m. ET | [Register](#)
- Thursday, June 1, 2023, 3 p.m. ET | [Register](#)

This packet includes five resolutions (plus related supporting documentation as appropriate).

Resolution 2023-01: NCARB Model Law and Regulations Amendment – Responsible Control

The Mississippi State Board of Architecture is recommending that the definition of responsible control be updated to address concerns of the Mississippi Board regarding clarity and specificity of responsible control language as amended in June 2022. Opinions from NCARB's Board of Directors and Legal Counsel are available in Appendices A and B.

Strategic Plan Objective:  Future-Focused Research and Development

Resolution 2023-02: Omnibus Sunset of Education Policy Resolutions

This resolution is part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align with how NCARB operates today. This batch of resolutions focuses specifically on education policies that were passed between 1960-1999. Appendix C includes the list of resolutions.

Strategic Plan Objectives:  Stakeholder Systems, Tools, and Resources

Resolution 2023-03: Omnibus Sunset of Resolutions in Conflict With Current Council Policies

This resolution is part of a multi-year effort to review and sunset resolutions passed by the membership that no longer align with how NCARB operates today. This batch of resolutions focuses specifically on finance, the NCARB Certificate, processes, experience, continuing education, and records policies that were passed between 1960-1979. Appendix D includes the list of resolutions.

Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

Resolution 2023-04: NCARB Model Rules of Conduct Amendment – Ethics Updates

The FY22 Ethics Work Group is recommending that the *NCARB Model Rules of Conduct* be updated to reflect modern practice and expectations regarding ethical conduct. The resolution proposes language be added to the *Model Rules of Conduct* to address acceptance of payments or gifts that may impact judgement, as well as fraudulent or illegal conduct.

Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources


Resolution 2023-05: Amendment and Restatement of the NCARB Bylaws - Governance

The FY23 Governance Work Group is recommending that the *NCARB Bylaws* be updated to adopt a new governance structure for the Council to be reflective of modern governance best practices and incorporate diversity, equity, and inclusion in the Council’s access to leadership roles and leadership structure.

Strategic Plan Objective:  Future-Focused Research and Development

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA



Strategic Plan Objective:  Future-Focused Research and Development

RESOLUTION 2023-01

This resolution is opposed by the NCARB Board of Directors 14-0.

TITLE: NCARB *Model Law and Regulations* Amendment – Responsible Control

SUBMITTED BY: Mississippi State Board of Architecture

WHEREAS, the definition of “Responsible Control” in Section 103 Definitions of the *NCARB Model Law and Regulations* was amended in June 2022 upon recommendation of the Responsible Charge Task Force; and

WHEREAS, the Mississippi State Board of Architecture, upon research and review, has concerns that the current definition lacks clarity and specificity, which could hinder enforcement efforts and create confusion for licensees; and

WHEREAS, the *NCARB Model Law and Regulations* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this resolution.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that Regulation R401.1 Architect Seal of the *NCARB Model Law and Regulations* be amended to read as follows:

- "1. An Architect may seal and sign Technical Submissions only if the Technical Submissions were:
 - a. Prepared by the Architect;
 - b. Prepared by individuals under the Architect’s Responsible Control; ^[Footnote]
 - c. Prepared by another Architect if the sealing and signing Architect has reviewed the other Architect’s work and either has coordinated the preparation of the work or has integrated the work into their own Technical Submissions; or
 - d. Prepared by another Architect licensed in any Jurisdiction and holding a current and valid NCARB Certificate if the sealing and signing Architect has reviewed the other Architect’s work and has integrated the work into their own Technical Submissions.
2. An Architect may include in Technical Submissions and may seal and sign Prototypical Building documents prepared by an Architect licensed in any Jurisdiction. The Architect shall modify the Prototypical Building documents to comply with the requirements of (Jurisdiction).
3. An Architect may also seal and sign drawings, specifications, or other work that is not required to be sealed by this Act.
4. An Architect who has sealed and signed Technical Submissions integrating the work of another Architect into the Architect’s own work shall maintain and make available to the Board adequate and complete records demonstrating the nature and extent of the Architect’s review of and integration of the other Architect’s work into their own Technical Submissions. Following such sealing and signing, these records shall comply with the provisions of Section 403 of Law.



^[Footnote]R401.1 For enforcement purposes some Jurisdictions may wish to add clarifying language noting that Responsible Control shall require:

- Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
- Involvement in the preparation of Technical Submissions prior to their completion; and
- Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute the exercise of Responsible Control.
- Jurisdictions including the additional criteria above may choose to modify or delete the other provisions of this regulation accordingly."

FURTHER RESOLVED, that following the approval of the resolution by an absolute majority of the Council Member Boards, such resolution will become effective July 1, 2023.

FINANCIAL IMPACT:

- No financial impact.

SPONSOR'S STATEMENT OF SUPPORT:

The Mississippi State Board of Architecture (hereinafter "Board") has carefully considered the revised definition of "Responsible Control" proposed by the Responsible Charge Task Force and adopted by the Council Member Boards in FY22. Although the Board greatly appreciates the work of the Responsible Charge Task Force and has no intention of proposing a change to the definition of "Responsible Control" in the *NCARB Model Law*, the Board feels that it is appropriate to propose additional criteria to further define "Responsible Control" in the *NCARB Model Regulations*.

The Board has concerns that the current definition lacks clarity and specificity, which could hinder enforcement efforts and render licensees uncertain as to whether they are practicing in compliance with the laws and regulations. Terms such as "oversee," "delegate," and "integrate" are ambiguous and subject to a variety of interpretations. For this reason, the Board proposes the addition of optional clarifying language to Regulation R401.1 Architect Seal by reference as a footnote to confirm that Responsible Control shall require:

- Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
- Involvement in the preparation of Technical Submissions prior to their completion; and
- Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute the exercise of Responsible Control.

Several NCARB jurisdictions, including Louisiana, Mississippi, Missouri, and Tennessee, include some or all of these criteria in their regulations, and they are found in the *Model Rules* of the National Council of Examiners for Engineering and Surveying (Rule 240.20 Seal on Documents).

The Board believes that inclusion of these criteria will result in a more robust definition of what constitutes Responsible Control that will lead to better protection of the health, safety, and welfare of the public.



ADVOCATES

Mississippi State Board of Architecture

STATEMENT OF OPPOSITION:

The Board of Directors has carefully reviewed Resolution 2023-01, gathered feedback from NCARB membership, and consulted with NCARB legal counsel. On the basis of these discussions, the Board of Directors unanimously opposes the proposed changes to the *NCARB Model Law and Regulations*' definition of "Responsible Control."

Based on a review from NCARB's legal counsel, the proposed footnote would create several problems for users of *NCARB's Model Law and Regulations* and should be rejected. These items are outlined in full in Appendices A and B of this packet. Below is a summary of the key concerns:

- The current definition of "responsible control" was approved by NCARB's membership just last year and was the culmination of several years of effort from NCARB's Model Law and Responsible Charge Task Forces. These groups conducted in-depth research and analysis to put forward a standardized recommendation for use by licensing boards. Adjusting the definition at this point would be a disservice to their work and reduce the flexibility of the document.
- Additionally, the proposal only updates one reference to responsible control in the document, thus creating multiple concepts of responsible control within the document and creating contradictions and imbalances between the language within the *Model Law* and the *Model Regulations*.
- The proposed changes do not align with the practices of the majority of NCARB's membership, contradicting efforts to standardize best practices in regulatory language. It would also signal approval of varying requirements by jurisdiction, which contradicts NCARB's overarching objective of unifying licensure standards.

To ensure the continuity of NCARB's efforts to create modern, flexible resources for licensing boards, as well as efforts to encourage universal adoption of regulatory best practices, the NCARB Board of Directors recommends rejecting Resolution 2023-01.

RESOURCES:

- [Appendix A: Mississippi Board's Proposed 2023 Resolution: Memorandum from the NCARB Board of Directors](#)
- [Appendix B: Legal Analysis: Memorandum from Venable Law Firm](#)
- [NCARB Model Law and Regulations](#)



Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

RESOLUTION 2023-02

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: Omnibus Sunset of Education Policy Resolutions

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors requested a review of resolutions passed by the membership to determine if there are any that no longer align to current NCARB policies and are appropriate to sunset; and

WHEREAS, the Policy Advisory Committee has reviewed a batch of resolutions dating from 1960 to 1999 related to NCARB's education policies and recommended rescinding several of these because they either conflict with current policies or are unnecessary based on existing official documents; and

WHEREAS, resolutions of substantive matters that NCARB's membership have passed by resolution may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that all policies and resolutions related to the Council's education requirements that are not detailed in current official NCARB documents, including, without limitation, the *Education Guidelines* and *Certification Guidelines* hereby are rescinded and otherwise deemed inactive. Without limiting the generality of this resolution, this resolution expressly rescinds the following resolutions, the full texts of which are attached hereto as Appendix C:

- Resolution 1999-15: No Sunset for Broadly Experienced Architect Alternative
- Resolution 1996-07: Sunsetting Alternate Education Route
- Resolution 1994-02: Sunsetting EESA For All But Foreign-Educated and Broadly Experienced Applicants
- Resolution 1983-01: Certification For Applicants Without Degree Who Meet Existing Standards
- Resolution 1983-05: To Accept Alternate Education in Lieu of an Accredited Degree
- Resolution 1980-13: Preparation of State Versions of Appendices "A" and "B"
- Resolution 1980-14: Requirement of Bachelor's Degree for Certification
- Resolution 1979-03: All Conferences to Establish Meetings with their Educational Communities
- Resolution 1978-25: Task Force to Define the Areas of Study Fundamental to the Practice of Architecture
- Resolution 1969-7: Proposal to Grant the Title "Intern-Architect" or Other Title as May be Determined by the NCARB Board of Directors to Graduates of Accredited Architectural Schools and to Establish a Defined Internship Program and Record
- Resolution 1965: Foreign Education

FURTHERED RESOLVED, that upon the approval of the foregoing resolution by an absolute majority of the Council Member Boards, such resolution will become effective immediately.

**FINANCIAL IMPACT:**

- No financial impact.

SPONSORS' STATEMENT OF SUPPORT:

The Policy Advisory Committee is continuing a multi-year research project to identify historical policy or position-related resolutions that may no longer align with current Council practice or philosophy.

Today, the *NCARB Bylaws* specifically give the NCARB Board of Directors authority to issue rules and policies respecting education requirements, including requirements for certification and alternative paths.

NCARB currently has many active education-related policy resolutions, several of which are in conflict with each other. Additionally, NCARB's active education requirements as established by NCARB membership are detailed in the *Education Guidelines* and *Certification Guidelines*, and some of the above policy resolutions either conflict with NCARB's current active requirements or are redundant—putting NCARB at risk of being in conflict in the future if these policy resolutions remain active. To provide clear direction going forward, the Policy Advisory Committee recommends this resolution be passed so that it is clear that all active policies governing education are located in *Education Guidelines*, *Certification Guidelines*, and/or other currently applicable Board policies.

ADVOCATES:

- **Policy Advisory Committee**
 - Chair: Jennifer R. Arbuckle, NCARB, AIA, LEED AP
 - Linda Alfson Schemmel, AIA, NCARB
 - Emily Cronbaugh, Wyoming Member Board Executive
 - James Devine, NCARB, AIA, LEED AP, North Dakota Member Board Member
 - Leslie Hanska, Oklahoma Member Board Executive
 - Miguel A. Rodriguez, FAIA, NCARB, NOMA, Florida Member Board Member
 - Tara Rothwell, AIA, NCARB, LEED AP, New Mexico Member Board Member
 - Edward W. Tucker, FAIA, NCARB, West Virginia Member Board Member

RESOURCES:

- [Appendix C: NCARB Education Policy Resolutions to Sunset: 1960-1999](#)



Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

RESOLUTION 2023-03

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: Omnibus Sunset of Resolutions in Conflict with Current Council Policies

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors requested a review of resolutions passed by the membership to determine if there are any that no longer align to current NCARB policies and are appropriate to sunset; and

WHEREAS, the Policy Advisory Committee has reviewed a batch of resolutions dating from 1960-1979 related to NCARB's financial, records/process, experience, certification, and continuing education policies; and recommended rescinding several of these because they either conflict with current policies or are unnecessary based on existing official documents; and

WHEREAS, resolutions of substantive matters that NCARB's membership have passed by resolution may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards sunsets the following resolutions, the full texts of which are attached hereto as Appendix D:

- Resolution 1979-01: Architect Development Verification Program (ADVP)
- Resolution 1979-04: Meeting Facilities Accessible to and Usable by the Handicapped
- Resolution 1978-07: IDP Resolution
- Resolution 1977-07: Continuing Professional Development
- Resolution 1977-08: Intern-Architect Development Program (IDP)
- Resolution 1976-09: Continuation of Inter-Architect Development Pilot Program
- Resolution 1975-06: Approval Procedures for NCARB Budget
- Resolution 1973-14: Continuing Education Program
- Resolution 1972-01: Blue Cover Certificate
- Resolution 1971-02: Board Resolution to Eliminate Issuance of Wallet Cards
- Resolution 1971-12: Resolution on Contents of Certificate Record
- Resolution 1971-16: Additional Registration and/or Certification Requirements
- Resolution 1970-01: Updating and Transmittal of Council Documents to Member Boards
- Resolution 1969-01: Continuing Improvements of NCARB Services
- Resolution 1969-04: Issuing Emeritus Certificates to Retired Past Presidents of NCARB
- Resolution 1967-02: Fee for Annual Review of Certificate Record
- Resolution 1964: Report and Recommendations of the Committee on U.S. Citizenship



- Resolution 1964: Review and Approval of Applications
- Resolution 1964: Report and Resolution to the Board of Directors of the NCARB
- Motion 1961: Violations in Council Records

FURTHERED RESOLVED, that upon the approval of the foregoing resolution by a majority of the Council Member Boards, such resolution will become effective immediately.

FINANCIAL IMPACTS:

- While there is no financial impact to sunset these resolutions, there may be a *negative* financial impact should certain resolutions (such as Resolution 1973-14) not be sunset.

SPONSORS' STATEMENT OF SUPPORT:

The Policy Advisory Committee is continuing a multi-year research project to identify historical policy or position-related resolutions that may no longer align with current Council practice or philosophy.

This year, the committee has reviewed resolutions dating from 1960 to 1979 that have been categorized as financial, records/process, experience, certification, or continuing education policies. Additional resolutions to clean up NCARB policies are expected over the next several years as the Council works to develop a more user-friendly resolution archive.

ADVOCATES:

- **Policy Advisory Committee**
 - Chair: Jennifer R. Arbuckle, NCARB, AIA, LEED AP
 - Linda Alfson Schemmel, AIA, NCARB
 - Emily Cronbaugh, Wyoming Member Board Executive
 - James Devine, NCARB, AIA, LEED AP, North Dakota Member Board Member
 - Leslie Hanska, Oklahoma Member Board Executive
 - Miguel A. Rodriguez, FAIA, NCARB, NOMA, Florida Member Board Member
 - Tara Rothwell, AIA, NCARB, LEED AP, New Mexico Member Board Member
 - Edward W. Tucker, FAIA, NCARB, West Virginia Member Board Member

RESOURCES:

- [Appendix D: NCARB Policy Resolutions to Sunset: 1960-1979, Part 1](#)



Strategic Plan Objective:  Stakeholder Systems, Tools, and Resources

RESOLUTION 2023-04

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: NCARB *Model Rules of Conduct* Amendment – Ethics Updates

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors charged the FY22 Ethics Work Group to compare NCARB's ethics-related policies to best practices demonstrated by other organizations and professions; and

WHEREAS, the FY22 Ethics Work Group, upon such evaluation, has recommended that certain clarifications and updates be made to the *Model Rules of Conduct* are appropriate based on the importance of ethical behavior, as expressed by NCARB Member Boards and the Board of Directors; and

WHEREAS, the *NCARB Model Rules of Conduct* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this resolution; and

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that Rule 2 of the *Model Rules of Conduct* be revised to insert the following language as a new subsection immediately following Rule 2.5:

“2.6 An architect serving in a public capacity, whether paid or voluntary, shall not accept payments or gifts that are intended to influence the architect’s professional judgment.”

FURTHER RESOLVED, that Rules 4.3, 4.4, and 4.5 of the *Model Rules of Conduct* be renumbered as Rules 4.4, 4.5, and 4.6, respectively;

FURTHER RESOLVED, that a new Rule 4.3 be added, which will provide the following:

“4.3 An architect shall not counsel or assist a client in conduct that the architect knows, or reasonably should know, is fraudulent or illegal.”

FURTHER RESOLVED, that a new Rule 6 comprising the following language be inserted into the *Model Rules of Conduct* immediately following Rule 5:

RULE 6 FURTHER OBLIGATIONS TO THE PROFESSION AND THE PUBLIC

6.1 An architect serving as an AXP Supervisor for a candidate for licensure shall reasonably assist the candidate in proper and timely documentation in accordance with that program.”

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority vote of the Council Member Boards, such changes will become effective July 1, 2023.

FINANCIAL IMPACT:

- No financial impact.



SPONSORS' STATEMENT OF SUPPORT:

In FY22, President Alfred Vidaurri continued a multi-year emphasis on ethics in the profession of architecture and the Council's operations by assembling the Ethics Work Group. While the work group reviewed ethics in education, continuing education, and the practice of other professions, the changes recommended here are limited to the Council's *Model Rules of Conduct*.

Proposed Rule 2.6: "An architect serving in a public capacity, whether paid or voluntary, shall not accept payments or gifts that are intended to influence the architect's professional judgment."

While the existing sections of Rule 2 address a variety of situations that are conflicts of interest, they are primarily limited to relationships with the client or contractor. The existing rule does not explicitly address bribery, nor further interests of the public. The proposed addition of 2.6 clearly states that the architect will not accept payment to influence the architect's professional judgment. This provides an additional layer of protection to the public, for example when an architect is testifying in public hearings, serving on public boards, or in any role of advocacy regardless of client involvement.

Proposed Rule 4.3 "An architect shall not counsel or assist a client in conduct that the architect knows, or reasonably should know, is fraudulent or illegal."

The proposed addition of Rule 4.3 makes explicit the architect's moral obligation to the public and the rule of law. This aligns with the *AIA Code of Ethics and Professional Conduct* section 2.106. The Ethics Work Group found that this provision in the *AIA Code* was applicable to licensees broadly, and absent from the *Model Rules*.

The structure of the current rules is topical, and the proposed rules 6.1 did not fit within the existing headings, thus a new Rule 6 is proposed to include "Further Obligations to the Profession and the Public."

Proposed Rule 6.1: "An architect serving as an AXP Supervisor for a candidate for licensure shall reasonably assist the candidate in proper and timely documentation in accordance with that program."

While the guiding principles at the beginning of the *Model Rules* explicitly mention the inclusion of several rules for AXP supervisors to support AXP candidates, there is actually only one corresponding rule, which addresses only inappropriate relationships and the supervisor's objectivity (Rule 2.5). There are no rules related to the supervisor's active support of a licensure candidate in completing AXP or achieving licensure.

From the guiding principles, page 5:

"Architects who act as Architectural Experience Program (AXP) Supervisors of candidates for licensure play a critical role in the protection of the public and a central role in the training of future license holders. NCARB and the jurisdictional licensing boards rely on AXP Supervisors to both confirm that the expected experience has been gained and to serve as the primary "quality assurance" guarantor regarding the efficacy of the candidate's experience. Accordingly, these *Model Rules of Conduct* **include several provisions intended to protect the integrity of the experience verification process and other elements of the qualifications reporting system that jurisdictional licensing boards rely on when making licensure decisions.**" (emphasis added)

The text of proposed Rule 6.1 adds a corresponding Rule implied by this principle and mirrors the language of the *AIA Code* Rule 5.201.



These additions ensure the *Model Rules of Conduct* remain up-to-date and reflect many of the current ethical conflicts architects may face in their day-to-day work.

ADVOCATES:

- **FY22 Ethics Work Group**
 - Chair: Jorge Calderón López, AIA, Esq., Puerto Rico Member Board Member
 - Larry W. Bishop, NCARB, Mississippi Member Board Member
 - Ann M. Borys, Ph.D., AIA
 - Robert (Bob) A. Boynton, FAIA
 - Philip H. Cerrone III, AIA, NCARB, Connecticut Member Board Member
 - Paul D. Edmeades, RA, AIA, NCARB, Maryland Member Board Member
 - M. Bradley Gaskins, AIA, CASp, NCARB, Oklahoma Member Board Member
 - Elizabeth A. Glasgow, AIA, NCARB, Oklahoma Member Board Member
 - Mary McClenaghan, AIA, NCARB, Pennsylvania Member Board Member
 - Susan B. McClymonds, FAIA, CSI, CSS, SCIP, NCARB
 - David C. Schulz, AIA, PP, AUA, New Jersey Member Board Member
 - R. K. Stewart, FAIA, NCARB, Hon. FRAIC, Hon. JIA

RESOURCES:

- [NCARB Model Rules of Conduct](#)



Strategic Plan Objective:  Future-Focused Research and Development

RESOLUTION 2023-05

This resolution is supported by the NCARB Board of Directors 14-0.

TITLE: Amendment and Restatement of the *NCARB Bylaws* - Governance

SUBMITTED BY: Council Board of Directors

WHEREAS, the Council Board of Directors has charged the Governance Work Group with assessing the current NCARB governance structure and identifying opportunities to evolve in alignment with best governance practices and with an eye to diversity, equity, and inclusion; and

WHEREAS, the Governance Work Group has recommended after careful consideration that it is advisable to amend and restate the *NCARB Bylaws* to adopt a new governance structure for the Council; and

WHEREAS, the *NCARB Bylaws* may only be changed by a two-thirds majority (37) vote of the Council Member Boards,

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the *NCARB Bylaws* are hereby amended and restated in the form attached hereto in Appendix E; and

FURTHER RESOLVED, that the Council staff be authorized to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the intent of the delegates; and

FURTHER RESOLVED, that such amended and restated *Bylaws* will become effective as of the adjournment of the 2023 Annual Business Meeting.

FINANCIAL IMPACT:

- This resolution will have a minimal financial impact. An estimated \$80,000 over a two year period to account for an extra Board of Director member travel to Board, committee, and other major meetings of the Council.

SPONSORS' STATEMENT OF SUPPORT:

This year, the Board of Directors undertook a study to assess the current NCARB governance structure to identify opportunities to evolve in alignment with best governance practices and to encourage diversity, equity, and inclusion (DEI) on the Board and within the volunteer culture. The Board of Directors has taken all membership feedback under advisement to develop a final 2023 resolution proposal to amend and restate the *NCARB Bylaws*.

Resolution 2023-05: Amended and Restated Bylaws offers exciting opportunities to add new perspectives to the NCARB Board of Directors, reduce the timeline to Board leadership, and remove some of the qualification impediments from the current *Bylaws*. This resolution incorporates the original recommendations from the 2021 Diversity Collaborative (subsequently established as the DEI Committee) to reduce the number of officer positions from six to four and add two At-Large positions. The highlights from the resolution's proposed changes include:



- Opportunity to provide the Board with new perspectives by establishing At-Large Director positions.
- The addition of volunteer experience as a valid qualification for At-Large Director positions.
- The timeline to Board leadership is reduced by eliminating two officer positions.
- Removal of the requirement for Member Board service to have occurred within one year of nomination to the Board removes an impediment to individuals whose Member Boards mandate short tenures or to those who are no longer on their Member Boards, but aspire to serve on the Board.

Overview of Proposed Changes

All six Regional Director positions are retained with no adjustments to the regional map; two at-large director positions are added; two officer positions are eliminated (merge Secretary/Treasurer and eliminate Second Vice President). Member Board experience is required for all Board positions except At-Large Directors; At-Large Directors qualify either with experience as a Member Board Member or as an NCARB volunteer for at least two years. There will be no Nominating Committee; candidates will self-nominate for all positions, with volunteer leaders encouraged to recruit eligible individuals from various backgrounds. The Secretary/Treasurer candidate(s) must serve at least two years on the Board; and then the elected Secretary/Treasurer will automatically move up to Vice President, President, and Immediate Past President. A transition plan will calibrate moving to the new model over three years commencing with the 2024 Annual Business Meeting (ABM). These changes will increase the pool of qualified applicants, streamline the leadership timeline, and enable the opportunity for greater flexibility in paths to Bovard participation and greater diversity—from multiple perspectives—in Board composition.

Benefits:

- Increase the pool of qualified applicants by removing the one-year window for Member Board service and adding a path to the Board separate from regional nomination.
- Streamline the leadership timeline by removing two officer positions.
- Enable greater candidate flexibility and diversity.
- Timeline for Changes to Board Positions:
- Add two At-Large Director positions, elected at 2024 ABM.
- Merge Secretary and Treasurer positions, effective at the close of the 2024 ABM, with the incumbent Secretary to continue as new Secretary/Treasurer.
- Eliminate Second Vice President position, effective at the close of the 2026 ABM.
- All other existing positions would remain as-is (i.e., six Regional Directors, Public Director, MBE Director).
- You can review the complete transition plan in Appendix F.

At-Large Directors:

- Must have served two years on a Member Board or as an NCARB volunteer (at any time).
- Do not need to be architects.
- Would self-nominate.

Changes to Elections:

- Merged Secretary/Treasurer would automatically succeed to the Vice President position.
- Membership would elect two at-large directors from the available candidates.



- Election for at-large director positions will use plurality voting—meaning the person(s) with the most votes will win, even if they do not have 50 percent of the vote. This voting method will minimize the need for additional rounds of voting.
- All other elections remain as-is.

Other Changes:

- Clarification that all officers must have Member Board experience.
- Removal of requirement that Member Board service for Regional, MBE, and Public Directors must have been within one year of nomination. Now candidates must have at least two years of experience on a Member Board, but there is no time limit on when that service occurs.
- Secretary/Treasurer position will require two years of experience on the Board of Directors in the most recent five years, effective 2027.
- **NO** Nominating Committee—Credentials Committee will review qualifications for all available candidates; others within the organization will recruit multiple candidates for open At-Large Director positions; and all candidacies will self-declare.
- Changes would go into effect through a multi-year transition plan, detailed in the resolution appendices. The transition is expected to be completed at the 2026 Annual Business Meeting.

What's Staying the Same:

- Regional Directors
- Requirement for all architect Board members (Directors and Officers) to have an NCARB Certificate (will be reviewed in FY24)
- Regional (and At-Large) Directors will be eligible to serve a maximum of two consecutive one-year terms, with the option to return to the Board later.
- Candidates for Secretary/Treasurer, Public Director, and At-Large Directors will be able to declare at the Annual Business meeting by the deadline determined by the Credentials Committee (current practice is to file no later than the close of the first business session during ABM)

Based on feedback from the Board of Directors, First Vice President/President-elect Jon Baker indicated his commitment to continue discussion regarding the feasibility of more governance adjustments in the coming years.

Background

This resolution was informed by efforts begun in 2019 by the then-Diversity Collaborative (now DEI Committee), which identified member concerns about the Council's current governance model, including the structured regional governance path as the perceived only path to Board service, lengthy timelines from initial Board service through the Presidency/Past Presidency that disincentivized opportunities to serve, and under-representation by demographically diverse individuals in comparison to those diversities in communities served by NCARB.

The Diversity Collaborative submitted two resolutions for Board consideration in 2021. One resolution was passed by the membership reducing the timeline on the leadership path by one year by adjusting the maximum tenure of regional directors from three consecutive terms to two. The second resolution proposed eliminating the Second Vice President position, merging the Secretary and Treasurer positions, and adding two At-Large positions. The Board of Directors tabled this second proposed resolution, requesting time to engage consultants with expertise in governance and diversity/equity/inclusion and further engage the membership regarding possible new governance models.



NCARB consultants facilitated 10 listening sessions in summer 2021 with Member Board Members from underrepresented groups to seek additional insights regarding the path to NCARB leadership. These sessions identified perceived cultural and actual impediments to their interest in serving on the NCARB Board of Directors. Then-President Alfred Vidaurri Jr., NCARB, NOMA, FAIA, initiated Board and key volunteer training on pursuing a more diverse, equitable, and inclusive community of leaders and issued a mid-year status report titled [Discernment Regarding NCARB Culture, DEI, and Governance](#) in spring 2022.

In 2022, President Bayliss Ward, NCARB, AIA, appointed a Governance Work Group and a governance expert to develop and socialize with NCARB membership possible governance frameworks that would encourage DEI on the Board by eliminating unnecessary impediments or unconscious bias along the leadership path. Three frameworks were posited, and NCARB members provided feedback through numerous engagement sessions conducted from October 2022 through March 2023. Member feedback sessions included: six Zoom listening sessions; meetings with the Regional Leadership and DEI Committees; a breakout session with Member Board Chairs at the Member Board Chairs/Member Board Executives Leadership Summit; a Regional Summit plenary followed by visits from the Governance Work Group with each region; correspondence submitted by several Member Boards, Member Board Members, and regions; and robust participation by a large segment of Member Board Members in a governance survey in March 2023.

Resolution 2023-05 incorporates the original proposal from the DEI Collaborative and goes further by adding a new leadership path and removing some longstanding restrictions.

ADVOCATES:

- **FY23 Board of Directors**
 - Bayliss Ward, NCARB, AIA; President/Chair of the Board
 - Jon Alan Baker, FAIA, NCARB, LEED AP; First Vice President/President-elect
 - Kenneth R. Van Tine, AIA, NCARB, LEED AP; Second Vice President
 - Edward T. Marley, NCARB, AIA, LEED AP; Treasurer
 - John Patrick Rademacher, AIA, NCARB; Secretary
 - Alfred Vidaurri Jr., NCARB, NOMA, FAIA; Past President
 - Janet L. Hansen, NCARB, LEED AP; Director, Region 1
 - George H. Miller, FAIA; Director, Region 2
 - Richard H. McNeel, NCARB, AIA, LEED AP; Director, Region 3
 - Margaret (Meg) S. Parsons, FAIA, NCARB, LEED AP BD+C, ALEP; Director, Region 4
 - Lenora A. Isom, RA, NCARB; Director, Region 5
 - Sylvia Kwan, FAIA, LEED AP; Director, Region 6
 - Gary R. Ey, CDT; Public Director
 - Cathe M. Evans, Member Board Executive Director



- **FY23 Governance Work Group**
 - Jennifer R. Arbuckle, NCARB, AIA, LEED AP, Region 1 Chair, Former Chair – DEI Collaborative
 - Jon Alan Baker, FAIA, NCARB, LEED AP, NCARB First Vice President/President-elect
 - Cathy Morrison, AIA, LEED AP BD+C, NCARB, Region 3 Secretary/Treasurer
 - Coffee Polk, AIA, NCARB, FY23 Exam Committee Member, Former Re-Think Tank Member
 - Alfred Vidaurri Jr., NCARB, NOMA, FAIA, NCARB Immediate Past President

RESOURCES

- [Appendix E: Proposed NCARB Bylaws Updates](#)
- [Appendix F: Proposed Transition Model](#)

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Appendix A:

Mississippi Board's Proposed 2023 Resolution:
Memorandum from the NCARB Board of Directors

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

MEMORANDUM

To: NCARB Membership

From: NCARB Board of Directors

Date: May 8, 2023

Re: Mississippi Board's Proposed Resolution

The Mississippi Board has proposed a resolution for the 2023 Annual Business Meeting to amend the *Model Regulations* to include a footnote recommending that jurisdictions consider, for enforcement purposes, additional criteria surrounding what it means for an architect to exercise "Responsible Control" over a project.

A comprehensive memorandum from our legal counsel, Venable LLP, is attached for your review. As explained below, the Venable opinion leads us to conclude that this proposed modification is misplaced within the Model Regulations and, if adopted, would cause confusion. Moreover, just last year, the Model Law Task Force suggested, and the membership adopted, the current definition of "Responsible Control" to replace the previous definition of "responsible charge." We are concerned that the current proposal is a disservice to those efforts and to NCARB's larger objectives of promoting standardization across our Member Boards' laws and regulations. Therefore, we request that the membership consider voting against the resolution.

Summary of the Resolution

The resolution would add a footnote to Regulation 401.1 suggesting that jurisdictions consider adopting certain additional criteria defining what it means to exercise "responsible control." The Mississippi Board believes this would improve oversight and enforcement when overseeing work under an architect's Responsible Control.

If technical submissions are prepared by non-architects or licensed architects, alike, then the amendment would suggest that jurisdictions consider work "prepared by individuals under the Architect's Responsible Control" to require all three of the following:

1. Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to

control and direct the employee in the material details of how the work is to be performed; and

2. Involvement in the preparation of Technical Submissions prior to their completion; and
3. Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute control.

The *Model Law and Regulations* as adopted last year specified that an architect could sign and seal documents if the work was done under the Responsible Control of the signing architect. The proposal suggests significant limitations on the flexible concept of Responsible Control adopted last year with the inclusions of these the three new criteria.

Reasons to Recommend Against the Resolution

Based on the substantive changes, the Venable analysis along with the recent history of the Model Law Task Force work leads to five principal reasons why the resolution proposed by Mississippi should be rejected:

1. The Model Law Task Force spent several years updating the NCARB *Model Law and Regulations* to "modernize the document and provide a more relevant, useful tool for its members." As part of its review, the scope of the definition of "responsible control" (previously "responsible charge") was updated to provide greater flexibility to accommodate the continuously evolving practice of architecture. These changes would be a step backwards because they hamper, not embrace, flexibility.
2. The proposed changes appear to be out of step with what most jurisdictions do. Each jurisdiction makes its own rules, but the *Model Law and Regulations* are designed to provide legislators and regulators with what NCARB's membership believes to be best practices for regulation. The changes proposed would significantly alter what was approved just last year with no material benefits to show for the effort.
3. The proposal makes changes to the Architect Seal regulation without changing the statutory definition of responsible control. Dividing the concept of "responsible control" between NCARB's *Model Law* and its *Model Regulations* is unhelpful for users, be they fellow member boards, state legislatures, or policy makers.

4. Responsible control comes up in the *Model Law* both in the section on sealing and in the section on unauthorized practice. Specifically, if someone is under the responsible control of an architect they are not engaged in the practice of architecture (which would be unauthorized if done by a non-architect). By imposing these additional requirements in the signing section but not changing the definition of responsible control, there would be an imbalance in the statute that would allow non-architects to engage in certain activity if under the responsible control of an architect, but still produce work that could not be signed and sealed by an architect.
5. Because the additional language is framed as optional—to be adopted by jurisdictions at their choosing based on their own enforcement frameworks—its inclusion in NCARB’s model documents would amount to NCARB-sanctioned variation between jurisdictions. This directly conflicts with one of NCARB’s overarching objectives to promote unity and standardization of licensing frameworks among member boards.

Appendix B:

Legal Analysis: Memorandum from
Venable Law Firm

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

CONFIDENTIAL: SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

memorandum

TO	<i>National Council of Architectural Registration Boards</i>	DATE	April 11, 2023
FROM	Ronald M. Jacobs Cristina I. Vessels Brian M. Melnyk	EMAIL	RMJacobs@Venable.com
		PHONE	202.344.8215
RE	Legal Analysis of the March 2023 Mississippi Member Board Resolution		

I. Introduction and Executive Summary

You asked for a legal analysis of the resolution the Mississippi Board of Architects plans to introduce at the 2023 Annual Business Meeting to further define “Responsible Control” in the NCARB *Model Law and Regulations* (the “Resolution”). The Resolution is the third iteration of the proposed amendment to this term and reverts to the Mississippi Board’s original proposal from December 2022.

In short, the Resolution proposes to add a footnote to Regulation 401.1 (Architect Seal) to specify additional criteria that member boards may *choose* to adopt regarding when an architect may sign and seal a document. The expanded explanation for the term would suggest that jurisdictions consider certain additional details “for enforcement purposes” when overseeing work under an Architect’s Responsible Control.

Although some jurisdictions may already have a similar augmented Responsible Control standard in their laws or rules, the amendment may result in several negative consequences. Specifically, the augmented Responsible Control standard would be contrary to the changes made to the *Model Law* in 2022 that broadened the scope of Responsible Control to add flexibility to how modern architects practice when working with others (both architects and non-architects). It would weaken the carefully thought-out definition of Responsible Control by placing material limitations on the scope of the term in the regulatory section related to sealing documents. In addition, the placement of the additional language in a regulatory footnote, as well as the vagueness of the “framing” language, may lead to unnecessary confusion among the member boards and harm NCARB’s efforts to standardize licensing requirements among all U.S. jurisdictions.

This memorandum provides background on the current Responsible Control definition, explains the scope and possible consequences of the Resolution if it is adopted, and presents suggestions to revise the Resolution to mitigate negative consequences.



II. Background on the Definition of Responsible Control

At NCARB's 2022 Annual Business Meeting, member boards voted 53 to 1 to replace the definition of "Responsible Charge" with a definition of Responsible Control in of the *Model Law and Regulations*.¹

Responsible Charge meant: "The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care."

Responsible Control now means: "Responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the preparation of the project's instruments of service and the project's implementation in conformance with the standard of care."²

The *Model Law* uses the term Responsible Control (and previously used Responsible Charge) in two distinct, yet related areas. Article V, Section 401(2) requires Technical Submissions to be stamped by an architect who has Responsible Control for the project. The implementing regulations specify that an architect may seal documents if "[p]repared by individuals under the Architect's Responsible Control." Model Regulation 401.1(1)(b). In addition, Article I, Section 104(5) of the *Model Law* excludes from the practice of architecture work done by an unlicensed individual that would otherwise constitute the practice of architecture as long as it is done under the supervision of a licensed architect such that the licensed architect exercises Responsible Control for the project. Thus, an architect can seal documents prepared by others under the architect's Responsible Control and such individuals are not engaged in the unauthorized practice of architecture if they are under the architect's Responsible Control.

III. Summary of the Mississippi Member Board's Proposed Resolution

In its current form,³ the Resolution would add a footnote to R401.1 (Architect Seal) in the *Model Regulations* to recommend additional criteria regarding Responsible Control. Specifically, the footnote would state that jurisdictions may consider a stricter definition of Responsible Control that requires:

¹ NCARB, *Press Release: Summary Report of Vote on Resolutions at NCARB's 2022 Annual Business Meeting* (June 4, 2022), <https://www.ncarb.org/press/summary-report-of-vote-resolutions-ncarb-s-2022-annual-business-meeting>.

² NCARB *Model Law and Regulations* § 103(16) (June 2022), <https://www.ncarb.org/sites/default/files/LegislativeGuidelines.pdf>.

³ Attached hereto as Exhibit A.



1. Direct contact between the client and the Architect or the Architect's employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
2. Involvement in the preparation of Technical Submissions prior to their completion; and
3. Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect's employ does not constitute the exercise of Responsible Control.

The Mississippi Board posits that some jurisdictions may choose to adopt the footnote, or otherwise incorporate the recommendations into those jurisdictions' existing regulations, based on the enforcement standards of each such jurisdiction. The Mississippi Board states the definition of Responsible Control "lacks clarity and specificity," which could hinder enforcement efforts and render licensees uncertain as to whether they are practicing in compliance with the laws and regulations. The Mississippi Board expresses concern that the "[t]erms such as 'oversee,' 'delegate,' and 'integrate' are ambiguous and subject to a variety of interpretations."

IV. Legal Analysis and Effects of Adopting the Resolution

The Resolution, if adopted, would suggest states impose stricter requirements for overseeing the work of those under the "Architect's Responsible Control" in the jurisdictions that chose to adopt them. The three additional criteria were not found in the older definition of Responsible Charge and are not in the current definition of Responsible Control. These changes may or may not be in line with current practice in various jurisdictions. Whether these requirements should be set forth as the aspirational goal of the *Model Law* is a policy judgment for the Members and should not be included in NCARB's model documents.

In addition, member boards should consider:

1. **The placement of the additional Responsible Control criteria in a footnote to R.401.1 complicates how regulated parties understand the term.** The additional criteria surrounding Responsible Control is currently placed in a footnote to Model Regulation 401.1, which governs the use of an Architect Seal and lists requirements for Technical Submissions. This placement unnecessarily divides the concept of Responsible Control since other references to this term appear in other sections.
2. **The additional Responsible Control criteria would be inappropriate to include in a regulatory footnote.** Furthermore, the footnote's attachment to the Architect Seal regulation is not germane; if its text were to be included as a footnote, it would be more appropriate to attach the footnote to the statutory definition of



Responsible Control. The *Model Law and Regulations* should be a simple resource for member boards and state legislatures, not a confusing map that forces policy makers to search for piecemeal provisions in a lengthy document. The more difficult the *Model Law and Regulations* are to interpret, the less likely state policy makers will look to these paired documents for guidance.

3. **Because the additional Responsible Control language is framed as optional, the Resolution, if adopted, may encourage variation among the NCARB jurisdictions, which is counter to NCARB's overarching goal of standardization.** The primary purpose of publishing the *Model Law and Regulations* is to encourage jurisdictions to adopt standardized licensing laws and regulations. Standardization has numerous benefits, including, for example, protecting the public's health, safety, and welfare by ensuring architects satisfy rigorous educational, experience, and examination requirements that demonstrate an architect's competence to practice. Standardization also encourages reciprocal licensure to allow architects to move more freely from jurisdiction to jurisdiction, thereby reducing barriers to an individual's ability to pursue the right to make a living in their desired location.

Offering a buffet of options to various jurisdictions through the *Model Law and Regulations* generally runs counter to these goals and would inevitably lead to, effectively, NCARB-sanctioned variation among jurisdictions. Of course, variation already exists, and universal adoption of the exact same statutes and regulations is impractical. Moreover, some jurisdictions already apply concepts like the Responsible Control standards proposed in the Resolution, either formally in statutes or regulations, informally through guidance and practices, or in case law. Thus, adoption of the proposed language may be consistent with some jurisdictions' current procedures. Even so, the overarching principle for uniformity would be undermined by NCARB's adoption of this change.

4. **The new recommendations for sealing technical submissions do not change the exemptions from the unauthorized practice of architecture.** The Responsible Control definition is used primarily to define when an Architect may seal a document. But, as noted above, it also is used to exempt non-licensed individuals acting under the Responsible Control of an Architect from unlawfully engaging in the unauthorized practice of architecture. The optional new requirements for sealing are more restrictive than the current definition of Responsible Control. As such, the exemption is now broader than the sealing requirements, meaning someone could engage in activities that would otherwise be regulated as the practice of architecture, and an Architect could still not be allowed to use their work in a document to be sealed.



V. Proposed Revisions to the Resolution and Related Recommendations

Should NCARB choose not to formally oppose the Resolution, NCARB should consider proposing certain edits to the Resolution to mitigate the negative consequences identified above.

Specifically, to address the placement concerns addressed above, NCARB may propose attaching the footnote to the statutory definition of Responsible Control in section 103 of the *Model Law*. This alternative has the benefit of consolidating the Responsible Control concept into a single place in the *Model Law and Regulations*. Member boards and state legislatures would not need to reference multiple areas of the *Model Law and Regulations* when determining whether the adoption of the supplemental language is consistent with their respective regulatory practices.

Furthermore, to clarify the purpose of the proposed footnote and resolve inconsistencies while still accommodating minor nuances existing among the NCARB jurisdictions, we recommend that the Resolution be clear that, if a jurisdiction decides to adopt the supplemental language, it should incorporate the new language in a new supplemental *regulatory* definition in R103. Although the footnote explaining the language should be attached to the statutory definition for ease of reference, the statutory definition itself should not be modified if a jurisdiction decides to take this approach. Also, the footnote should not encourage jurisdictions to further modify or delete other provisions of the regulatory definition, which would lead to more unpredictable variation among the jurisdictions.

This approach is preferable because the *Model Law* is the bedrock of NCARB's standardization efforts. Once codified, statutes are harder to amend than regulations, so it should be a priority to encourage adoption of NCARB's most preferred language in the statutes, with as little (to no) variation as possible. Regulations, on the other hand, are a better vehicle to incorporate jurisdictional nuances and evolving architecture practices because they are more easily amended.

With these recommendations in mind, should NCARB decide to move ahead with this proposal, it would be advisable to change the text of the Resolution as follows:

RESOLVED, that the following footnote be added to the definition for "Responsible Charge" in paragraph 16 of Section 103 of the *NCARB Model Law and Regulations*:

^[Footnote] ~~For enforcement purposes some Jurisdictions may wish to add clarifying language noting that Responsible Control shall require:~~ To reflect jurisdictional-specific enforcement practices and standards governing the preparation of technical plans, project development and implementation, and



the use of the Architect Seal, a Jurisdiction may add the following supplemental definition to R103 of the *NCARB Model Law and Regulations*:

X) **Responsible Control** – The definition of Responsible Control in Section 103(16) requires:

- a. Direct contact between the client and the Architect or the Architect’s employee so long as the Architect has the right to control and direct the employee in the material details of how the work is to be performed; and
- b. Involvement in the preparation of Technical Submissions prior to their completion; and
- c. Review, or review and correction, of final Technical Submissions. Mere review of work prepared by others outside of the Architect’s employ does not constitute the exercise of Responsible Control.

~~Jurisdictions including the additional criteria above may choose to modify or delete the other provisions of this regulation accordingly.~~

* * * * *

If you have any questions or would like further information on any of the issues raised here, please do not hesitate to let us know.

Appendix C:

NCARB Education Policy Resolutions to Sunset: 1960-1999

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Appendix C

NCARB Education Policy Resolutions to Sunset: 1960-1999

Project Background

In FY19, Board discussions unveiled a resolution from 2000 that dictated an NCARB position on an issue/policy that, in 2020, no longer aligned with current practice or philosophy. Evaluation of the resolution was assigned to a task force for review and discussion, but led the Board to question the status of other resolutions that dictated official NCARB policy or position. Policies or positions implemented by membership vote remain active unless the membership takes a follow-up action to sunset it, provides a deadline, or includes information granting authority of future adjustments to another party in the resolution.

NCARB staff began a research project to evaluate the status of all historical NCARB resolutions, and the Policy Advisory Committee (PAC) has been asked to make recommendations to the NCARB Board of Directors on whether the resolutions should remain NCARB policy or sunset.

The resolutions are being reviewed by category, and the first set of policies were sunset in FY21. This year, the PAC conducted a holistic review of active education-related policy resolutions, including those from 1960-1999.

Additional resolutions from more categories and decades will be reviewed over the next several years as NCARB cleans up its resolution database.

Resolutions Recommended for Sunset as part of Resolution 2023-02:

Resolution 1999-15: No Sunset for Broadly Experienced Architect Alternative

“RESOLVED, that, notwithstanding Resolution 96-7 which, among other things, ended, effective July 1, 2000, the broadly experienced architect alternative to the degree requirement, a broadly experienced architect, without an accredited degree, whose qualifications are described in *NCARB Education Standard*, shall continue to be eligible for Council certification.”

Rationale: This resolution continues the alternative paths for architects without a NAAB-accredited degree. It also was intended to maintain the two-year window around NAAB accreditation when evaluating degrees (established in 1996-07, below). Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. However, sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1996-07: Sunsetting Alternate Education Route

“RESOLVED, that, effective July 1, 2000, all applicants for Council certification, except applicants with a degree in the field of architecture granted by an academic institution outside the United States and Canada, must hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation.”

Rationale: This resolution was intended to sunset the education alternative routes, while also establishing a two-year window for NAAB accreditation. However, this resolution seems to be in conflict with Resolution 1999-15, although both are still active. NCARB does offer alternative programs for individuals with backgrounds not included in this resolution. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1994-02: Sunsetting EESA For All But Foreign-Educated and Broadly Experienced Applicants

“RESOLVED, that effective July 1, 2000, all applicants for Council certification, except broadly experienced architects and foreign-educated applicants, must hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board not later than two years after the degree was received. The foregoing requirement shall not apply to persons seeking reinstatement of a certificate or to foreign-educated applicants who may continue to satisfy the education requirements through the Education Evaluation Services for Architects (EESA) process. Foreign-educated applicants shall mean persons holding a professional degree in architecture from an institution in a country (other than in the United States or Canada) whose regulating authority recognizes the degree. Broadly experienced architects are those applicants whose qualifications are described in Section II, Sub-section 5 of the NCARB Circular of Information No. 3.”

Rationale: NCARB does offer the alternative paths mentioned in this resolution. However, NCARB does still allow the EESA option. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1983-01: Certification For Applicants Without Degree Who Meet Existing Standards

“RESOLVED, that, notwithstanding Resolution 14 of the 1980 Annual Meeting and Resolution 3 of the 1981 Annual Meeting, applicants for Council certification who, on or before July 1, 1984, have at least 5 years of education credits in accordance with Appendix “A” to Circular of Information No. 1, released July 1983, shall be deemed to have met the educational requirements for certification.”

Rationale: This resolution updated the Circular of Information, and would have been modified by following resolutions in 1984. However, this resolution is still listed in the active resolutions index document from 2002; sunseting it would clarify that it is no longer active.

Resolution 1983-05: To Accept Alternate Education in Lieu of an Accredited Degree

“RESOLVED, that, notwithstanding Resolution 14 of the 1980 Annual Meeting and Resolution 3 of the 1981 Annual Meeting, applicants for Council certification, after July 1, 1984, without an accredited degree but meeting all other Council criteria, whose education is deemed by the Education Evaluation Committee to meet the Education Criteria adopted by the Council, shall be granted certification.”

Rationale: NCARB’s current Education Alternative pathways fulfill this requirement. Sunseting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunseting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1980-13: Preparation of State Versions of Appendices “A” and “B”

“RESOLVED, That the Council Board of Directors be directed to prepare a modified version of Appendix “A” and Appendix “B” appropriate for adoption by Member Boards as their regulations describing requirements for registration, and that all Member Boards be encouraged to adopt such regulations as soon as feasible.”

Rationale: This resolution has two parts: 1) Updates to Appendix A and B, which were completed at the time, and those appendices were later incorporated into programmatic guidelines and/or retired. These appendices included suggested education, experience, and examination requirements. 2) Encouraging adoption of NCARB’s national standards. Sunseting this resolution has no impact on current NCARB requirements, but does ensure that Member Boards may maintain their current individual requirements for regulation of the profession within their jurisdiction.

Resolution 1980-14: Requirement of Bachelor's Degree for Certification

“RESOLVED, That every applicant for Council Certification who has not been registered for the practice of architecture by a Member Board by July 1, 1984, must hold a professional degree in architecture from an NAAB accredited program and that Appendices “A” and “B” be adjusted accordingly.”

Rationale: Adjustments were made by later resolutions to allow for additional options, but this policy did go into effect as the preferred education requirement for certification in 1984. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1979-03: All Conferences to Establish Meetings with their Educational Communities

“WHEREAS, The acceptance of a degree from an accredited school of architecture is a major consideration by Member Boards in the registration process, and thereby affects the health, safety and welfare of the public, and

WHEREAS, Through a lack of communication and understanding, a loss of confidence in the grading process had developed among the Member Boards, the Southern Conference initiated a continuing dialogue with Board members, ACSA and NAAB, and

WHEREAS, These meetings have restored confidence in the accrediting process, understanding of mutual problems and established closer ties among the Member Boards and the schools of architecture in the Southern Conference; now, therefore, be it

RESOLVED, That all Regions of NCARB make every effort to initiate similar meetings to improve communications with their educational community, to better understand the accrediting process, and to produce thereby the best possible architectural graduates to better serve the public.”

Rationale: Currently, about half of NCARB’s regions are not in compliance with this resolution (Regions 3, 4, 5, and 6 regularly hold a similar conference). Forcing regions to hold a similar conference could have a significant financial and administrative impact on regions that are not currently choosing to do so. Sunsetting this resolution ensures that regions can continue to engage with educators in their region in the way that suits their needs best.

Resolution 1978-25: Task Force to Define the Areas of Study Fundamental to the Practice of Architecture

“WHEREAS, The functional necessities of state registration boards require continual assurance that the national accreditation process includes among its principle concerns that satisfactory exposure and proficiency are required in areas of study fundamental to the practice of architecture, and

WHEREAS, Current NAAB accreditation processes do not provide such continual assurances, and

WHEREAS, There is sufficient reason to believe that such areas of study can be defined and that reasonable measures of satisfactory exposure and proficiency in such areas can be determined; now, therefore, be it

RESOLVED, That a task force of Member Board Members, educators, and representatives of NAAB be created by NCARB and charged with the responsibility of seeking a method of providing the assurance indicated above.”

Rationale: This resolution created a task force that no longer exists; the task force completed its work at the time and a recommendation was made that the 1979 Annual Meeting, resulting in future work. Now, NCARB is included in the accreditation process in a variety of ways, including with members on NAAB visiting teams. Sunsetting this resolution provides clarity that the work of the task force was completed at the time.

RESOLUTION 1969-7: Proposal to Grant the Title "Intern-Architect" or Other Title as May be Determined by the NCARB Board of Directors to Graduates of Accredited Architectural Schools and to Establish a Defined Internship Program and Record

This proposal includes:

- A. The granting (award) of a first-level professional recognition to the graduate of an accredited architectural school at the time of his receipt of his first professional degree. This recognition shall be called "Intern-Architect" and shall be awarded by the state registration board of his residency through the use of NCARB guidelines, the details of which are to be developed this coming year and presented at next year's Annual Convention for approval and implementation. It is not anticipated that this recognition will cause a statutory change in registration laws but can be accomplished by a change in each Member Board's rules and regulations. The procedures for award of this recognition should be according to a uniform NCARB procedure stated in its Circular of Information. This recognition in no way grants any degree of state registration but rather is a professional recognition of achievement in the ladder leading to professional registration.

- B. The establishment of an Internship Program of three years' duration that permits the flexibility of different kinds of experience for two years and requires one year of experience in a registered architect's office who is in private practice. This Internship Program would include the issuing, by the state registration board of his residency at the beginning of his internship and through the offices of NCARB, of an "Internship Architect Record" for the recording and verification of his experience by each of his employers. The details and structure of this procedure for implementation are to be studied this coming year by NCARB, the Member Boards and in cooperation with ALA. and reported to the next Annual Convention.

Rationale: This resolution has two parts: 1) Establishing the title "intern-architect" for graduates of NAAB-accredited programs (which NCARB is not in compliance with), and 2) Creating the experience program (which NCARB is in compliance with). Current jurisdictional requirements would not allow many of NCARB's members to enact part 1; NCARB's current policy is to encourage jurisdictions to determine their own titling per their laws and rules. Sunsetting this resolution has no impact on current requirements since those are embedded in official NCARB documents, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Resolution 1965: Foreign Education

"Proposal 1. That the Admissions Office of Accredited Schools of Architecture be requested to evaluate each applicant with a foreign school education in relation to its own standards.

- a. U. S. schools do this now for such candidates that want to continue or complete their education. A system of measurement is now in operation.
- b. The work to provide this evaluation would entail a cost to the school that should be borne by the applicant.
- c. A report direct from the Admissions Department to NCARB indicating full equality or partial credit in years of accomplishment will establish the individual applicants that will fit into the educational measurements in Circular of Information, No. 3-62.
- d. It is further recommended that one school in each of the same U. S. regions be enlisted to perform this service.

Proposal 2. That foreign practical training be recorded in the same manner required for applicants as indicated in Circular of Information, No. 3-62, including interpretations of 1964. That costs of translation of all records, references, etc., be borne by the applicant."

Rationale: Much of the purpose of this resolution is still in place through the EESA program. Sunsetting this resolution has no impact on current requirements since those are embedded in the NCARB Certification Requirements, which also require a resolution to update. Sunsetting this resolution ensures that NCARB will not be in conflict with past policy resolutions should membership ever desire to update the education requirements.

Appendix D:

NCARB Policy Resolutions to Sunset:
1960-1979, Part 1

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

DRAFT AGENDA

Appendix D

NCARB Policy Resolutions to Sunset: 1960-1979, Part 1

Project Background

In FY19, Board discussions unveiled a resolution from 2000 that dictated an NCARB position on an issue/policy that, in 2020, no longer aligned with current practice or philosophy. Evaluation of the resolution was assigned to a task force for review and discussion, but led the Board to question the status of other resolutions that dictated official NCARB policy or position. Policies or positions implemented by membership vote remain active unless the membership takes a follow-up action to sunset it, provides a deadline, or includes information granting authority of future adjustments to another party in the resolution.

NCARB staff began a research project to evaluate the status of all historical NCARB resolutions, and the Policy Advisory Committee (PAC) has been asked to make recommendations to the NCARB Board of Directors on whether the resolutions should remain NCARB policy or sunset.

The resolutions are being reviewed by category, and the first set of policies were sunset in FY21. This year, the PAC reviewed additional resolutions from 1960-1979 in the following areas:

- Financial
- Records/Processes
- Experience
- Certification
- Continuing Education

Additional resolutions from more categories and decades will be reviewed over the next several years as NCARB cleans up its resolution database.

Resolutions Recommended for Sunset as part of Resolution 2023-03:

Resolution 1979-01: Architect Development Verification Program (ADVP)

“RESOLVED, That the ADVP Committee be charged to continue the study and development of an appropriate on-line system to be made available to Member Boards on their request. It is to be clearly understood that the ADVP is being developed in order to be prepared for those jurisdictions who adopt continuing education legislation and not as a mandatory license maintenance or NCARB maintenance program.”

Rationale: The ADVP Committee continued by this resolution has since evolved into the Continuing Education Subcommittee, which fulfills the role established by this resolution. The online system for continuing education was developed and still exists to this day. The Policy Advisory Committee

recommends revoking this policy resolution not to change NCARB's stance, but to give the organization freedom to update its services should the need arise in the future.

Resolution 1979-04: Meeting Facilities Accessible to and Usable by the Handicapped

“WHEREAS, The practice and profession of architecture is rapidly changing in today's society, and
WHEREAS, The dynamics of social relationships directly impact on the personal, social and vocational independence of all citizens, and

WHEREAS, The policies of such professional organizations as NCARB can have an impact on these relationships; now, therefore, be it

RESOLVED, That it be the policy of NCARB to hold future meetings and conferences wherever practicable only at those meeting facilities that are accessible and usable by all persons.”

Rationale: This resolution was passed prior to the Americans with Disabilities Act. While NCARB still supports accessibility in our choice of meeting locations, modern legislation and buildings codes mean this resolution can be retired. Additionally, NCARB's meeting planning staff's internal policy ensures that NCARB confirms hotel accessibility when establishing new contracts.

Resolution 1978-07: IDP Resolution

“WHEREAS, The 1977 Annual Meeting approved the development of the Intern-Architect Development Program (IDP) and instructed the Council Board to make IDP available to Member Boards requesting the same, and

WHEREAS, By Resolution Number 6, this meeting has adopted Appendix 'B' covering the specific training requirements of IDP, and NCARB has prepared model Member Board regulations based on Appendix 'B'; now, therefore, be it

RESOLVED, That all Member Boards are encouraged to adopt the IDP criteria for training by enacting the model IDP regulations recommended by NCARB, in forms appropriate to the Member Board's rules and regulations, and are further encouraged to begin the implementation of IDP as quickly as possible.”

Rationale: This resolution is a companion to Resolution 1978-06 (a resolution that updated NCARB's official documents), which laid out the requirements for the IDP. While Resolution 1978-06 was replaced by later resolutions that updated the requirements of the experience program, Resolution 1978-07 remained an active policy resolution. This resolution encourages all Member Boards to adopt NCARB's experience program. Today, most boards require, and all accept, NCARB's experience program to satisfy at least some part of their experience requirement. While the language “in forms appropriate to the Member Board's rules and regulations” leaves room for boards to maintain their own requirements, the general mandate regarding Member Board requirements is not in line with NCARB's current approach.

The Policy Advisory Committee recommends sunsetting this resolution to ensure that Member Boards remain in full control of the regulation of the profession within their jurisdiction.

Resolution 1977-07: Continuing Professional Development

“RESOLVED, That the concept of the Architect Development Verification Program be approved and that the NCARB Board of Directors be authorized to continue development of this program.”

Rationale: This resolution enabled NCARB to continue considering the development of a continuing education program, and was later modified by resolutions 1978-26 and 1979-01. While this resolution aligns with NCARB’s current stance regarding continuing education services, recommendations regarding continuing education are made by the Education Committee and Continuing Education Subcommittee, and sunsetting this resolution ensures that more modern policies and recommendations from those committees take precedence.

Resolution 1977-08: Intern-Architect Development Program (IDP)

“WHEREAS, The Intern-Architect Development Program will provide the Intern-Architect with a level of advice, guidance and resources that, heretofore, have been unavailable at any level; now, therefore, be it

RESOLVED, That the report of the IDP Committee including the Circular of Information No. XI, be approved; and be it further

RESOLVED, That this Annual Meeting recommend the adoption of the “Training Experience Requirements” by all NCARB Member Boards and that the NCARB Board of Directors be instructed to make available the Intern-Architect Development Program in the States of California, Iowa, New Jersey, Texas and Virginia as of January 1, 1978, and in other States when so requested.”

Rationale: Similar to Resolution 1978-07, this resolution encourages the adoption of a national experience program. It also requires NCARB to launch the Intern-Architect Development Program in four states and to make the program available to all Member Boards upon request. While NCARB has completed the action items listed in this resolution, which would typically indicate the resolution is completed, Resolution 1977-08 was included on the 2002 list of active resolutions. The Policy Advisory Committee recommends sunsetting the resolution for clarity.

Resolution 1976-09: Continuation of Inter-Architect Development Pilot Program

“RESOLVED, That the IDP Pilot Program be continued through May, 1977 for the purposes of studying all aspects of an internship program, to report the findings, and to evaluate the implications of implementing the IDP Program in all jurisdictions.”

Rationale: Similar to Resolution 1977-08, the items in this resolution have been carried out in the time frame specified, so the resolution could be considered completed. The IDP Pilot Program was continued through May 1977, and was formalized by Resolution 1977-08 at the 1977 Annual Business Meeting. However, this resolution was included on the 2002 list of active resolutions, so the most straightforward action is to sunset it for clarity.

Resolution 1975-06: Approval Procedures for NCARB Budget

“WHEREAS, Legislative bodies in a number of jurisdictions in the areas served by NCARB are requesting budget information from the Examining Boards; now, therefore, be it

RESOLVED, That the NCARB Board of Directors shall annually publish all examination costs.”

Rationale: NCARB’s current Treasurer’s report provides information on all examination costs, and the organization’s financial statements are included in the Pre-Annual Business Briefing and Annual Report every year. Additionally, the Treasurer is required by the *NCARB Bylaws* to provide a financial report to membership at the Annual Business Meeting. Together, these current requirements and operating procedures make this resolution unnecessary and redundant.

Resolution 1973-14: Continuing Education Program

“WHEREAS, an increasing number of States are requiring professional licensing boards to require proof of continuing professional development and,

WHEREAS, the most reasonable solution to this requirement appears to be through the vehicle of continuing education and,

WHEREAS, the problems of evaluating and coordinating all the various continuing education programs are nationwide,

THEREFORE, BE IT RESOLVED, that NCARB setup the necessary organization to study and evaluate continuing educational programs and make this information available to Member Boards.”

Rationale: The purpose of this resolution was for NCARB to work with AIA to create an organization to verify the quality of continuing education courses, an action NCARB never followed through on. Creating such an organization would require significant funds and bandwidth, and might impact NCARB’s other ongoing work. The Policy Advisory Committee recommends sunsetting this resolution to ensure that NCARB does not need to establish such an organization.

Resolution 1972-01: Blue Cover Certificate

“WHEREAS, The Blue Cover Certificate should be a basis for reciprocity between States,

BE IT RESOLVED, that the name of any Member Board which does not accept the Blue Cover Certificate for reciprocity shall be circulated to the Chairman of each NCARB Region.”

Rationale: All Member Boards accept the NCARB Certificate for reciprocity, although some do have additional requirements. NCARB shares reciprocal licensure requirements for all states through the Licensing Requirements Tool on the NCARB website. While NCARB is in compliance, this resolution is unnecessary and uses out-of-date language.

Note: NCARB still uses the “Blue Cover” terminology internally, but does not use this language externally. Some boards may have “Blue Cover” language embedded in their laws and/or rules.

Resolution 1971-02: Board Resolution to Eliminate Issuance of Wallet Cards

“WHEREAS, the current trend among professional societies, fraternal groups and other similar organizations, is to eliminate the issuance of a wallet card, and,

WHEREAS, the continued issuance of a wallet card will become more time-consuming and costly to furnish, and,

WHEREAS, the issuance of a renewal or wallet card was established at the 1961 Annual Meeting, and reference to same has been deleted in all subsequent editions of the Council By-laws, and,

WHEREAS, The Council office will have the facility to issue a wallet card to any individual member upon his specific request,

Now **THEREFORE, BE IT RESOLVED**, that the general annual issuance of a renewal, or wallet card be discontinued.”

Rationale: Per the resolution, NCARB stopped offering Certificate holders “wallet cards” with each annual renewal. While highly unlikely, if NCARB ever wanted to resume doing wallet cards, the organization would need to pass a resolution to allow it due to this policy. Sunsetting this resolution enables NCARB to make that decision without a resolution vote.

Resolution 1971-12: Resolution on Contents of Certificate Record

“WHEREAS, NCARB transmittal of Council Certifications is a major activity requiring considerable administrative effort and financial expense, and

WHEREAS, these transmittals consists of many pages of letters and other material, requiring reproduction, assembly, mailing expenses, review by the receiving boards and filing space,

THEREFORE, BE IT RESOLVED, that the Mid-Central States Conference recommends to the Board of the National Council of Architectural Registration Boards that it immediately review the contents of Council Certificate transmittals for the purpose of eliminating all unnecessary letters or reference material, said information being available to Member Boards on request, thereby effecting the saving of sizeable financial costs and administrative effort.”

Rationale: The main purpose of this resolution was to save on printing and paper costs when sharing transmittals with licensing boards, a process that is now completed electronically. NCARB does work to streamline the information that is included in transmittals for the ease of our Member Boards, while still providing additional information upon request as necessary. Recommendations for improving the transmittal process are made by the Member Board Executives Committee, and any documentation not included in a Record transmittal can be requested by the Member Board; sunseting this resolution ensures that their recommended policies are not in conflict with any past policies.

Resolution 1971-16: Additional Registration and/or Certification Requirements.

“WHEREAS, Certification by NCARB is the desirable vehicle for professional mobility throughout the United States, now

THEREFORE BE IT RESOLVED, that if any jurisdiction desires additional requirements for registration and/or Certification, and for continued registration and/or Certification beyond those currently required by the NCARB, those additional requirements be submitted to the NCARB Board for consideration and appropriate action and where legally possible the action of the NCARB be adopted by the various jurisdictions.”

Rationale: This resolution is not on the list of active resolutions published in 2002; however, no resolution explicitly replaced or retired it. The content is similar to Resolution 1974-01 regarding Member Board Requirements, which was retired by Resolution 1984-15. NCARB does, to the best of its ability, record jurisdictional licensure requirements, including those beyond NCARB’s recommended standard. However, those requirements are not submitted to the Board, and NCARB does not consider changes to its national requirements based on changes at the jurisdictional level. The policy outlined in this resolution is out of date and should be sunset.

Resolution 1970-01: Updating and Transmittal of Council Documents to Member Boards

“WHEREAS, the several State Boards take seriously their charge from the people to protect the public health, safety, and welfare; and

WHEREAS, these Boards vary slightly and properly attach a great deal of importance to Blue Cover transmittals; and

WHEREAS, the actual value of the Blue Cover as a useful tool for the Boards would be greatly increased if the record were truly current;

THEREFORE BE IT RESOLVED, that an annual report form be completed by each certificate holder and filed with the Council office every year; and further, that the Council office be instructed not to forward Blue Covers until the certificate holders have brought them up to date and the information contained in the current report form has been verified, and too, that the NCARB be instructed to develop the necessary implementation procedures within the coming year.”

Rationale: NCARB’s current renewal procedure meets the requirements of this resolution—architect Record holders complete an annual renewal form with the required information. However, if NCARB ever wanted to adjust our renewal process, the organization would require a resolution to do so because of this policy. Sunsetting this policy enables NCARB to update renewal processes as necessary in the future.

Resolution 1969-01: Continuing Improvements of NCARB Services

“**WHEREAS**, we recognize the continuing and ever-expanding need for interstate mobility by and for architects and realize that the founders of NCARB were advanced thinkers, who planned well and have created a well-functioning system to attain this mobility, and

WHEREAS, the success of this system is founded on voluntary cooperation between the states,

THEREFORE, BE IT RESOLVED that this convention does commend to its leadership and its Board of Directors that the energies of NCARB be directed toward the continuing improvement of our services to the end that they will become so desirable as to be universally accepted voluntarily by the several states.”

Rationale: This resolution does not establish any standards to measure success, making it difficult to tell if the organization is in compliance or not. However, NCARB continuously works to improve its programs and services, and works with its Member Boards to encourage universal adoption of national standards. The policy outlined in this resolution is unnecessary, and should be sunset.

Resolution 1969-04: Issuing Emeritus Certificates to Retired Past Presidents of NCARB

“**WHEREAS**, this convention recognizes the services rendered by the 30 past presidents of the National Council of Architectural Registration Boards; and

WHEREAS, several of these past presidents have reached the age of 70 years and have retired from active practice of architecture;

NOW, THEREFORE, BE IT RESOLVED that all living National past presidents identified as retired and having reached the age of 70 years shall be titled and recognized this date as National Council of Architectural Registration Boards Certificate Holders Emeritus. New Emeritus Certificates shall be presented to each of the living past presidents meeting the recited qualifications by the respective regional conference in which area the individual resides. Such presentation shall be made with appropriate ceremony. Names and Emeritus Certificate numbers of these past presidents shall be published in all future annual convention reports as long as each shall live.”

Rationale: NCARB doesn't issue emeritus Certificates anymore. NCARB also does not publish the names and Certificate numbers of all its past presidents in the Annual Report. However, most of our living past presidents do hold the NCARB Certificate, and past presidents are not charged a renewal fee. It is unclear if this resolution only applies to past presidents existing at the time of the resolution and going back, or if it also applies to future past presidents. Regardless, the Policy Advisory Committee recommends sunsetting this resolution in compliance with current Council policies.

Resolution 1967-02: Fee for Annual Review of Certificate Record

"**WHEREAS**, the NCARB now conducts an annual review of each certificate holder's professional practice for which an annual fee of \$10 is charged, and

WHEREAS, this fee represents an expense to the certificate holder which is not commensurate with the service received and in fact constitutes a subsidy, and

WHEREAS, the expanding service of the NCARB does not presently justify this subsidy,

THEREFORE, BE IT RESOLVED that the Western Conference of Architectural Registration Boards recommends to the National Council that studies be instituted to break the charges more into line with the services rendered."

Rationale: This study was conducted, and the results were voted on as part of Resolution 1969-05B. This resolution seems complete; however, it was included on a 2002 list of active resolutions. The Policy Advisory Committee recommends sunsetting it for clarity.

Resolution 1964: Report and Recommendations of the Committee on U.S. Citizenship

“This committee recommends to the Council that the citizenship pre-requisite clause be stricken from the NCARB regulations and urges its resolution at this meeting and if approved, that the decision become effective immediately.

In addition, this committee also recommends that NCARB institute the mechanics for evaluating records of both citizen- and noncitizen-applicants with training and education abroad in order to add another dimension to the ways NCARB can be of service to the profession.”

Rationale: Citizenship is not a requirement for NCARB certification at present, and NCARB offers alternative paths to certification for foreign architects. The requirements for NCARB certification are outlined in the *NCARB Certification Guidelines*. Active policies outside of the *Guidelines* could cause future confusion and difficulty, which is why the Policy Advisory Committee recommend sunsetting this resolution.

Resolution 1964: Review and Approval of Applications

“WHEREAS, it is of utmost importance that the processing of applications for NCARB certificates be brought to a current status as rapidly as possible, and

WHEREAS, the number of applications to be procured is increasing and will continue to grow,

NOW THEREFORE, it is the consensus of this Convention that the processing of all applications must be accelerated in every reasonable manner. To achieve this end, the National Council and its administrative staff is requested to further simplify and streamline the mechanics of review and approval of all such applications wherever possible.”

Rationale: This resolution is vague in terms of how to document compliance. NCARB staff make every effort to review Record and Certificate applications as quickly as possible, while streamlining and expediting transmittals as much as is appropriate. While the Policy Advisory Committee supports the end goal of this resolution, its existence is unnecessary.

Resolution 1964: REPORT AND RESOLUTION TO THE BOARD OF DIRECTORS OF THE NCARB

“WHEREAS, The National Council of Architectural Registration Boards was established to facilitate the interstate registration of qualified professionals and;

WHEREAS, The varied and exacting laws and procedures of the several States, established by their Legislatures and their Boards for the regulation and registration of architects, have led the National Council to adopt policies which have proven themselves in recent years to be too cumbersome to accomplish expeditiously the intended objective and;

WHEREAS, The National Council Board of Directors has recognized a conflict of interest between maintaining high standards and expediting procedures, and its President has appointed a special committee to study this problem,

WHEREAS, This committee on Policies and Procedures has studied, corresponded and met in Washington, D. C. on 7 February, 1964, to consider solutions for these problems and;

WHEREAS, This committee concentrated on the policies which have created most delays, and on the question, "To whom NCARB Certificates are to be issued and continued in force";

NOW THEREFORE, The following recommendations are herewith respectfully submitted for the Council Board's consideration.

1. That all Member Boards be urged to avoid, and to eliminate, if now in effect, the practice of requiring a National Council Certificate, for registration from all out-of-State candidates, as the only basis of reciprocal registration.

NOTE: Such a requirement is probably illegal in most jurisdictions, and violates the voluntary character of NCARB. A Council Record may well be required as a presentation of fact, but a Certificate includes a Recommendation based on standards which may be higher than the State's and hence discriminatory.

2. That an Accelerated Procedure for Certification may be used by the Council Office if the applicant can establish the following qualifications:
 - a. Thirty-five (35) years of age or more
 - b. Citizenship in the United States.
 - c. Current registration in good standing
 - d. Ten or more consecutive years of registration and bona fide active practice, as a principal, prior to application; or four or more consecutive years of bona fide active practice as a principal, and registration based on the NCARB written examination. A principal is defined as an architect who, in fact, is legally, morally, and financially responsible, i.e. a general partner, an officer (of a corporation), or a sole proprietor of an organization concerned primarily with the practice of architecture.
 - e. Favorable recommendations for certification and verification of these facts from three or more architects, two of whom are (and we are leaving out "NCARB certified architects") currently serving as members of Member Boards, provided that no such sponsor is associated with the applicant in the practice of architecture.
3. That reciprocal application transmittal forms for this accelerated procedure be signaled by an appropriate label or other suitable device, conspicuously displayed on the front cover.
4. That qualified applicants for this Accelerated Procedure be guaranteed priority in processing and immediate attention by the Council Office and by Member Boards and;

5. That qualified applicants now in process be automatically processed under the Accelerated Procedure for Certification without additional fee.
6.
 - a. That required notarization of forms be deleted from Council procedures and;
 - b. That States requiring notarization be encouraged to conform to this policy.
7. That the Council Office in its Periodic Review of Council Certificates, henceforth, accept:
 - a. Statements from the Architect, covering the entire period subject to review, without further verification.
 - b. Confirmation of current registration, in good standing, from the Member Board, in the applicant's state of original registration and, where different, from the state in which applicant's main office is located. Nothing herein contained is intended to require an applicant to maintain registration, in his state of original certification provided the applicant can establish:
 - i. Positive residence in state where applicant's main office is located.
 - ii. An UNQUESTIONED record in the state of original registration.
8. That no reciprocal application be delayed by the Council Office because of an incomplete Periodic Review of a Council Certificate.

NOTE: The committee felt recommendations 7 & 8 were so important that it directed the Council Staff to implement this action immediately.

9. That a policy statement be adopted and added to future issues of the Circular of Information to read as follows: Pursuant to Article II of the Constitution, the object of the Council shall be:
 1. To promote high standards of architectural practice;
 2. To foster the enactment of Uniform laws pertaining to the practice of architecture;
 3. To equalize and improve the standards for examination of applicants for state registration;
 4. To compile, maintain and transmit professional records to Member Boards for registered architects desiring this service and;
 5. To certify records and recommend registration, for architects who meet the standards of this Council for interstate registration.
10. That the Council Office not duplicate the compilation of Information as to the education, training, and experience of an applicant, when this required Documentation for a Council Record is available, by facsimile copy, from the files of a Member Board.
11. That the Council Board, through appropriate and the most expeditious means, encourage all Member Boards to use forms with the same format and requesting the same basic information as the Council Record.

12. That the Council Board urge Member Boards to avoid inquires for confirmation of information already available to them in a Council Record.
13. That, henceforth, the signature of only one Council Secretary be required for Form No. 107-61 whether or not the previously involved Secretaries are still living and available for actual signatures.

NOTE: The Committee felt that this recommendation could have immediate effect to expedite transmittals of reciprocal applications that are presently, or would in the future be, delayed by requiring the actual signature of all living secretaries who had opined the various stages of certification of Periodic Reviews. The Committee, therefore, authorized the Council Offices to put this recommended change into effect immediately.

14.
 - a. That certificate holders who retire from active practice and request that their certificate be placed in an inactive status, be subsequently allowed to reinstate said certificates by paying a reinstatement fee, but without paying the annual renewal fees in arrears at the time of re-instatement and that such certificates be termed "Inactive."
 - b. That the certificates of those architects who do not complete the required renewals and who have not requested an inactive status shall be termed "Lapsed" and shall pay fees in arrears plus a reinstatement fee.

WHEREAS, These recommendations have been influenced and shaped by the recommendations of all members of this committee and by other members of the Board who made helpful and constructive suggestions and;

WHEREAS, It is this committee's desire to express its gratitude for these valued services and to implement these recommendations;

NOW THEREFORE BE IT RESOLVED; (a) That this report and resolution be accepted and adopted as a basis for policy; (b) That the Committee on Documents be instructed as to its purpose and timing for formal adoption and publication; and (c) That the Committee on Documents re-study and revise all Council Documents affected by this resolution."

Rationale: There are a lot of different policies set out in this resolution; NCARB is not in compliance with the majority of them. Many of these policies would have been updated by later resolutions or be changes to NCARB's official documents, such as the *Certification Guidelines*. While this resolution is not included on the list of active NCARB Resolutions from 2002, sunsetting it would be the clearest course of action.

Motion 1961: Violations in Council Records

“I would like to propose a motion on this subject, that the Council offices be directed to furnish the fullest information on such cases* to the State Board where the application is being submitted. Then it would be up to that Board as to whether they want to receive this man who has either misrepresented himself or has violated the law in other states.”

* Per prior discussion, “such cases” refers to NCARB Records where the applicant has a noted violation/disciplinary action

Rationale: NCARB’s current procedures for documenting disciplinary actions and reciprocal licensure applications meet the requirements of this resolution. While it is unlikely that NCARB would ever stop providing this information, a resolution would be required in order to update these processes. Sunsetting this resolution ensures that modern processes and policies take precedence.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Appendix E:

Resolution 2023-05: Amended and Restated NCARB Bylaws

Note: Changes are noted in red, language to be struck is noted with a strike out, language to be inserted is underlined. The rationale for the proposed amendments are provided in the Supporting Statements column.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation of official board position
DRAFT AGENDA

(Adopted June 23, 1979, Cambridge, MA. Amended June 27, 1981, Maui, HI; June 26, 1982, Minneapolis, MN; June 25, 1983, Philadelphia, PA; June 30, 1984, Portland, OR; June 29, 1985, San Antonio, TX; June 28, 1986, Atlanta, GA; June 27, 1987, Seattle, WA; June 29, 1988, Chicago, IL; June 28, 1989, Boston, MA; June 30, 1990, Washington, DC; June 29, 1991, Denver, CO; June 27, 1992, San Francisco, CA; June 26, 1993, Kansas City, MO; June 25, 1994, Dearborn, MI; June 24, 1995, New Orleans, LA; June 29, 1996, Baltimore, MD; June 28, 1997, Minneapolis, MN; June 27, 1998, San Diego, CA; June 26, 1999, Charleston, SC; June 17, 2000, Chicago, IL; June 23, 2001, Seattle, WA; June 29, 2002, Boston, MA; June 28, 2003, San Antonio, TX; June 26, 2004, Portland, OR; June 25, 2005, Miami, FL; June 24, 2006, Cincinnati, OH; June 23, 2007, Denver, CO; June 28, 2008, Pittsburgh, PA; June 26, 2010, San Francisco, CA; June 25, 2011, Washington, DC; June 23, 2012, Minneapolis, MN; June 22, 2013, San Diego, CA; June 21, 2014, Philadelphia, PA; June 20, 2015, New Orleans, LA; June 18, 2016, Seattle, WA.; June 30, 2018, Detroit, MI; May 14, 2021, Special Vote; June 26, 2021, Los Angeles, CA; June 4, 2022, Austin, TX; [June 17, 2023, Tampa, FL.](#))

NCARB BYLAWS

Consideration of amendments based on discussions to date.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
ARTICLE I— NAME	The name of this organization shall be the National Council of Architectural Registration Boards.	<i>(no changes to Article I)</i>
ARTICLE II— DEFINITIONS	<p>The following terms shall have the following meanings when used in these Bylaws:</p> <p>A. “Advisory Committee” shall mean any committee not having and exercising the authority of the Board of Directors;</p> <p>B. <u>“At-Large Director” shall mean a Director who meets the qualifications of an At-Large Director and is not an Elected Officer, Regional Director, Member Board Executive Director, or Public Director;</u></p> <p>BC. “Board Committee” shall mean a committee which is comprised solely of two or more Directors and shall have and exercise the authority of the Board of Directors, to the extent authorized by the Board of Directors and permitted by law;</p> <p>CD. “Board of Directors” shall mean the Board of Directors of the National Council of Architectural Registration Boards;</p> <p>DE. “Committee” shall mean a Board Committee or an Advisory Committee;</p> <p>EF. “Council” shall mean the National Council of Architectural Registration Boards;</p>	<p>Article II, (New B): Adding a definition for the proposed position of “At-Large Director” for the Board of Directors.</p> <p>2023 Governance Survey:</p> <ul style="list-style-type: none"> 65.9% voted to retain Regional Director positions on the Board of Directors and add two At-Large positions.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>FG. “Council Record” shall mean a record of the education, training, examination, practice, and character of an individual member of the architectural profession;</p> <p>GH. “Delegate” shall mean any member of a Member Board in attendance at an Annual Business Meeting or any special meeting of the Council as a representative of such Member Board;</p> <p>HJ. “Director” shall mean a member of the Board of Directors;</p> <p>IJ. “Elected Officer” shall mean any of the President/Chair of the Board, the First Vice-President/President-Elect, the Second Vice-President, the Treasurer, and the Secretary <u>those Elected Officers set forth in Article VIII, Section 1 of these Bylaws;</u></p> <p>JK. “Examination” shall mean the Architect Registration Examination® prepared by the Council;</p> <p>KL. “Executive Director” shall mean a person holding such title at a Member Board or having a comparable position as the primary administrator responsible for overseeing the activities of the Member Board;</p> <p>LM. “Jurisdiction” shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;</p> <p>AN. “Member Board” is a member of the Council in good standing and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for Registration as an architect is qualified;</p> <p>O. “Member Board Executive Director” shall mean the individual serving as the Member Board Executive Director (as that term is described in Article VII of these Bylaws) on the Board of Directors;</p> <p>P. <u>“NCARB Volunteer” shall mean an individual serving in a voluntary capacity on an Advisory Committee or other group established and appointed by the Board as outlined in Article XII;</u></p>	<p>Article II, (New J, formerly I): The current version of the “Elected Officer” definition is duplicative to language that exists in Article VIII, Section 1. This proposed edit eliminates the duplicative reference, by substituting the definition with a cross-reference.</p> <p>Article II, (New O): The current version of the Bylaws is missing a definition for the Member Board Executive Director position on the Board of Directors. This edit corrects that oversight.</p> <p>Article II, (New P): Adds a definition of an NCARB Volunteer to make clear what type of volunteer service qualifies to be an At-Large Director.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>NQ. “Public Director” shall mean the individual serving as the Public Director (as that term is described in Article VII of these Bylaws) on the Board of Directors;</p> <p>OR. “Public Member” shall mean a member of a Member Board who does not hold or have a license in a discipline regulated by such Member Board or in a related design profession;</p> <p>PS. “Regional Chair” shall mean the chairperson of a Region, as such term is described in Article VI of these Bylaws;</p> <p>QT. “Regional Director” shall mean a Director who was nominated to serve on the Board of Directors by a Region;</p> <p>RU. “Registration” shall mean licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure;</p> <p>SV. “Remote Meeting” shall mean any Annual Business Meeting or any Special Meeting held by telephone or video conference technology or other electronic communications technology that allows all participants to hear and participate in the proceedings and to vote, pose questions, and make comments.;</p> <p>FW. “Voting Delegate” shall mean a Delegate who is authorized to vote on behalf of a Member Board, as evidenced by a letter of credentials provided by the applicable Member Board.</p>	
<p>ARTICLE III - PURPOSE</p>	<p>The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural Registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for Registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board’s approval.</p>	<p><i>(no changes to Article III)</i></p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE IV – MEMBERSHIP</p>	<p>SECTION 1. <u>Members</u>. The membership of the Council shall be the Member Boards. Membership in the Council shall be attained through acceptance by the Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the Registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards shall have equal rights.</p> <p>SECTION 2. <u>Removal</u>. If, after written notification from the Board of Directors, a Member Board shall:</p> <ul style="list-style-type: none"> A. fail to pay its dues or other financial obligations to the Council or to its Region, or B. refuse Registration or otherwise fail to register architects holding the Council Certificate for the reason that such architects are not the residents of the Member Board’s jurisdiction, or C. fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for Registration, then the Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. Following such recommendation, the Council may determine by the affirmative vote of not less than two-thirds of all Member Boards to remove such Member Board or, with respect to non-payment of dues or other financial obligations, waive or modify the Member Board’s obligation to pay such amounts due to the Council. <p>SECTION 3. <u>Reinstatement</u>. A Jurisdiction that has been removed from membership in the Council for reasons of non-payment of dues or other financial obligations shall be automatically reinstated as a Member Board:</p> <ul style="list-style-type: none"> A. following payment of all financial obligations of membership had the Jurisdiction not been removed (or such lesser amount approved, by a vote of two-thirds of all Member Boards), 	<p>(no changes to Article IV)</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>B. upon being in compliance with all other membership requirements of Article IV, Sections 1 and 2; A Member Board that was removed from the Council for reasons other than failure to pay dues or other financial obligations shall only be reinstated upon the affirmative vote of two-thirds of all Member Boards.</p>	
<p>ARTICLE V - MEETINGS</p>	<p>SECTION 1. <u>Annual Business Meeting</u>. The Council shall hold an Annual Business Meeting at a time and place as determined by the Board of Directors. Notice of all Annual Business Meetings shall be sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.</p> <p>SECTION 2. <u>Special Meetings</u>. Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the Board of Directors, or by a majority of the Member Boards. The Bylaws provisions which govern notice for, and the procedures and conduct of business of, the Annual Business Meeting shall apply to Special Meetings.</p> <p>SECTION 3. <u>Remote Meetings</u>. The Annual Business Meeting and any Special Meetings may be held as a Remote Meeting. The Bylaws provisions which govern calling and providing notice for, and the procedures and conduct of business of, the Annual Business Meeting or special meetings, as applicable, shall apply to Remote Meetings. Holding a Remote Meeting does not preclude allowing participants to gather in a designated location during such meeting.</p> <p>SECTION 4. <u>Delegates and Credentials</u>. Each Member Board shall be entitled to be represented at Annual Business Meetings and special meetings of the Council by one or more official dDelegates who shall be members of that Member Board.</p> <p>Notwithstanding a Member Board's total number of Delegates, each Member Board shall be represented at each Annual Business Meeting and special meeting of the Council by one Voting Delegate, who shall be entitled to cast the vote of its Member Board and who shall be identified as the Voting Delegate by a letter of credentials from the applicable Member Board. A Member Board may change its Voting</p>	<p>Article V, Section 2: Simplifying existing position titles.</p> <p>Article V, Section 4: Correcting capitalization.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>Delegate from time to time by issuing a subsequent letter of credentials to the Council. Each Voting Delegate shall have an equal vote on all matters on which all Member Boards are entitled to vote.</p> <p>SECTION 5. <u>Quorum</u>. A quorum for the transaction of business at the Annual Business Meeting of the Council shall be Voting Delegates representing a majority of the Member Boards.</p> <p>SECTION 6. <u>Resolutions and Other Motions</u>. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Leadership Committee not later than 75 days prior to the day at the Annual Business Meeting at which the resolution is to be considered. The Regional Leadership Committee shall review each resolution submitted by Regions and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Leadership Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The Council shall distribute all resolutions, except laudatory resolutions, to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.</p> <p>Only Member Boards, Regions, Select Committees, and the Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert’s Rules of Order Newly Revised may be made by any Delegate or Director.</p>	<p>Proposed topics for discussion or official board position</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 7. <u>Voting</u>. The affirmative vote of two-thirds of all Member Boards is required to pass any amendment to these Bylaws, to remove any Member Board from membership in the Council, or as provided in Article IV, Section 3. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. Except as otherwise specified in these Bylaws, voting upon all other issues shall require the quantum of vote set forth in Robert’s Rules of Order Newly Revised.</p> <p>Except as expressly permitted by these Bylaws, there shall be no voting by proxy.</p> <p>SECTION 8. <u>Order of Business</u>. An agenda outlining the order of business shall be prepared for all Council meetings. The agenda shall be prepared under the direction of the Board of Directors and sent by the Secretary/<u>Treasurer</u> to all Member Boards at least 30 days before the date set for a particular meeting.</p> <p>SECTION 9. <u>Rules of Order</u>. The Council shall be governed by Robert’s Rules of Order Newly Revised when not in conflict with: first, applicable laws, then, the Articles of Incorporation, and lastly the Bylaws of the Council.</p> <p>SECTION 10. <u>Advisory Votes by Letter or Electronic Ballot</u>. The Board of Directors may from time to time submit any issue or question to the Member Boards for an advisory vote by letter or electronic ballot, provided the subject matter and the ballot shall have been officially submitted in writing to the Member Boards at least 60 days prior to a date therein set for final receipt of ballots. Only ballots returned in the prescribed time will be counted.</p> <p>SECTION 11. <u>Other Participants</u>. Council Directors, Delegates, Member Board Executives or Attorneys when designated by their Member Boards, persons designated by the Board of Directors, and persons designated by the pPresiding Oofficer shall have the privilege of the floor at Council meetings and may take part in the discussions and perform all functions of the Delegates except to vote , or, except as provided in Article V, Section 5, with respect to Directors, to or initiate action <u>(unless otherwise permitted by these Bylaws)</u>.</p> <p>SECTION 12. <u>International Agreements</u>. All written international and/or foreign agreements entered into by the Council shall be subject to ratification by majority vote of the members at an Annual Business Meeting.</p>	<p>Article V, Section 8: Merging secretary and treasurer positions.</p> <p>Article V, Section 11: Correct capitalization.</p> <p>The current Bylaws reference to Article V, Section 5 is erroneous. The reference should have been to Article V, Section 6. Further, this edit eliminates the need for the cross reference and simplifies the language.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE VI— REGIONS</p>	<p>SECTION 1. <u>Purpose</u>. In order to foster closer communication between Member Boards and the Council, as well as among Member Boards, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, six geographical Regions comprising, in the aggregate, all the Member Boards are hereby established. Each Member Board shall be required to be a member of its Region.</p> <p>SECTION 2. <u>Membership</u>. The membership of the Regions is established as follows:</p> <p>REGION 1—New England Conference: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.</p> <p>REGION 2—Middle-Atlantic Conference: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.</p> <p>REGION 3—Southern Conference: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.</p> <p>REGION 4—Mid-Central Conference: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.</p> <p>REGION 5—Central States Conference: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.</p> <p>REGION 6—Western Conference: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Northern Mariana Islands, Oregon, Utah, Washington.</p>	<p>(no changes to Article VI)</p>

Materials contained herein are proposed topics for discussion and are not to be considered as regulation or official board position

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE VII — THE BOARD OF DIRECTORS</p>	<p>SECTION 1. <u>Membership</u>. The Board of Directors shall be comprised of the Elected Officers of the Council, one Regional Director from each Region, <u>two At-Large Directors</u>, the immediate Past President, one Member Board Executive Director, and one Public Director.</p> <p>SECTION 2. <u>Qualifications and Limitations</u>. The qualifications for serving as a Director shall be as set forth in this Article VII, Section 2, and no entity responsible for nominating any Director shall impose any qualification not set forth herein.</p> <p>A. A candidate for election to any Director position shall, at the time such person is nominated:</p> <ul style="list-style-type: none"> (i) be a citizen of the United States; (ii) have served at least two (2) years as a member of a Member Board <u>(and in the case of a candidate for Public Director, this service must have been as a consumer or public member)</u>; or, in the case of a candidate for the position of Member Board Executive Director, have served at least two (2) years as an Executive Director; <u>or, in the case of a candidate for an At-Large Director position, have served at least two (2) years as a member of a Member Board or as an NCARB Volunteer; and</u> 	<p>Article VII, Section 1: The recommended governance structure is four Elected Officers (which includes the immediate Past President), six Regional Directors, a Member Board Executive Director, a Public Director, and two At-Large Directors. This structure recognizes best governance practices, is responsive to member concerns by eliminating impediments and reducing timelines to service on the Board of Directors and leaves existing regional governance intact.</p> <p>Article VII, Section 2(A)(ii): Relocated language from former item “D”, below, to this item A, part (ii).</p> <p>Retains Member Board experience requirement for officers, Regional, Public and MBE Directors.</p> <p>Proposed: At-Large Directors may have two-years of experience on a Member Board or as an NCARB volunteer.</p> <p>Allowing service on an NCARB Committee or other Board-appointed group, as a pathway for At-Large directors, broadens the candidate pool and opens opportunities for new perspectives.</p> <p>Note: The highest member survey results, below, support Member Board experience requirement for officers only.</p> <p>Governance Survey:</p> <ul style="list-style-type: none"> • 78.6% supported the survey option requiring every officer to have Member Board Experience. • 75% supported status quo—that all members must have Member Board experience.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>(iii) be a current member of a Member Board; be a past member of a Member Board whose service as a member ended no more than one year before nomination; be an officer of a Region; be an incumbent Director; or, in the case of a candidate for the Member Board Executive Director, be a current Executive Director; and,</p> <p>(iviii) in the case of candidates who are architects, hold an active NCARB Certificate.</p> <p>B. With respect to candidates for a Regional Director position, all qualifications relating to current or past membership in a Member Board or Region must be within the Region from which the candidate is nominated.</p> <p>C. If a Member Board regulates professions in addition to the profession of architecture, the candidate will qualify as a member or former member of a Member Board only if the candidate is or was an architect-member or a public member of the architect section of the Member Board.</p> <p>D. A candidate for election as the Public Director shall be at the time of nomination a public or consumer member on a Member Board, or have served in such position no more than one (1) year prior to the time of nomination to the Board of Directors.</p> <p><u>D. A candidate for election as the Secretary/Treasurer shall have served at least two years on the Board of Directors during the five years prior to election as Secretary/Treasurer.</u></p>	<p>Article VII, Section 2(A)(former iii): Eliminating this provision removes current restrictions for service by members whose terms on a jurisdictional board or other qualifying service may have expired beyond this period. This also eliminates the need to list these other pathways to leadership.</p> <p>Article VII, Section 2(A)(iii): The Board of Directors would like to further study the impact the NCARB Certificate requirement before recommending a change to this sub-section. The governance survey did not suggest a clear consensus on this topic.</p> <p>2023 Governance Survey:</p> <ul style="list-style-type: none"> • 72.3% vote for no change—every architect Board member must hold a Certificate. • 71% voted for every officer, who is an architect, holds an NCARB Certificate. • 65.7% supported every officer holding a Certificate. <p>Article VII, Section 2(former D): First part of (former D) moved language pertaining to “public or consumer member” to Section 2(A)(ii), above. The final part of (former D) is also being deleted to remove reference to “no more than one year before nomination” as also deleted in Section 2(A) (former iii), above.</p> <p>Article VII, Section 2, (new D): Secretary/Treasurer required to serve on the Board of Directors for two of the past five years to be relatively current on issues.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>E.</u> An individual shall qualify to serve as the Vice President during the one-year period immediately following their term as Secretary/Treasurer.</p> <p><u>F.E.</u> An individual shall qualify to serve as the President/Chair of the Board during the one-year period immediately following their term as First Vice President/President-Elect.</p> <p><u>G.F.</u> An individual shall qualify to serve as the Immediate Past President during the one-year period immediately following their term as President/Chair of the Board.</p> <p>SECTION 3. <u>Terms of Office and Election.</u> The term of office of a Director shall be one year (from the adjournment of the Annual Business Meeting at which they are elected to serve <u>or succeed to office</u> or, in the case of President/Chair of the Board and Immediate Past President, succeeds to office, until the adjournment of the next Annual Business Meeting or and until their successor is duly elected and <u>/or</u> succeeds to office). No person shall serve more than two terms in succession as a Regional Director or At-Large Director <u>or</u> three terms in succession as a Member Board Executive Director or Public Director; provided, however, that service as an Elected Officer and Immediate Past President <u>or service filling a mid-term vacancy</u> shall not count against such limits.</p> <p>No incumbent shall serve for more than one term in any Elected Officer position or as Immediate Past President; provided, however, that an Elected Officer shall be eligible <u>for reelection to serve</u> for the full term of office if, during the <u>period term</u> immediately prior thereto, such Elected Officer had succeeded to the such office to fill a vacancy.</p>	<p>Article VII, Section 2, (new E): Proposed automatic ascension from the Secretary/Treasurer position ensures a four-year period of leadership continuity. This supports the Council's multi-year initiatives.</p> <p>Governance Survey:</p> <ul style="list-style-type: none"> • 59.8% support automatic advancement from the Secretary/Treasurer (elected) position to the Vice President, President, and Past President positions. <p>Article VII, Section 2 (new F) & (new G): Simplifying existing position titles.</p> <p>Article VII, Section 3: This section has been updated to account for the addition of At-Large Directors, to conform to new terminology for the Elected Officers, and to make other clean-up edits.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 4. <u>Removal.</u></p> <p>A. A Director may be removed with cause by a majority vote of the Member Boards at a meeting where a quorum is present, with the meeting notice stating that the purpose, or one of the purposes, of the meeting is the removal of the director.</p> <p>B. <u>A</u> Director may be removed with cause by the affirmative vote of two-thirds (2/3) of the Board of Directors.</p> <p>SECTION 5. <u>Nomination and Election of Directors.</u></p> <p>A. Directors shall be nominated as set forth below in this Section 5 of this Article VII. Notwithstanding the various methods of nomination set forth below, all Directors must be elected by a majority vote of the Member Boards at a meeting at which a quorum is present; <u>except for (1) the At-Large Directors, who may be elected by a plurality vote, and (2) the Vice President, President, and Immediate Past President, who shall succeed to such roles as a result of qualifying for the applicable position in accordance with Article VII, Sections 2(E), (F), or (G).</u></p> <p>B. Each Region shall select its nominee for Regional Director at a Region meeting. The nominations will be announced by the several Regions prior to and/or at the Annual Business Meeting of the Council.</p> <p>C. Any person qualified to serve as <u>an Elected Officer Secretary/Treasurer or, in the event of an election for Vice President resulting from a qualifying vacancy, the Vice President (other than President/Chair of the Board)</u> may be nominated by declaring their candidacy at the Annual Business Meeting by the time determined by the Credentials Committee.</p> <p>D. The candidate for Member Board Executive Director shall be nominated by majority vote of the Member Board Executive community comprised of the Executive Director of each Member Board. The nomination will be announced by the community prior to and/or at the Annual Business Meeting of the Council.</p>	<p>Article VII, Section 5(A): These edits conform with changes made to Article VII, Section 2(new E), (new F) & (new G). Additionally, these edits clarify that a plurality vote will be used for the election of At-Large Directors. In other words, if there are more than two candidates for a single seat, the candidate with the most votes will win, even if it's not a majority of the votes. This model minimizes the risk that multiple rounds of voting will be needed.</p> <p>Governance Survey:</p> <ul style="list-style-type: none"> • 79.4% support having a pool of candidates for member vote for open At-Large seats. <p>Article VII, Section 5(C): This language recognizes the proposed merged role of Secretary/Treasurer and that this is the only officer position that is to be elected on a regular basis. There may be situations where a Vice President must also be elected, and in such cases the same procedure would apply.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>E. Any person qualified to serve as the Public Director may be nominated by declaring their candidacy at the Annual Business Meeting by the time determined by the Credentials Committee.</p> <p>F. <u>Any person qualified to serve as an At-Large Director may be nominated by declaring their candidacy at the Annual Business Meeting by the time determined by the Credentials Committee.</u></p> <p>SECTION 6. <u>Vacancies.</u></p> <p>A. Vacancies in the office of any Regional Director or Member Board Executive Director shall be filled by an appointee nominated by the Region or the Member Board Executive community respectively and appointed by the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting.</p> <p>B. <u>Vacancies in the office of the Public Director, and Elected Officers other than First Vice President/President-Elect and President/Chair of the Board the Secretary/Treasurer, or an At-Large Director</u> shall be filled by an appointee designated by the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting.</p> <p>C. Any such appointee <u>under Sections 6(A) or 6(B) of this Article VII</u> shall meet all qualifications applicable to the vacant Director position, as determined by the Credentials Committee.</p> <p>BD. A vacancy in the office of President/Chair of the Board shall be filled by the First-Vice President/President-Elect, who shall serve <u>as President for</u> the remainder of the term as President/Chair of the Board and the following term during which they would have succeeded to the office if not for the vacancy.</p>	<p>Article VII, Section 5(new F): Defines nominating and election processes for At-Large positions. Aligns to the process for Secretary/Treasurer and Public Director.</p> <p>Article VII, Section 6, (new B, formerly part of 6(A)): As previously written, this section pertained to the Public Director, Secretary, Treasurer, and the Second Vice President. (“<i>Elected Officers other than the First Vice President...and... President</i>” – now deleted.) New language adds the At-Large Director position and merges the Secretary/Treasurer positions for this section.</p> <p>Article VII, Section 6, (new C, formerly part of (A)): Referencing above sections due to splitting former Section 6 (A) into Sections 6 (A), (B), and (C).</p> <p>Article VII, Section 6, (new D, formerly (B)): Changes in this section simplify the existing position titles in addition to the following:</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>CE. A vacancy in the office of First-Vice President/President-Elect shall be filled by the Second-Vice President, Secretary/Treasurer. If the vacancy was the result of the Vice President's departure from the Board, then the Secretary/Treasurer who shall hold such the office of First-Vice President/President-Elect until the adjournment of the next Annual Business Meeting, at which Annual Business Meeting the Member Boards shall elect both a First-Vice President/President-Elect and a Secretary/TreasurerPresident/Chair of the Board, each of whom shall be subject to the qualifications applicable to candidates for Secretary/TreasurerFirst Vice President/President-Elect. If the vacancy in the office of Vice President is due to the departure of the President and the Vice President becoming President, then the Secretary/Treasurer shall serve as Vice President for the remainder of the term and the following term during which they would have succeeded to the office if not for the vacancy.</p> <p>DE. A vacancy in the office of Immediate Past President shall remain vacant.</p> <p>EG. Any Regional Director who moves their principal residence to a place outside the Region from which they were nominated shall be deemed to have vacated the office of Regional Director, and any Director who ceases to be eligible as provided in this Article VII, Section 2 shall be deemed to have vacated their directorship.</p> <p>SECTION 7. <u>Duties.</u> The affairs of the Council shall be managed under the authority and direction of the Board of Directors, who shall act by majority vote of the Directors present at a meeting at which there is a quorum, except as otherwise expressly required by these Bylaws or applicable law. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws. All Directors shall serve without</p>	<p>Article VII, Section 6, (new E, formerly (C)): If the Vice President position becomes vacant because of the Vice President's death, resignation, or removal, then the Secretary/Treasurer becomes Vice President for the remainder of the term and then ascends to the presidency at the start of the next term. As a result, there would be openings in both the Vice President and the Secretary/Treasurer positions at the start of the next term, causing those positions to need to be filled.</p> <p>If the Vice President role becomes vacant because the Presidency has become vacant and the Vice President steps in to fill that vacancy and the Secretary/Treasurer fills the now vacated Vice President position, then the Secretary/Treasurer and Vice President will hold their new roles for the remainder of that term plus the full next term in which they would have ascended had there not been a vacancy in the Presidency.</p> <p>Article VII, Section 7: Simplifying existing position titles.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>compensation; provided, however, that nothing herein shall prohibit the Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President-Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.</p> <p>SECTION 8. <u>Meetings of the Board</u>. The Board of Directors may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Business Meeting and a regular meeting immediately following the adjournment of the Annual Business Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the Board of Directors. All Directors shall be given due notice in writing of the time and place of all meetings, although notice of any meeting may be waived in writing by any Director. A majority of the membership of the Board of Directors shall constitute a quorum for the transaction of business.</p>	<p>Article VII, Section 8: Simplifying existing position titles.</p>
<p>ARTICLE VIII— OFFICERS</p>	<p>SECTION 1. <u>Elected Officers</u>. The Elected Officers of the Council shall be the President/Chair of the Board, the First Vice President/President-Elect, the Immediate Past President, the Second Vice President, the Treasurer, and the Secretary/<u>Treasurer</u>.</p> <p>SECTION 2. <u>President/Chair of the Board</u>. The President/Chair of the Board shall be the senior Elected Officer of the Council and shall:</p> <p>A. preside at all meetings of the Board of Directors, the Executive Committee of the Board of Directors, and the Annual Business Meeting;</p>	<p>Article VIII, Section 1: Simplifying position titles, eliminating the Second Vice President position, merging the Secretary and Treasurer positions, adding the Immediate Past President position within the list of Elected Officers.</p> <p>2023 Governance Survey:</p> <ul style="list-style-type: none"> • 78.6% voted in favor of reducing officer positions from six to four, eliminating the second vice president position and combining the secretary/treasurer positions. <p>Article VIII, Section 2 (B through E): Simplifying existing position titles.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>B. present to the Council at the Annual Business Meeting a report of activities during the President/Chair of the Board's term of office;</p> <p>C. develop charges for all committees that will serve during their term as President/Chair of the Board and, following approval of the charges by the Board of Directors, oversee the work of all Committees;</p> <p>D. select all members <u>and chairs</u> of Committees to serve during their term of office as President/Chair of the Board subject to the terms of Article XII, Section 5;</p> <p>E. have the power to make appointments to any unfilled or vacant Committee membership during their term as President/Chair of the Board, subject to the approval of the Board of Directors, <u>subject to the terms of Article XII</u>;</p> <p>F. represent the Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and</p> <p>G. perform such other duties and powers as the Board of Directors may from time to time decide.</p> <p>SECTION 3. First Vice President/President-Elect and Second Vice President. The First Vice President/President-Elect and the Second Vice President, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/Chair of the Board. In addition, the First Vice President/President-Elect shall:</p> <p>A. develop the Committee charges to be completed during their term of office as President/Chair of the Board, subject to the approval of the Board of Directors;</p> <p>B. select the Cchair of all Committees to serve during their term as President/Chair of the Board, subject to the approval of the Board of Directors, <u>subject to the terms of Article XII</u>; and</p> <p>C. select all members of Committees to serve during their term of office as President/Chair of the Board, subject to the approval of the Board of Directors, <u>subject to the terms of Article XII</u>.</p>	<p>“and chairs” added for consistency with Article XII</p> <p>Adds cross-reference.</p> <p>Article VIII, Section 3: Simplifying existing position titles and eliminating the Second Vice President position.</p> <p>Adds carveout for those Committee chairs who are designated in the Bylaws.</p> <p>Adds carveout for those Committee chairs who are designated in the Bylaws.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 4. Secretary/Treasurer. The Secretary/Treasurer shall:</p> <p>A. oversee the financial affairs of the Council and be the primary liaison of the Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council; B. report to the Board of Directors and at the Annual Business Meeting on financial matters of the Council; and</p> <p>B. report to the Board of Directors and at the Annual Business Meeting on financial matters of the Council; and</p> <p>C. perform such duties and have such powers additional to the foregoing as the Board of Directors may designate.</p> <p>SECTION 5. Secretary. The Secretary shall:</p> <p>AC. record or cause to be recorded all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors; and</p> <p>BD. perform such duties and have such powers as the Board of Directors may designate.</p> <p>Records of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.</p> <p>In the absence of the Secretary/Treasurer from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary/Treasurer designated by the person presiding at the meeting shall perform the <u>secretarial</u> duties of the Secretary/Treasurer.</p> <p>SECTION 65. <u>Chief Executive Officer</u>. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by and shall serve at the pleasure of the Board of Directors, and shall have such compensation and benefits as shall be established from time to time by the Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council's affairs, the implementation of policies established from time to time by the Board of Directors and such other duties and powers as the</p>	<p>Article VIII, Section 4: Merging the Secretary and Treasurer positions necessitates a merger of Sections 4 and 5 in this Article VIII.</p> <p>Article VIII, Section 4(former C): Eliminate duplicate language caused by the merger of Sections 4 and 5. Language now exists only in (new D), below.</p> <p>Article VIII, former Section 5: Merging the Secretary and Treasurer positions eliminates Section 5 heading.</p> <p>Article VIII, (former Section 5(B), now (new Section 4(D)): Edits to match the language from the original C in Section 4, above (now deleted.)</p> <p>Insertion of the word “secretarial” clarifies that the stand-in would fill the secretarial role at a meeting but would not take over treasurer duties.</p> <p>Article VIII, former Section 6, now Sections 5: Renumbered due to the merger of Sections 4 and 5, above.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>Board of Directors may from time to time determine, subject always to the ultimate authority of the Board of Directors under applicable law and these Bylaws.</p> <p>SECTION 76. <u>Bonding</u>. The Council’s Chief Executive Officer and those in general charge of the Council’s financial matters shall be bonded in an amount of not less than \$500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.</p>	<p>Article VIII, former Section 7, now Section 6: Renumbered due to the merger of Sections 4 and 5, above.</p>
<p>ARTICLE IX— COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION</p>	<p>SECTION 1. <u>Council Record</u>. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant’s education, training, examination, practice, and character for purposes of establishing a Council Record. Upon request of the applicant, this Council Record will be forwarded to any Member Board or to any foreign Registration authority with whom the Council has an agreement for mutual reciprocity.</p> <p>SECTION 2. <u>Council Certification</u>. Council Certification shall be given to an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education, training, examination, Registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that Registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.</p> <p>SECTION 3. <u>Annual Renewal</u>. Council Certification shall be in effect for a period of one year. Renewal of the Council Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Council Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the Board of Directors may establish. A lapsed Council Certification may be reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the Board of Directors may establish from time to time.</p>	<p>(no changes to Article IX)</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 4. <u>Revocation of Certification</u>. The Council shall revoke an Architect's Council Certification if:</p> <ul style="list-style-type: none"> A. a Member Board has revoked (without limitation as to time) the Architect's Registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or B. facts are subsequently revealed which show that the Architect was actually ineligible for Council Certification at the time of Council Certification. <p>In addition, the Council may revoke an Architect's Council Certification if:</p> <ul style="list-style-type: none"> C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of their architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or D. the Architect has surrendered or allowed to their Registration to lapse with the Member Board in connection with disciplinary action pending or threatened; or E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or F. the Architect has willfully misstated a material fact in a formal submission to the Council. <p>The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.</p> <p>In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by applicable law) report to the Council the occurrence of any event that qualifies an Architect for revocation of their Council Certification, as described herein.</p>	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE X— COUNCIL SERVICES TO MEMBER BOARDS</p>	<p>SECTION 1. <u>Architect Registration Examination</u>. The Council shall prepare an Examination for use by Member Boards. The Board of Directors shall issue, from time to time, rules respecting the administration and grading of Examinations, which shall include, among other things, the schedule of charges for the use of the Examinations, the date or dates on which Examinations may be administered, safeguards to prevent improper disclosure of information respecting the Examinations, and such other matters respecting the administration and grading of Examinations as the Board of Directors deems appropriate. Every Member Board using the Examination shall comply strictly with the rules issued by the Board of Directors, unless the Board of Directors agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the Examination or, after so agreeing, fails to comply with such rules, the Board of Directors may withhold the Examinations from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses Registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the Examination which are different from the requirements or procedures established by the Council shall be denied the use of the Examinations until such policy of refusing Registration is revoked; but the Board of Directors may, with sufficient cause, waive the denial of the use of the Examinations.</p> <p>SECTION 2. <u>Architectural Experience Program</u>. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.</p> <p>SECTION 3. <u>Additional Services</u>. Additional services may be offered as determined by the Board of Directors from time to time.</p> <p>SECTION 4. <u>Forms and Documents</u>. In order to ensure uniformity in the reporting of an applicant's education, experience, Registration (if applicable), and other necessary supporting data for determining eligibility for the Examination, Council Certification, or reciprocal Registration, the Council shall study</p>	<p>(no changes to Article X)</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>and prepare forms, documents, and/or systems appropriate for use by both the Council and Member Boards.</p> <p>SECTION 5. <u>Research</u>. The Council, through work of committees, shall engage in research pertinent to all matters relating to legal Registration of architects.</p> <p>SECTION 6. <u>International Relations</u>. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.</p>	
<p>ARTICLE XI— FINANCES, FUNDS, ACCOUNTING, INVESTMENTS AND RECORDS OF THE COUNCIL</p>	<p>SECTION 1. <u>Dues and Fees</u>.</p> <ul style="list-style-type: none"> A. Annual membership dues may be changed for any period, by resolution adopted at an Annual Business Meeting with implementation of any increase to take place not less than three years after such resolution is adopted. B. The fees to be charged for services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the Board of Directors present and voting. <p>SECTION 2. <u>Operating Fund</u>.</p> <ul style="list-style-type: none"> A. All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council's chief financial officer. B. As soon as feasible following the Annual Business Meeting, the Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year. C. No, Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability, or commitment has been properly incorporated into the budget, and the Board of Directors has made an appropriation to pay the same. D. The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year. 	<p>(no changes to Article XI)</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 3. <u>Securities and Investments</u>. In accordance with the Board of Directors’ policies and directions by the Board of Directors to the Chief Executive Officer, the Council’s chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights.</p> <p>SECTION 4. <u>Liabilities of Officers, Directors, and Employees</u>. No Director, officer, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from their acts performed in good faith and within the scope of their authority.</p> <p>SECTION 5. <u>Disclosure of Records</u>. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding:</p> <ul style="list-style-type: none"> A. information barred from disclosure by an applicable statute; B. trade secrets; C. information disclosed to the Council in reliance upon its continued non-disclosure; D. information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council; E. personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy; F. attorney-client communications and attorney work-product materials; G. transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder; 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>H. contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and</p> <p>I. information arising from investigatory cases.</p> <p>Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board.</p> <p>To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board other than to members of such Member Board. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.</p>	
<p>ARTICLE XII— COMMITTEES</p>	<p>SECTION 1. <u>Board Committees</u>. The Board of Directors may, by the affirmative vote of a majority of the Directors then in office or as otherwise set forth in these Bylaws, create one or more Board Committees. Board Committees, to the extent provided in the applicable authorizing action of the Board of Directors or these Bylaws, shall have and exercise the authority of the Board of Directors in the management of the Council. A Board Committee may not, however:</p> <ul style="list-style-type: none"> A. authorize distributions; B. approve or recommend to members dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Council's assets; C. elect, appoint, or remove Directors or fill vacancies on the Board of Directors or on any Board Committees; or D. adopt, amend, or repeal the Council's Articles of Incorporation or Bylaws. <p>The designation of, and the delegation of authority to, a Board Committee shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon them by law.</p>	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 2. <u>Executive Committee of the Board of Directors</u>. The Executive Committee of the Board of Directors shall be a Board Committee and shall comprise the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the <u>Secretary</u>/Treasurer, the Secretary, and the Immediate Past President. The Executive Committee shall:</p> <ul style="list-style-type: none"> A. act for the Board of Directors between meetings only as directed by the Board of Directors; B. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Board of Directors; and C. periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Board of Directors for appropriate action. <p>SECTION 3. <u>Audit Committee</u>. The Audit Committee, appointed in the same manner and with the same term as all other Committees, shall be a Board Committee and shall consist of the <u>Secretary</u>/Treasurer, who shall serve as the chair of the Committee, up to one additional Executive Committee member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board of Directors and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes, and from the implementation of changes in policies that affect internal financial controls. The Audit Committee shall annually select and engage an independent auditor of the Council's financial records.</p> <p>SECTION 4. <u>Advisory Committees</u>. Advisory Committees may be created by affirmative vote of a majority of the Directors present at a meeting at which there is a quorum or as set forth in these Bylaws. The Board of Directors may delegate to any of the Elected Officers or the Immediate Past President the authority to supervise the work of any of the Advisory Committees.</p>	<p>Article XII, Section 2: Simplifying existing position titles, eliminating the role of the Second Vice President, and merging the roles of Secretary and Treasurer.</p> <p>Article XII, Section 3: Merges the roles of Secretary and Treasurer.</p> <p>Article XII, Section 4: The Immediate Past President was incorporated into the definition of Elected Officers in Article VIII, Section 1, above.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 5. <u>Committee Membership</u>. In accordance with Article VIII, Section 2, the President/Chair of the Board shall select the members <u>and the chair</u> of all Committees subject to approval by the Board of Directors, <u>except as otherwise set forth in these Bylaws</u>. Except as otherwise specifically provided in these Bylaws, the President/Chair of the Board shall select the Chair of each Committee. The terms of all Committee appointments shall be for one year, during the President/Chair of the Board's term in such capacity, except as otherwise approved by the Board of Directors <u>or as set forth in these Bylaws</u>. Any unfilled or vacant Board Committee positions shall be filled in accordance with the regular procedures for appointment. The Board of Directors may at any time, by the affirmative vote of a majority of the Directors then in office, discontinue a Board Committee or Advisory Committee other than those established by these Bylaws (which may only be discontinued by amendment of these Bylaws), and make any changes in a Committee's membership without regard to the terms of appointment of the Committee members, <u>other than with respect to those Committees established by these Bylaws (which may only be discontinued or have its membership structure changed by amendment of these Bylaws)</u>.</p>	<p>Article XII, Section 5: Simplifying existing position titles. Also adds carveout for committees with special chair designations or membership structures and combines two sentences for clarity.</p> <p>Clarifying language</p> <p>Language moved below for clarity.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>SECTION 6. <u>Reports of Committees</u>. Each Committee shall report in writing annually to the Board of Directors, at least 60 days prior to the date of the Annual Business Meeting and shall make interim reports to the Board of Directors as directed.</p> <p>SECTION 7. <u>General Procedure of Committees</u>. Every Committee shall perform in accordance with these Bylaws and with the directions of the Board of Directors. The provisions of these Bylaws that govern Board of Directors' meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board of Directors shall apply to meetings and action of the Committees and their members as well. With the approval of the Board of Directors, every Committee may call and hold meetings and meet with other organizations or their representatives; provided that an Advisory Committee may not take any action to bind the Board of Directors or otherwise exercise any powers or authority of the Board of Directors, and no Committee may take any actions prohibited under Article XII, Section 1 of these Bylaws.</p> <p>SECTION 8. <u>Advisory Committees</u>. The following Advisory Committees are hereby established and may from time to time make recommendations to the Board of Directors for consideration, subject to the terms of these Bylaws and applicable law:</p> <ul style="list-style-type: none"> A. Education Committee: The Education Committee shall assess and recommend updates to the Board of Directors with respect to the Council's education and continuing education policies for use by Member Boards and the Council's relationship with the National Architectural Accrediting Board. B. Experience Committee: The Experience Committee shall assess and recommend updates to the Board of Directors with respect to the Architectural Experience Program for use by Member Boards. C. Examination Committee: The Examination Committee shall assess and recommend updates to the Board of Directors with respect to the Examination for use by Member Boards. 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>D. Policy Advisory Committee: The Policy Advisory Committee shall review proposed resolutions and special publications, as directed by the Board of Directors, for their impact on and consistency with Council policies and programs and make recommendations on such matters to the Board of Directors.</p> <p>E. Professional Conduct Committee: The Professional Conduct Committee shall oversee the development, application, assessment, and adjudication of Council policies and practices relating to the professional conduct of Council Record holders and others using Council services.</p> <p>F. Member Board Executives Committee: The Member Board Executives Committee shall consider issues of concern to the jurisdictions and Member Board Executives.</p> <p>G. Regional Leadership Committee: The Regional Leadership Committee shall discharge its responsibilities as described in Article V, Section 56, and consider issues of concern to the Regions. The membership of the Committee shall be the Regional Chairs of each of the Regions, any person designated by the Region as the chief administrative officer of the Region, and the First-Vice President/President-Elect who shall serve as chair of the Committee.</p> <p>H. Credentials Committee: The Credentials Committee shall oversee<u>be responsible for</u> the nomination and election process for positions on the Board of Directors, verify candidate qualifications for office, examine and verify Voting Delegate credentials, report to the membership regarding quorum at the Annual Business Meeting, and tabulate and report election results to the President/Chair of the Board. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.</p>	<p>Article XII, Section 8(G): Correcting erroneous reference and conforming terminology to defined term.</p> <p>Simplifying existing position titles.</p> <p>Article XII, Section 8(H): Clarifies the role of the Credentials Committee to be responsible for the application process in addition to the election process and verification of qualifications. Nominations occur as specified in Article VII, Section 5.</p> <p>Simplifying existing position titles.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>I. Diversity, Equity, and Inclusion Committee: The Diversity, Equity, and Inclusion (DEI) Committee explores and recommends strategies to improve the diversity, equity, and inclusive culture of NCARB to ensure that the organization represents the population it serves.</p> <p>J. Other: Committees, task forces, and work groups may be established from time to time by the President/Chair of the Board with the approval of the Board of Directors.</p> <p>SECTION 9. <u>Select Committees</u>. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section 5 of Article XII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, to offer resolutions to be voted on at the Annual Business Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee submitted to the Board of Directors in accordance with Section 6 of this Article XII. Such annual report of a Select Committee shall be distributed to the membership not later than 30 days prior to the Annual Business Meeting without revision by the Board of Directors. A Select Committee may be a Board Committee or an Advisory Committee, provided that the procedures and authority applicable to such Select Committee are consistent with those of a Board Committee or Advisory Committee, as applicable.</p>	<p>Article XII, Section 8(J): Simplifying existing position titles.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
<p>ARTICLE XIII— INDEMNIFICATION</p>	<p>In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act (“RINCA”) and after the Council’s Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific proceeding at issue, any present or former Director or employee determined by Board of Directors to be an executive employee, or member of a Committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council’s request in any other entity or with respect to the Council’s employee benefit plan, shall be indemnified by the Council against thereasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney’s fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the Board of Directors. Expenses incurred of the character described above may, with the approval of the Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred by such person on account of their status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.</p>	<p><i>(no changes to Article XIII)</i></p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
ARTICLE XIV— AMENDMENTS	These Bylaws may be amended at any special meeting or Annual Business Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.	<i>(no changes to Article XIV)</i>
<u>ARTICLE XV— TRANSITION</u>	<p><u>SECTION 1. Transition Plan. The following governance provisions shall apply for the respective time periods set forth below. Except as modified below, these Bylaws shall be in full effect during the transition periods identified below. For purposes of this Article XV, “ABM” shall refer to the Annual Business Meeting of the Council taking place in the corresponding year.</u></p> <p><u>SECTION 2. 2023-2024 Term.</u></p> <p><u>A. Elected Officers.</u></p> <p><u>(i) The Elected Officers shall include the following positions: Secretary; Treasurer; Second Vice President; First Vice President/President-Elect (to be known as Vice President); President/Chair of the Board (to be known as President); and Immediate Past President.</u></p> <p><u>(ii) The Elected Officers shall be those persons elected or succeeding to office as set forth in those Bylaws in effect during the 2023 ABM. The Second Vice President, Treasurer, and Secretary shall, respectively, exercise such duties and have such authority and responsibility as set forth in those Bylaws in effect during the 2023 ABM.</u></p> <p><u>B. Elected Officer Vacancies. In the event of a vacancy in:</u></p> <p><u>(i) The office of President, the Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(ii) The office of Vice President, the Second Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iii) The office of Second Vice President, the Treasurer shall fill such vacancy for the remainder of the term and the following term.</u></p>	<p>Article XV: This section is the transition plan for shifting to the new proposed governance structure. The plan covers the period 2023 through 2027.</p> <p>No changes will apply to the 2023 elections process.</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>(iv) The office of Treasurer, the Secretary shall fill such vacancy for the remainder of the term (without vacating the office of Secretary). Such person shall be considered the Treasurer for purposes of Elected Officer succession for the following term.</u></p> <p><u>(v) The office of Secretary, the Board shall appoint an individual to fill such vacancy for the remainder of the term.</u></p> <p><u>(vi) The office of Immediate Past President, such office shall remain vacant for the remainder of the term.</u></p> <p><u>C. At-Large Directors. There will be no At-Large Directors.</u></p> <p><u>SECTION 3. 2024 ABM Election / 2024 – 2025 Term.</u></p> <p><u>A. Elected Officers.</u></p> <p><u>(i) The Elected Officers shall include the following positions: Secretary/Treasurer; Second Vice President; Vice President; President; and Immediate Past President.</u></p> <p><u>(ii) The Elected Officers shall be the following persons, except as may be modified by any vacancies arising during the previous term:</u></p> <ul style="list-style-type: none"> <u>• Secretary/Treasurer: That person who served as Secretary during the previous term (except in the event of a vacancy in the office of Secretary or Treasurer during the 2023-2024 term, in which case the Secretary/Treasurer shall be elected as set forth in Article VII, Section 5, of these Bylaws).</u> <u>• Second Vice President: That person who served as Treasurer during the previous term.</u> <u>• Vice President: That person who served as Second Vice President during the previous term.</u> <u>• President: That person who served as Vice President during the previous term.</u> <u>• Immediate Past President: That person who served as President during the previous term.</u> 	<p>Materials contained in this draft agenda are proposed topics for discussion and are not to be considered for official board position</p>

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>(iii) The Second Vice President shall, in the absence of the President and Vice President, exercise the duties of and possess all the powers of the President.</u></p> <p><u>B. Elected Officer Vacancies. In the event of a vacancy in:</u></p> <p><u>(i) The office of President, the Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(ii) The office of Vice President, the Second Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iii) The office of Second Vice President, the Secretary/Treasurer shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iv) The office of Secretary/Treasurer, the Board shall appoint an individual to fill such vacancy for the remainder of the term.</u></p> <p><u>(v) The office of Immediate Past President, such office shall remain vacant for the remainder of the term.</u></p> <p><u>C. At-Large Directors. There shall be two At-Large Directors. The At-Large Directors shall be elected as set forth in Article VII, Section 5, of these Bylaws.</u></p> <p><u>SECTION 4. 2025 ABM Election / 2025-2026 Term.</u></p> <p><u>A. Elected Officers.</u></p> <p><u>(i) The Elected Officers shall include the following positions: Secretary/Treasurer; Second Vice President; Vice President; President; and Immediate Past President.</u></p>	

Materials contained herein are proposed topics for discussion and are not to be construed as resolutions or official board position

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p>(ii) <u>In the event that a Secretary/Treasurer was elected for the 2024-2025 term due to a prior vacancy in the position of Secretary or Treasurer, then such person shall remain Secretary/Treasurer during this 2025-2026 term and there shall be no Second Vice President. Such person shall then become Vice President during the 2026-2027 term, and a new Secretary/Treasurer will be elected at the 2026 ABM in accordance with these Bylaws¹.</u></p> <p>(iii) <u>The Elected Officers shall be the following persons, except as may be modified by any vacancies arising during the previous term:</u></p> <ul style="list-style-type: none"> • <u>Secretary/Treasurer: That person elected as set forth in Article VII, Section 5, of these Bylaws.</u> • <u>Second Vice President: That person who served as Secretary/Treasurer during the previous term.</u> • <u>Vice President: That person who served as Second Vice President during the previous term.</u> • <u>President: That person who served as Vice President during the previous term.</u> • <u>Immediate Past President: That person who served as President during the previous term.</u> <p>(iv) <u>The Second Vice President shall, in the absence of the President and Vice President, exercise the duties of and possess all the powers of the President.</u></p>	

¹ A new Secretary/Treasurer is supposed to be elected at the 2025 ABM and serve two terms. However, if there is a vacancy in the Secretary or Treasurer position during the 2023-2024 term and a new Secretary/Treasurer is elected in 2024 for the 2024-2025 term, then that person could remain as Secretary/Treasurer during 2025-2026 and the Second Vice President position could disappear a year earlier than planned.

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<p><u>B. Elected Officer Vacancies. In the event of a vacancy in:</u></p> <p><u>(i) The office of President, the Vice President shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(ii) The office of Vice President, the Second Vice President (or if there is no Second Vice President, then the Secretary/Treasurer) shall fill such vacancy for the remainder of the term and the following term.</u></p> <p><u>(iii) The office of Second Vice President, such office shall remain vacant for the remainder of the term.</u></p> <p><u>(iv) The office of Secretary/Treasurer, the Board shall appoint an individual to fill such vacancy for the remainder of the term.</u></p> <p><u>(v) The office of Immediate Past President, such office shall remain vacant for the remainder of the term.</u></p> <p><u>SECTION 5. 2026 ABM Election / 2026-2027 Term.</u></p> <p><u>A. Elected Officers:</u></p> <p><u>(i) The Elected Officers shall include those positions as set forth in Article VIII, Section 1, of these Bylaws.</u></p> <p><u>(ii) The Elected Officers shall be the following persons, except as may be modified by any vacancies arising during the previous term:</u></p> <ul style="list-style-type: none"> <u>• Secretary/Treasurer: That person who served as Secretary/Treasurer during the 2025-2026 term; except if there were (a) no election for Secretary/Treasurer at the 2025 ABM or (b) a vacancy in the position of Secretary/Treasurer during the 2025-2026 term, then the Secretary/Treasurer shall be elected as set forth in Article VII, Section 5, of these Bylaws.</u> <u>• Vice President: That person who served as Second Vice President during the previous term.</u> 	

BYLAWS SECTION	BYLAWS LANGUAGE	SUPPORTING STATEMENT
	<ul style="list-style-type: none"> • <u>President: That person who served as Vice President during the previous term.</u> • <u>Immediate Past President: That person who served as President during the previous term.</u> <p><u>B. Elected Officer Vacancies. In the event of a vacancy, the vacancy shall be filled as set forth in Article VII, Section 6, of these Bylaws.</u></p> <p><u>Section 6. 2027 ABM Election / 2027-2028 Term. The Elected Officer and all other Director positions shall be as set forth in Article VIII, Section 1, and Article VII, Section 1, respectively, of these Bylaws and shall be filled as set forth in Article VII, Section 5, of these Bylaws. All vacancies shall be filled as set forth in Article VII, Section 6, of these Bylaws.</u></p> <p><u>Section 7. Transition Termination. This Article XV shall be automatically removed from these Bylaws upon the adjournment of the 2027 ABM.</u></p>	

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

Appendix F:

Proposed Transition Model

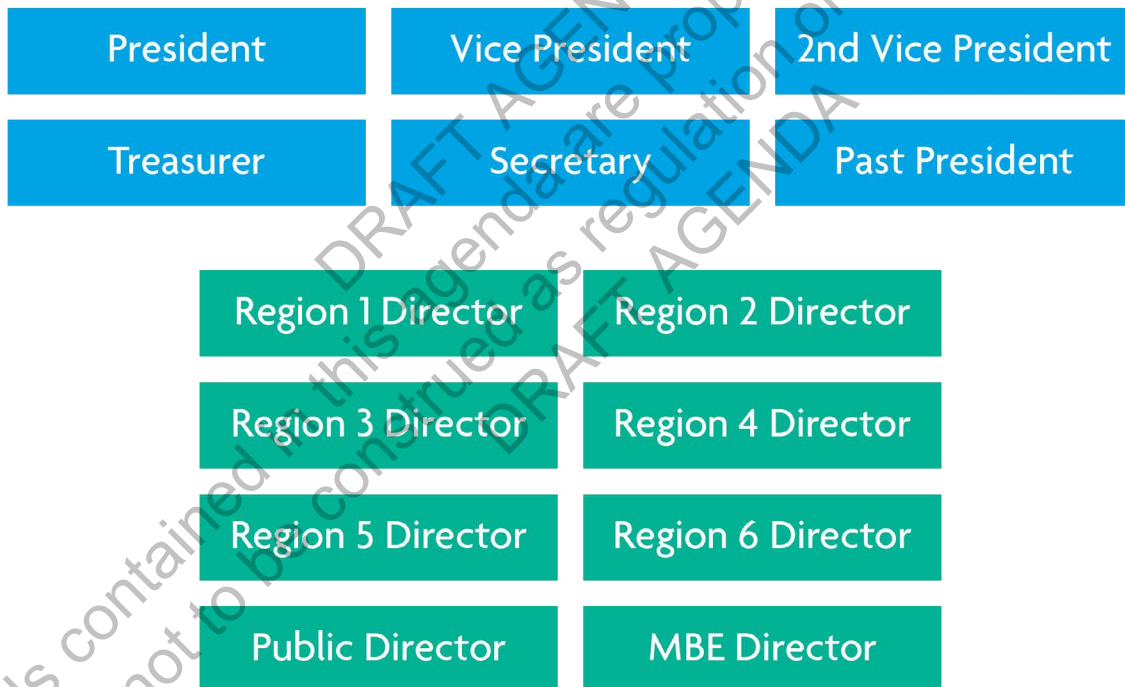
DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

2023-2024 BOARD OF DIRECTORS

(ELECTED AT THE 2023 NCARB ANNUAL BUSINESS MEETING)

There will be no changes for the Board of Directors for FY24. The elections at the 2023 Annual Business Meeting will proceed as normal. The current Board includes:

- 14 positions
- Six officers, six regional directors, MBE director, public director.
- Elections Notes:
 - First Vice President, Second Vice President, Treasurer, and Secretary will all be elected.
 - New regional directors will be elected to a first term in 2023 for Regions 1, 3, and 6 as Janet Hansen, Richard McNeel, and Sylvia Kwan complete their final terms as regional directors.
 - Directors for Regions 2, 4 and 5 (George Miller, Meg Parsons, and Lenora Isom) are eligible for election to a second term.
 - A new public director will be elected as current Public Director Gary Ey is completing his third and final term in FY23.
 - Cathe Evans is eligible for election to a third term as MBE director.



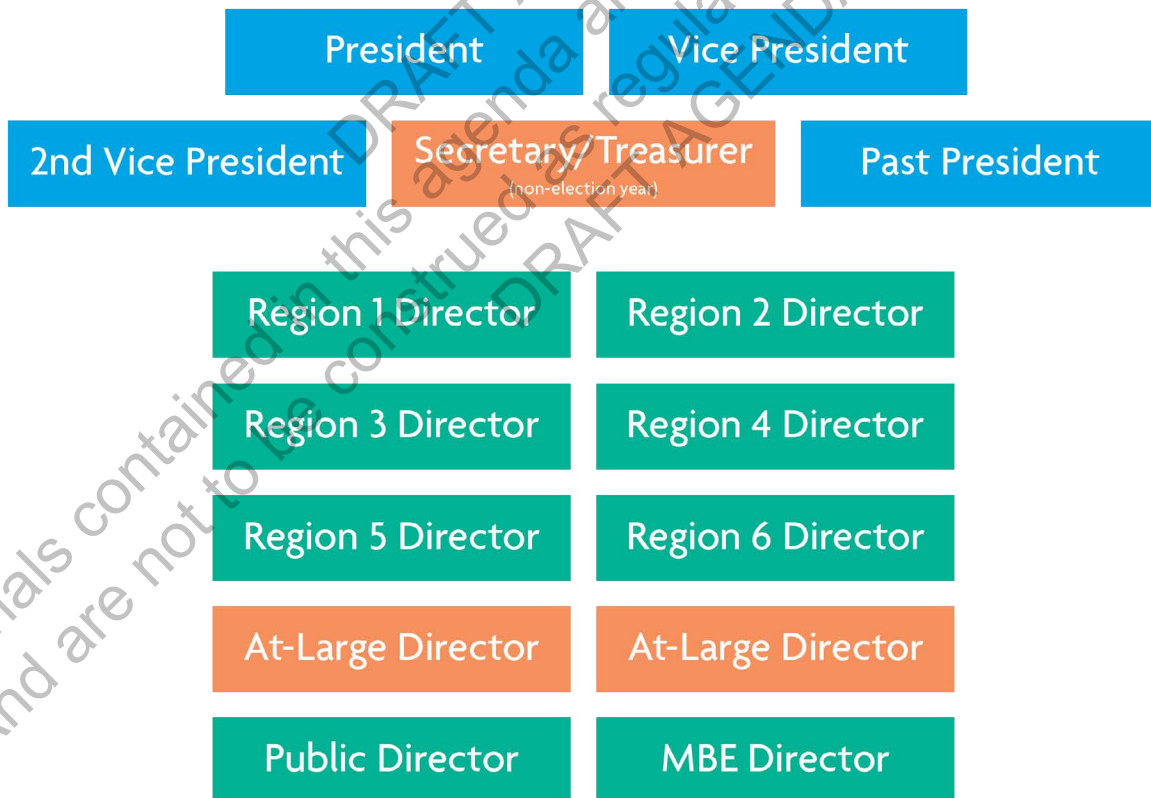
KEY:

- Officer
- Director Positions
- New Bylaws
- Position Removed

2024-2025 BOARD OF DIRECTORS

(ELECTED AT THE 2024 NCARB ANNUAL BUSINESS MEETING)

- The FY25 Board of Directors will be the first to reflect some of the changes in the resolution. To implement these, changes to the election process will start at the 2024 Annual Business Meeting.
- What's different?
 - One less officer position—the secretary/treasurer position merges in this year.
 - Two at-large director positions begin (the Board size increases temporarily to 15 people).
- 15 positions
 - Five officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - There will be no officer elections in 2024.
 - ◇ The secretary elected in 2023 will serve in the newly merged secretary/treasurer role.
 - ◇ All other officer positions will automatically advance to the next role in 2024.
 - 2023 treasurer to second vice president.
 - 2023 second vice president to newly titled vice president position.
 - 2023 vice president to newly title president position.
 - 2023 president to immediate past president.
 - Two at-large directors will be elected to the first of two potential one-year terms.
 - ◇ The Credentials Committee will release a call for applications for these new positions.
 - A new MBE director will be elected as Cathe Evans completes her third term.

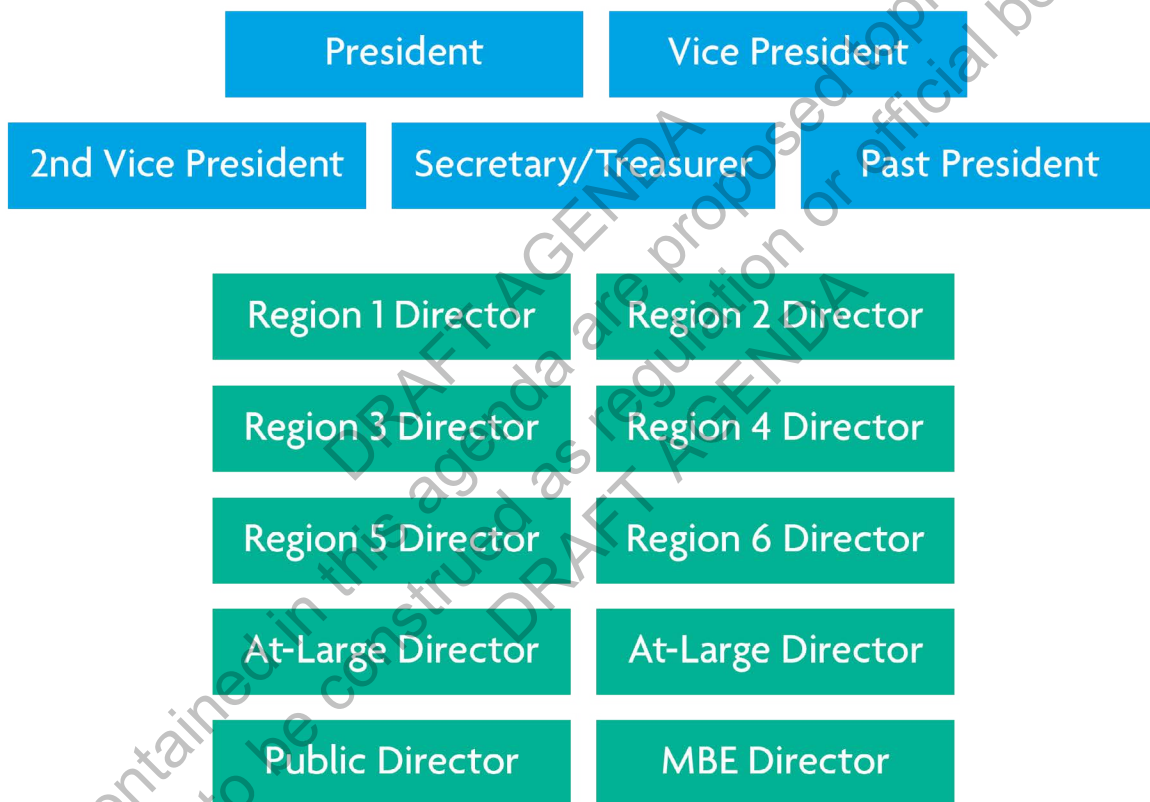


KEY: ■ Officer ■ Director Positions
■ New Bylaws X Position Removed

2025-2026 BOARD OF DIRECTORS

(ELECTED AT THE 2025 NCARB ANNUAL BUSINESS MEETING)

- What's different?
 - Election for the first secretary/treasurer in the merged role.
- 15 positions
 - Five officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - An election for secretary/treasurer will be held.
 - Eligible regional, at-large, MBE, and public director positions will be elected to serve additional one-year terms, and new directors will be elected for any positions not eligible for re-election.



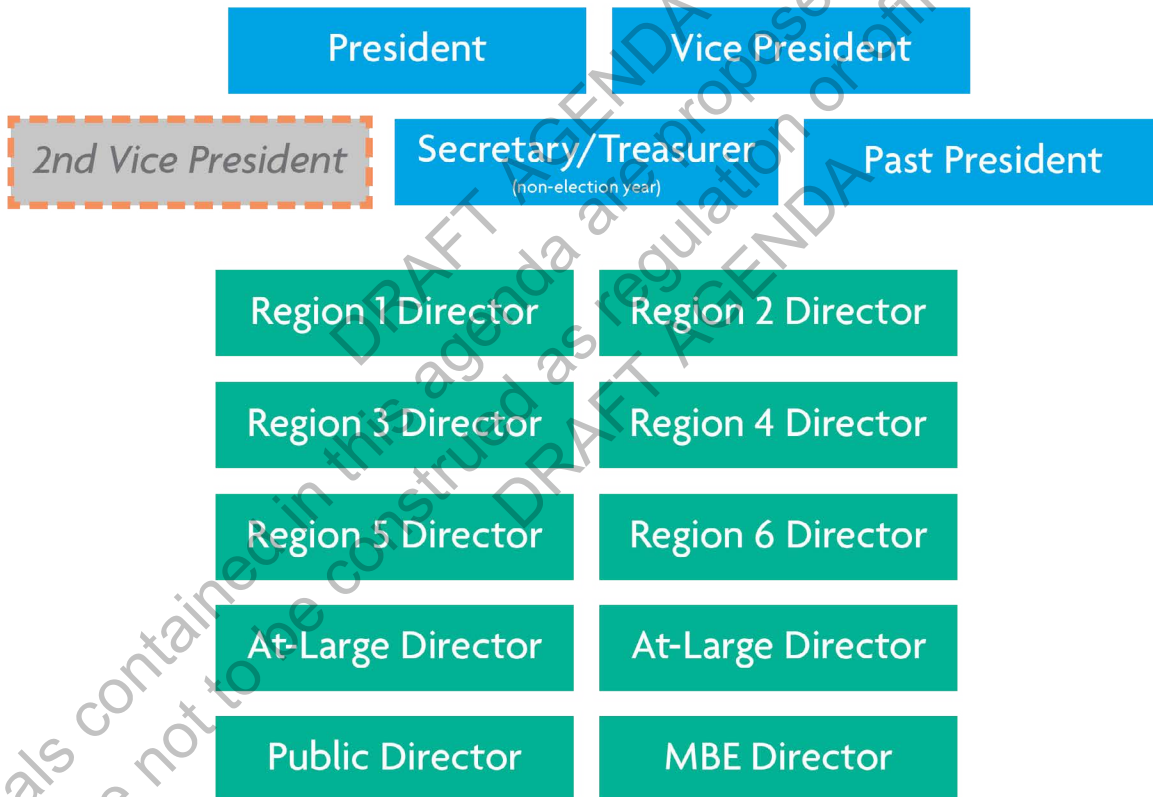
KEY:

- Officer
- Director Positions
- New Bylaws
- Position Removed

2026-2027 BOARD OF DIRECTORS

(ELECTED AT THE 2026 NCARB ANNUAL BUSINESS MEETING)

- What's different?
 - The Board of Directors returns to 14 positions.
 - The second vice president position is eliminated.
 - No election for secretary/treasurer in this year.
 - ◇ The secretary/treasurer elected in 2025 will hold for one year rather than advancing to the eliminated second vice president position.
- 14 positions
 - Four officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - Eligible regional, at-large, MBE, and public director positions will be elected to serve additional one-year terms, and new directors will be elected for any positions not eligible for re-election.



KEY:

- Officer
- Director Positions
- New Bylaws
- Position Removed

2027-2028 BOARD OF DIRECTORS

(ELECTED AT THE 2027 NCARB ANNUAL BUSINESS MEETING)

- What's different?
 - Full implementation of the new governance structure this year.
- 14 positions
 - Four officers, six regional directors, two at-large directors, MBE director, public director.
- Elections
 - An election for Secretary/Treasurer will be held.
 - Eligible regional, at-large, MBE, and public director positions will be elected to serve additional one-year terms, and new directors will be elected for any positions not eligible for re-election.
 - Transition is complete and Article XV of the *Bylaws* is sunset.



KEY:

■ Officer

■ Director Positions

■ New Bylaws

■ Position Removed

Guide to Proposing Amendments to Resolutions

The document provides an overview for proposing amendments:

- Prior to the Annual Business Meeting
- Prior to voting at the Annual Business Meeting
- During voting at the Annual Business Meeting
- Voting on amendments

If you have any questions about the resolutions or amendments processes, please contact the NCARB Secretary at secretary@ncarb.org.

Guide to Proposing Amendments to Resolutions at the Annual Business Meeting

If a Member Board or region would like to offer an amendment to a resolution being moved forward at the Annual Business Meeting (ABM), NCARB is available to provide support in various ways, including legal counsel and parliamentary support as well as coordinating distribution to all Member Boards. This document provides an overview for:

- *NCARB Bylaws* and Robert's Rules of Order
- Amendments Offered Prior to the Annual Business Meeting
- Amendments Offered Onsite Prior to Voting at the Annual Business Meeting
- Amendments Offered During Voting from the Floor at the Annual Business Meeting
- Voting on Amendments

NCARB Bylaws: Resolution-Related Section

Article IV, SECTION 6. Resolutions and Other Motions. [...] Only Member Boards, Regions, Select Committees, and the Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert's Rules of Order Newly Revised may be made by any Delegate or Director.

- **Robert's Rules of Order Notes:**
 - There are two important parliamentary concepts that determine what amendments to the resolutions can be made from the floor:
 - *Scope of notice:* Based on the *NCARB Bylaws*, amendments may be made when a resolution is presented at a meeting of the Council.
 - *Germaneness:* Proposed amendments must be closely related to the exact motion under discussion.

NCARB has a parliamentarian available for consultation in advance of and during the Annual Business Meeting to advise on whether a proposed amendment is germane.

Amendments Offered Prior to the Annual Business Meeting

If a Member Board or region develops an amendment to a resolution prior to arriving at the Annual Business Meeting, and would like to share it in advance so other Member Boards can discuss it prior to arriving at the meeting:

1. Download the [Resolution and Amendment template](#). Use this document to develop the amendment in the required format.
2. Send the proposed amendment to the NCARB Secretary at secretary@ncarb.org.
3. NCARB legal counsel and parliamentarian will review and provide feedback relative to formatting, procedures, or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
4. Once finalized, NCARB can distribute the final version of the amendment to membership. This will include posting on the Member Board Community and publishing via available NCARB membership communications channels (Fast Facts, emails, feedback webinars, etc.)
5. NCARB can prepare the amendment for distribution at the Annual Business Meeting.
 - If the authoring Member Board or region changes the amendment following electronic distribution, please send the revised amendment to the NCARB Secretary at secretary@ncarb.org by **June 9, 2023**.

Amendments Offered Onsite Prior to Voting at the Annual Business Meeting

If a Member Board or region develops an amendment onsite prior to the Saturday morning resolution session and would like to make it available to membership for early discussion:

1. Submit the amendment to the NCARB Secretary (secretary@ncarb.org) as soon as possible.
2. NCARB legal counsel and parliamentarian will review and provide feedback relative to formatting, procedures, or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
3. Once finalized, NCARB can share advance copies to the membership through the various communications channels, including emailing to all Members, posting on the Member Board Community, and sharing via the ABM app. These various communication channels will ensure that members not in attendance at the ABM will also be made aware and engaged.
4. The amendment will be shared for discussion during the Saturday resolution session.

Amendments Offered During Voting from the Floor at the Annual Business Meeting

If a Member Board or region decides to offer an amendment from the floor during the Saturday resolution session:

1. A delegate must go to the microphone and identify their name and Member Board or region to offer the amendment.
 - Note: Only one amendment may be considered at a time. If a delegate wishes to suggest a different amendment while one is currently being debated, the delegate may go to the microphone to state the intention, but no formal action can begin until the current amendment has fully been discussed and voted on.
2. The amendment must be seconded from the floor.
3. Legal counsel and the parliamentarian will provide guidance to the presiding officer as to whether the amendment is germane.
4. Once the amendment has been deemed germane, debate will begin/resume. If needed, delegates will be given the opportunity to caucus to discuss the amendment(s).

Voting on Amendments

1. After discussion on the amendment has concluded, the presiding officer will call for a vote on the amendment. A simple majority of voting delegates present is needed to amend a resolution.
 - If the amendment passes, discussion begins on the amended resolution.
 - If the amendment fails, discussion resumes on the original resolution.
2. Additional amendments may be introduced, following the above steps.
3. After all discussion is completed, the presiding officer will call for a vote on the resolution, *original* or *as amended*, based on voting results of amendments.
4. The number of votes needed to pass a resolution are dictated by the *NCARB Bylaws*.

Questions?

If you have questions about the amendment or resolution process, please contact secretary@ncarb.org

2023 Draft Resolution Feedback

Region and Member Board comments with responses.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

The following is a compilation of questions and/or comments received from Member Board Members, Executives, or Regions since the resolutions were released with responses and notes about how the final resolutions have been updated.

Table of Contents

Resolution 2023-01: NCARB Model Law and Regulations Amendment – Responsible Control.....4
Updates since January 2023.....4

Resolution 2023-02: Omnibus Sunset of Education Policy Resolutions4

Resolution 2023-03: Omnibus Sunset of Resolutions in Conflict With Current Council Policies4

Resolution 2023-04: NCARB Model Rules of Conduct Amendment – Ethics Updates4

Resolution 2023-05: Resolution 2023-E: Amendment and Restatement of the NCARB Bylaws (Governance).....5

Why Change NCARB’s Governance 5

 Why is NCARB considering changes to the governance structure? 5

 It would be very helpful for the Board to articulate how a new governance framework is expected to improve the DEI of NCARB. How will the success of the objective be evaluated and measured? How will success be defined? 6

 Why is NCARB moving so fast on this? 6

 The current governance model does not need to be changed—change is already happening at the regional level. The next Board will be more than half female or persons from underrepresented groups. 7

 Previous models proposed (4+4 and 8 At-Large) changed board terms to a single, two-year term for both Regional and At Large positions. Is that gone? 7

 Did the Governance Work Group look at governance models of state-based organizations similar to NCARB? 7

 NCARB is not a typical association and should not be held to current trends in the association industry. We are a collection of regulatory boards..... 8

Officers 8

 In light of the proposal for a single officer election (Secretary/Treasurer), are there provisions in the *Bylaws* to address officers who are unable/unfit to perform duties? 8

 Please explain the change in leadership progression and the impact on elections for officers. There are no automatic progressions today. 9

 Creating a competitive election for the Vice President slot, in addition to Secretary/Treasurer, would provide opportunities for faster ascension and address time constraints. 9

 Explain the rationale for a smaller (streamlined) Executive Committee with a merged Secretary/Treasurer.....10

Regional Representation..... 10

 Please clarify the role of Regional Directors and the requirement to remove the “regional hat.”10

 Why is there no reference to “6” Regions in the *Bylaws*; is this to allow for “the discussion in the future.”11

 There are no shared issues within regions today, as opposed to when regions began developing in the 1960s.11

 There is a benefit to grouping geographically as they share similar views and inputs. Small regions can get together in person, and it costs less to travel. 11

Elections 11

 Please explain the positions to be elected and how elections will occur.....11

 Can someone still run for an NCARB officer position from the floor?12

Qualifications and Terms 12

Members of the Board of Directors should have Member Board experience.....12

Will there be limits on the number of non-Member Board Members?.....13

All members of the Board of Directors must have an NCARB Certificate.13

Please explain the proposal to have Regional Directors and At-Large Directors serve two-year terms.13

Why are three terms allowed for MBE’s and Public Board Members?.....14

Nominating and Credentials Committee.....14

 Please explain the role of the Nominating and Credentials Committees.14

Data14

 Data that leadership has referenced indicated 52% of members believe the NCARB governance does not reflect the communities we serve and 65% believe at least moderate change is needed. Can you tell me how many surveys were sent out and the total number of responses received?14

NCARB Leadership and Member Demographic Data.....15

Board of Directors Members by Gender16

Board of Directors Members by Race and Ethnicity.....17

NCARB Presidents17

Member Board Diversity Data.....18

Governance Survey Results19

Survey Overview20

Governance Survey Results30

 Realign Regions36

 Comments: Realign Regions37

 Executive Committee and Board Structure.....47

 Comments: Executive Committee and Board Structure.....49

 Ranking: Board Structure.....56

 Certificate and Member Board Experiences57

 Comments: Certificate and Member Board Experiences59

 Nominating Committee Structure65

 Comments: Nominating Committee Structure67

 Nominating Committee Role.....72

 Comments: Nominating Committee Role.....73

 Elections.....77

 Comments: Elections.....79

 Ranking: Elections.....84

Resolution 2023-01: NCARB Model Law and Regulations Amendment – Responsible Control

(Formerly Resolution 2023-A)

Updates since January 2023

The Mississippi State Board of Architecture has put forward this resolution. The NCARB Board of Directors included a memo with the draft resolution based on recommendations from NCARB's legal counsel.

Based on feedback, the Mississippi Board submitted an updated resolution on March 16, 2023, to the Regional Leadership Committee for Member Board consideration at the June Annual Business Meeting. The Mississippi Board has met the requirements as outlined in Article IV, Section 6 of the *NCARB Bylaws* for this resolution to be added to the Annual Business Meeting agenda.

Any additional questions related to the resolution should be submitted to the Mississippi Board.

Questions related to the NCARB Board of Directors' position on this resolution can be submitted to secretary@ncarb.org.

Resolution 2023-02: Omnibus Sunset of Education Policy Resolutions

(Formerly Resolution 2023-B)

No questions were received related to this resolution.

Resolution 2023-03: Omnibus Sunset of Resolutions in Conflict With Current Council Policies

(Formerly Resolution 2023-C)

No questions were received related to this resolution.

Resolution 2023-04: NCARB Model Rules of Conduct Amendment – Ethics Updates

(Formerly Resolution 2023-D)

No questions were received related to this resolution.

Resolution 2023-05: Resolution 2023-E: Amendment and Restatement of the NCARB Bylaws (Governance)

(Formerly Resolution 2023-E)

Why Change NCARB's Governance

Why is NCARB considering changes to the governance structure?

- Assessing governance practices to ensure optimal Board performance is a practice of highly successful organizations.
- NCARB's governance model has only changed once in nearly 60 years. That change, in 2008, added the Member Board Executive Director and the Public Director positions to bring their unique perspectives to the Board of Directors. At the suggestion of the then-Diversity Collaborative, and through the Board's own discussions and continuous measurement against nonprofit association best practices, we are on this journey to understand what other perspectives are missing from Board discussions.
- Two resolutions, stemming from presidential charges issued to the Council's volunteer-led Diversity Collaborative (now the Diversity, Equity, and Inclusion (DEI) Committee) in FY21, were drafted for Board review and proposed changes to the Council's governance structure. The Board approved one of the proposals, shortening the path to leadership by capping Regional Director service at two one-year terms, which the membership approved. The Board tabled a second resolution suggesting a reduction of Executive Committee members and adding two at-large seats, requesting time to discern the opinion of Member Board Members and to engage an expert governance consultant to guide this work.
- Part of that discernment process included 10 Member Board Member listening sessions in 2021, including sessions that provided insights from underrepresented voices about the path to NCARB leadership. Feedback received included the following themes:
 - Many believe that the Board is not representative of society's gender and racial diversity—or the profession.
 - Many assert that the leadership pathway is unnecessarily long.
- Further, additional feedback was solicited via a poll of Member Board Members, conducted during the June 2022 Annual Business Meeting, with the following findings:
 - At least 65% of members voting responded that moderate to significant change is needed in NCARB's governance structure.
 - At least 52% of members voting responded that NCARB governance is not representative of the communities served.
- The focus group and polling feedback laid a foundation for workshops on governance during the 2022 ABM, which yielded additional feedback and ideas for future governance models. At the close of the 2022 ABM, newly elected President Bayliss Ward appointed a five-person Governance Work Group to distill the several years of feedback and work with a governance consultant to design a proposal for further comment from Member Board Members and key stakeholder committees, leading to a Board deliberation regarding a potential resolution at the 2023 ABM.

- The guiding principle for the Work Group was that NCARB could go further to ensure that underrepresented voices are at the table and to ensure that the Board of Directors consistently strives for optimal performance to benefit Member Boards and customers.

It would be very helpful for the Board to articulate how a new governance framework is expected to improve the DEI of NCARB. How will the success of the objective be evaluated and measured? How will success be defined?

- The governance effort is expected to bring new perspectives to the Board of Directors.
- The last time NCARB updated its governance structure to add new perspectives was to add a Public Director and an MBE Director.
- The search for those two new perspectives resulted in an unexpected benefit of also increasing gender diversity. Prior to FY09 (the first year of the new structure), only five women had ever served on the Board of Directors. From FY09 to today, there have been 16 women on the board, and of those, half have served in the MBE or Public Director positions.
 - Please see the data section included in this packet for a history of NCARB leadership demographics under the current governance structure.
- The expected outcome of the proposed resolution is that additional change to the NCARB governance structure will again have a positive impact on diversity, equity, and inclusion for the Board.
- NCARB is working with a DEI consultant to develop metrics to assess various DEI initiatives, including the future impact of governance changes.
- The Council will continue to engage with members from underrepresented communities about assessment outcomes, experiences, and additional future opportunities.
 - NCARB focus groups with Member Board Members from underrepresented groups indicated the regional ladder was seen as a time and culture impediment to serving on the Board.
 - The DEI Committee, in its former iteration as the Diversity Collaborative, also recommended to the Board that efforts be undertaken to address perceived cultural impediments within NCARB impacting the decision to run for the Board.
- For additional background, please read [Discernment Regarding NCARB Culture, DEI, and Governance](#), originally released by then-President Alfred Vidaurri in February 2022.

Why is NCARB moving so fast on this?

- This proposal is actually several years in the making. This work has been underway since 2019, when regional leaders and other Member Board Members were invited to join the initial volunteer-led Diversity Work Group. All recent Regional Chairs have served as members either on the Diversity Work Group or its successor, the Diversity Collaborative (2020 – 2022).
- Two years later, efforts by those volunteer-led activities resulted in two proposed governance resolutions in 2021. One of those resolutions was passed by the membership in 2021, which limited Regional Director terms to two years. The Board of Directors tabled the second resolution, requesting time to engage an expert governance consultant and further consult the membership.

- In the following year, Governance expert Jon Hockman, Chief Practice Officer with McKinley Advisors, began working with the Board of Directors in 2021. Also in 2021, 10 member listening sessions were conducted to gain member insights and perspectives from underrepresented members about the path to NCARB leadership.
- Annual Business Meeting attendees, in 2022, were polled on governance issues and attended workshops soliciting further feedback. President Ward then appointed the Governance Work Group to collect the three-years' worth of data, work with a governance expert, and design a proposal for further review throughout the current fiscal year.
- This deliberative timeline is consistent with other NCARB efforts regarding organizational and programmatic evolution.

The current governance model does not need to be changed—change is already happening at the regional level. The next Board will be more than half female or persons from underrepresented groups.

- The FY24 Board of Directors will be 50% white male and be 50% women/people of color. This is the first time this has occurred in 104 years of NCARB's history.
- This cannot be interpreted as change already happening or that change will continue, given that the current leadership pipelines for most regions continue to feature white officers and very few women.
- There are five (5) women and four (4) people of color who will hold regional leadership positions in FY24. There is overlap in these numbers. Only two regions have people of color in leadership positions.
- It is vital that a national corporation lead necessary change. More than four years of research and engagement with members from underrepresented groups has identified that there are significant opportunities to bring change to NCARB.
- Without being open, without change, the Council runs the risk of missing perspectives important to future direction. Refusal to change puts the Council's future at risk.

Previous models proposed (4+4 and 8 At-Large) changed board terms to a single, two-year term for both Regional and At Large positions. Is that gone?

- Yes, with the return to having Regional Directors on the Board, the recommended *Bylaws* changes returned to the current model of two, one-year terms—and that applies to Regional and At-Large Director positions. The MBE and Public Directors are allowed three, one-year terms because of the smaller pool of potential candidates for these roles.

Did the Governance Work Group look at governance models of state-based organizations similar to NCARB?

- Yes, the Governance Work Group looked at many different types of organizations, including those of organizations similar to NCARB.

NCARB is not a typical association and should not be held to current trends in the association industry.

We are a collection of regulatory boards.

- NCARB is a nonprofit organization, with a 501(c)(6) tax status, a budget exceeding \$35 million and a staff approaching 130, governed by 14 Directors, with membership composed of the 55 U.S. licensing jurisdictions.
- While the membership votes on *Bylaws* amendments, model laws, certain guidelines documents, and elects the Board of Directors, the strategic direction of the Council is guided by the Board and the operations of the Council are managed by the staff.
- Thus, while the mission and membership composition of the Council are different from many associations, the nature of the work and the governance of the Council are not dissimilar from other associations including those in the regulatory arena.
- Accordingly, the Governance Work Group has consulted the research and examples from a wide-ranging number of other not-for-profit organizations.
- While the specific missions of these organizations vary widely, there are remarkable similarities in how governance originated and evolved over time.
- Those similarities include national boards being charged with setting strategic direction for the organization and upholding fiduciary responsibilities. Committees and other nationally appointed entities strive to deliver work of the highest caliber to advance the interests and needs of the members.
- Those are universal attributes of nonprofit governance regardless of mission or membership and are among the elements under review by NCARB.
- At the same time, the Work Group studied the evolution and governance structures of organizations that are closely related to NCARB. The Council will continue to explore relevant and compelling examples of nonprofit governance and welcomes suggestions.

Officers

In light of the proposal for a single officer election (Secretary/Treasurer), are there provisions in the *Bylaws* to address officers who are unable/unfit to perform duties?

- The *NCARB Bylaws* provide a process to remove any Board member from office for cause.
- *Bylaws* Article VII – The Board of Directors, Section 4 – Removal. Remains unchanged from the current *Bylaws*:
 - A. Director may be removed with cause by a majority vote of the Member Boards at a meeting where a quorum is present, with the meeting notice stating that the purpose, or one of the purposes, of the meeting, is the removal of the director.
 - B. Director may be removed with cause by the affirmative vote of two-thirds (2/3) of the Board of Directors.

Please explain the change in leadership progression and the impact on elections for officers. There are no automatic progressions today.

- Currently, the First Vice President/President-elect automatically ascends to the roles of President and Past President. This is not proposed to change.
- Proposed change: The Secretary/Treasurer would advance to the position of Vice President.
 - Today, there are four elections in the governance model: Secretary, Treasurer, Second Vice President, and First Vice President.
 - Two of the foregoing elections are eliminated.
 - Merging the Secretary/Treasurer positions eliminates one election.
 - Eliminating the Second Vice President position eliminates a second election.
 - This reduces the potential number of elections to two.
 - The proposal is to have the membership participate in a single officer election by electing a Secretary/Treasurer to hold that role and then advance to the Vice President role without a subsequent election.
- Rationale:
 - The Secretary/Treasurer is required to serve on the Board for at least two out of the last five years to gain general experience with the Board and knowledge of current issues.
 - During the year served as Secretary/Treasurer, the incumbent gains greater insight and experience through the following:
 - Member communication responsibilities that include, but are not limited to, Executive Committee and Board of Directors minutes, national meeting agendas, and resolutions, including a role on the Policy Advisory Committee, presenting resolutions at Regional Summit and the Annual Meeting, as well as hosting spring resolution feedback calls.
 - Financial responsibilities include developing an in-depth understanding of the Council's financial structure and models through regular engagements with the Council's financial advisors, auditors, and staff experts, as well as chairing the Audit Committee.
 - Introduction to NCARB's relationships with external partner organizations.
 - Automatic advancement to the Vice President position ensures that the Vice President has received this additional training and experience to lead the Council.
 - This continuity of elected leadership is important to the Council's many multi-year initiatives.
- Member response to the governance survey indicated 59.8% in support of this change.

Creating a competitive election for the Vice President slot, in addition to Secretary/Treasurer, would provide opportunities for faster ascension and address time constraints.

- The proposed changes eliminate two positions from the current Executive Committee structure reducing the path to the president by two years.
- The proposed automatic ascension path ensures continuity of leadership for multi-year initiatives for the streamlined Executive Committee.

Explain the rationale for a smaller (streamlined) Executive Committee with a merged**Secretary/Treasurer.**

- The Work Group determined that the 14-member size of the Board of Directors is optimal. Looking to increase opportunities to be more inclusive, the Work Group assessed the existing roles on the Board.
- The demand on each of these positions is deemed to be low due to heavy support from expert consultants (legal counsel and investment advisors) and staff. The secretary and treasurer serve as conduits to the Board of Directors after reviewing final materials and engaging with the consultants and staff as necessary. The work for a merged secretary/treasurer position is not expected to create an undue burden.
- Therefore, eliminating the second vice president position and merging the secretary and treasurer positions created the opportunity to add two at-large seats to the Board of Directors.
- This proposal was informed by the experiences of two Work Group Members—Past President Alfred Vidaurri and First Vice President/President-elect Jon Baker—both of whom have held the secretary and treasurer positions.

Regional Representation**Please clarify the role of Regional Directors and the requirement to remove the “regional hat.”**

- These are the legal duties required of each board member¹:
 - Duty of Care – Each board member has a legal responsibility to participate actively in making decisions on behalf of the organization and to exercise their best judgment while doing so.
 - Duty of Loyalty – Each board member must put the organization's interests before personal and professional interests when acting on behalf of the organization in a decision-making capacity. The organization's needs come first.
 - Duty of Obedience – Board members bear the legal responsibility of ensuring that the organization complies with the applicable federal, state, and local laws and adheres to its mission.
- Application of the foregoing legal duties of each Board member means:
 - The Board member has the obligation to advance the interests of the Council and its Member Boards in general, but not particular Member Boards, regions, or other constituencies over the entire Council.
 - The Board member may represent the views of a constituency to appropriately inform Board discussion, but final decisions must be in the best interest of the entire Council.
 - The Board member must then support and explain Board decisions to a constituency—even if the Board member is not personally in favor of the final Board decision.

¹ <https://boardsource.org/fundamental-topics-of-nonprofit-board-service/roles-responsibilities>

- The Regional Director still retains a role as a communications conduit to and from the Board of Directors.
 - The Regional Director does represent to the full Board the perspectives of the region and is expected to be in communication with the region regarding Board activities.
- It is appropriate for the Regional Director to consult with their region and seek advice from their region; at the same time, the region cannot “legally bind” the Director to a specific voting position.

Why is there no reference to “6” Regions in the *Bylaws*; is this to allow for “the discussion in the future.”

- The Regional structure is identified in Article VI, Section 2 and lists all six regions. No changes have been proposed at this time.
- There is language in Article VII, Section 1 relating to the Regional Directors and it reads “one director from each region.” This is the current *Bylaws* language. There is no proposed change to this language.
- President-elect Baker has indicated the regional realignment conversations will continue into FY24.

There are no shared issues within regions today, as opposed to when regions began developing in the 1960s.

- Regions continue to bring value to the Council through engagement within a smaller community of peers to encourage members to volunteer, share best practices, and establish leadership development activities and opportunities.

There is a benefit to grouping geographically as they share similar views and inputs. Small regions can get together in person, and it costs less to travel.

- There is no plan to eliminate regions. As noted above, Regions bring value to the Council through engagement within a smaller community of peers to encourage members to volunteer and to establish leadership development activities and opportunities.

Elections

Please explain the positions to be elected and how elections will occur.

- There will be no proposed change for the following positions:
 - Regional Directors
 - Regions will nominate one candidate.
 - Membership will ratify the nomination by acclamation at the Annual Business Meeting (ABM).
 - Member Board Executive Director
 - The Member Board Executive community nominates the Member Board Executive.
 - Membership will ratify this nomination by acclamation at the ABM.

- Public Director
 - Candidates for the Public Director self-nominate for the position.
 - Membership votes for the Public Director.
 - This may or may not be a contested election.
 - Elections will occur in the same manner as today.
- The merged Secretary/Treasurer position would continue the existing self-nomination process used for Secretary and Treasurer:
 - Candidates for the Secretary/Treasurer self-nominate for the position.
 - The Membership votes for the Secretary/Treasurer.
 - This may or may not be a contested election.
 - Elections will occur in the same manner as today.
- Changes are proposed for the following positions:
 - No election for the Vice President position, which serves the same role as the position formerly known as First Vice President/President-elect.
 - At-Large positions.
 - The Credentials Committee will issue the call for elections and check candidate credentials based on the *NCARB Bylaws*.
 - The Membership votes for the declared candidate(s).
 - The proposed voting process is for a plurality vote where the candidate(s) receiving the highest votes win the open seat(s).
 - Under plurality voting, where there may be more than two candidates, it may be that no single candidate receives a quorum. This process avoids the possibility of run-off elections, as a majority is not required to win.

Can someone still run for an NCARB officer position from the floor?

- The *Bylaws* state that candidates for office will need to declare interest by the date/time established by the Credentials Committee, which most recently was designated “end of day of first day of the Annual Business Meeting.”

Qualifications and Terms

Members of the Board of Directors should have Member Board experience.

- Proposed:
 - Officers will be required to have Member Board experience.
 - Regional, Public, and MBE Directors are required to have Member Board experience.
 - The At-Large positions must have two years of experience on a Member Board or as an NCARB volunteer.
- Rationale:

- A corporate agenda includes issues that are relevant to the national corporation. Those issues are not always relevant to member segments.
- Committee service often provides deeper awareness of issues most likely to be addressed by the NCARB Board of Directors.
- Reducing the restricted experience for some Board positions opens opportunities for fresh voices and perspectives on issues of the national corporation.
- Member response to the governance survey indicated the following:
 - 78.6% indicated support for requiring officers to have Member Board experience and not requiring non-officers to have Member Board experience.

Will there be limits on the number of non-Member Board Members?

- Under the proposed model, all officers, Regional, Public, and MBE directors will be required to have Member Board experience.
- The only positions available to individuals without Member Board experience would be the two At-Large Director positions.
- At-Large Directors with Member Board experience would be able to run for secretary/treasurer under the proposal put forward by the Board at their April Board Meeting. At-Large Directors, without Member Board experience, would not be eligible to run for secretary/treasurer.

All members of the Board of Directors must have an NCARB Certificate.

- Proposed:
 - The Board of Directors is not recommending a change to the requirement at this time. The Board would like this requirement to be studied further in FY24 before potentially recommending a change to the *NCARB Bylaws*. Currently, all architect members must have an NCARB Certificate.
- Rationale:
 - A potential change to this requirement emerged as part of discussions at the 2023 Regional Summit. The Board of Directors would like to study it further, and President-elect Jon Baker has committed to charge a volunteer group with reviewing the requirements' impact and making a recommendation for Member Board consideration in FY24. There was no clear consensus on this point from the Member Board survey (see below).
- Member response to the governance survey indicated the following:
 - 72.3% support every architect member of the Board required to have a Certificate. This is the current *Bylaws* requirement.
 - 71% support every architect officer being required to have a Certificate; non-officer directors would not be required to have a Certificate.
 - 65.7% support every officer being required to have a Certificate; non-officer directors would not be required to have a Certificate.

Please explain the proposal to have Regional Directors and At-Large Directors serve two-year terms.

- In the final *Bylaws* proposal, all members will have one-year terms.

Why are three terms allowed for MBE's and Public Board Members?

- MBEs and Public Directors are allowed three one-year terms because the pool of candidates for those roles is much more limited than for Regional Directors.

Nominating and Credentials Committee**Please explain the role of the Nominating and Credentials Committees.**

- The Credentials Committee:
 - Will continue to announce the call for candidates, validate candidate credentials to *Bylaws* requirements, verify voting delegate credentials, and manage the annual election process.
 - This includes communicating the open positions to be filled each year.
 - Will manage any transition to a new governance model in accordance with the proposed *Bylaws* transition (Article XV).
- The NCARB Board of Directors discussed a potential Nominating Committee and has decided not to add a new committee.
- The Credentials Committee will maintain a neutral role of simply vetting credentials against the *NCARB Bylaws* requirements.
- How NCARB recruits candidates for At-Large Directors will continually be monitored over the next couple of years to determine if further *Bylaws* adjustment is needed.
- It is the Board's intent that several stakeholders within the organization be more engaged in the recruitment of candidates for the At-Large positions.
- This includes, but is not limited to, the Board itself, Regions, the Regional Leadership and DEI Committees, Member Board Chairs and Executives, and committee chairs.

Data

Data that leadership has referenced indicated 52% of members believe the NCARB governance does not reflect the communities we serve and 65% believe at least moderate change is needed. Can you tell me how many surveys were sent out and the total number of responses received?

- This information, included in the [NCARB Governance Workgroup Working Draft Concepts report](#) on slide 4, was gathered in polls conducted during the plenary session at the June 2022 Annual Business Meeting. Respondents were 151 and 157, respectively.
- These two poll questions were developed from feedback received during 10 Member Board Member listening sessions in fall 2021. The listening sessions and polling feedback laid a foundation for workshops on governance during the 2022 ABM, which yielded additional feedback and ideas for future governance models.

NCARB Leadership and Membership Demographic Data

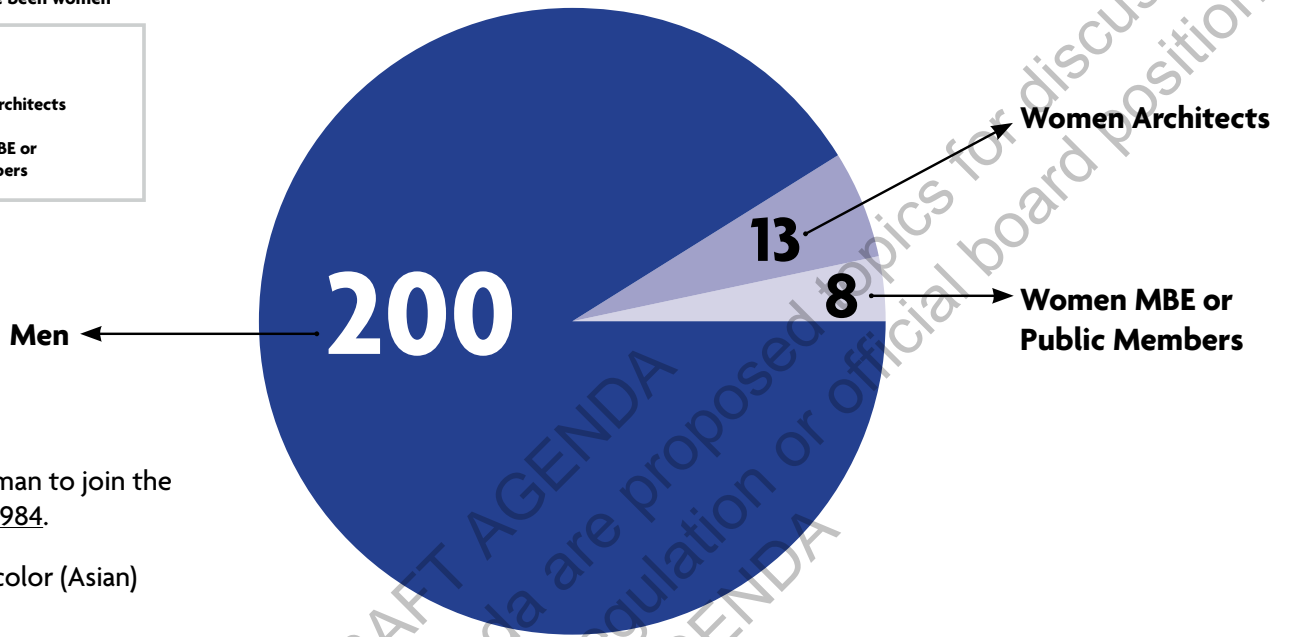
Data in this section includes:

- Historic Board Directors Data by:
 - Gender
 - Race and Ethnicity
 - NCARB Presidents by Gender, Race, and Ethnicity
- Member Board Diversity Data

Gender Diversity

There have been 221 NCARB Board of Director members total.

21 of them have been women

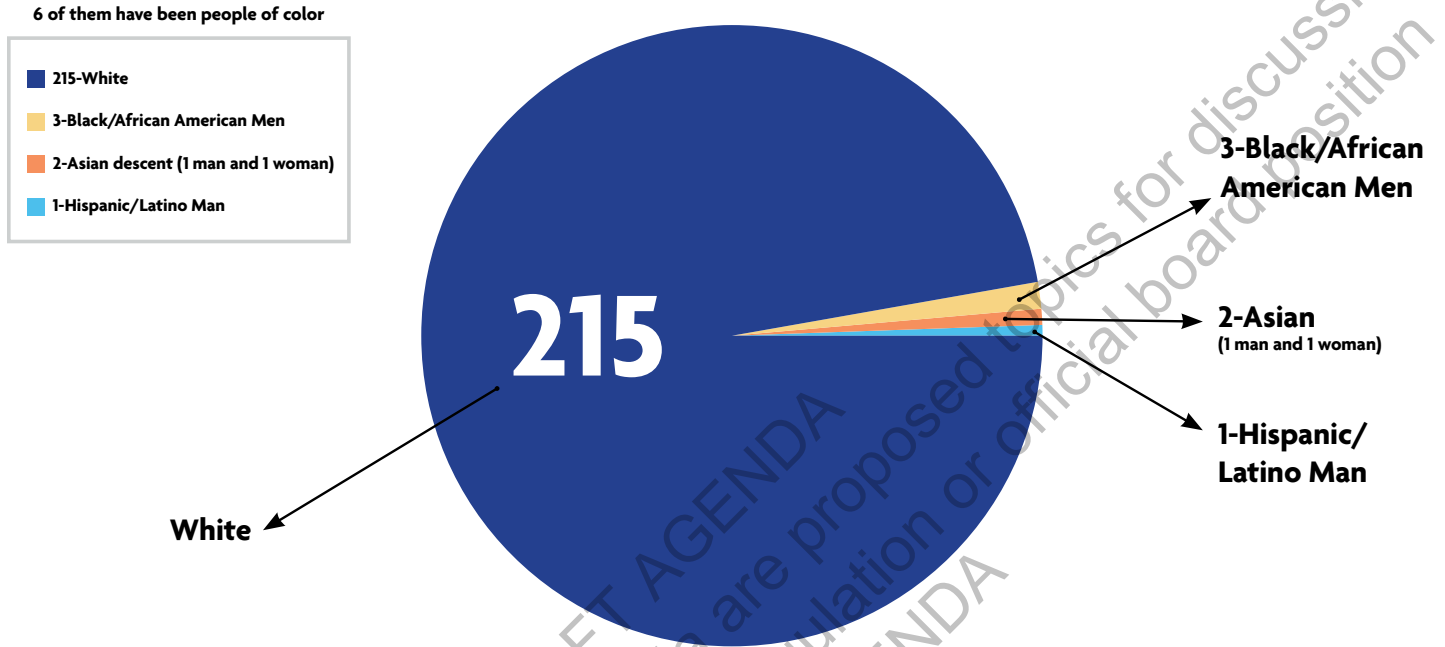


*The first woman to join the board was in 1984.

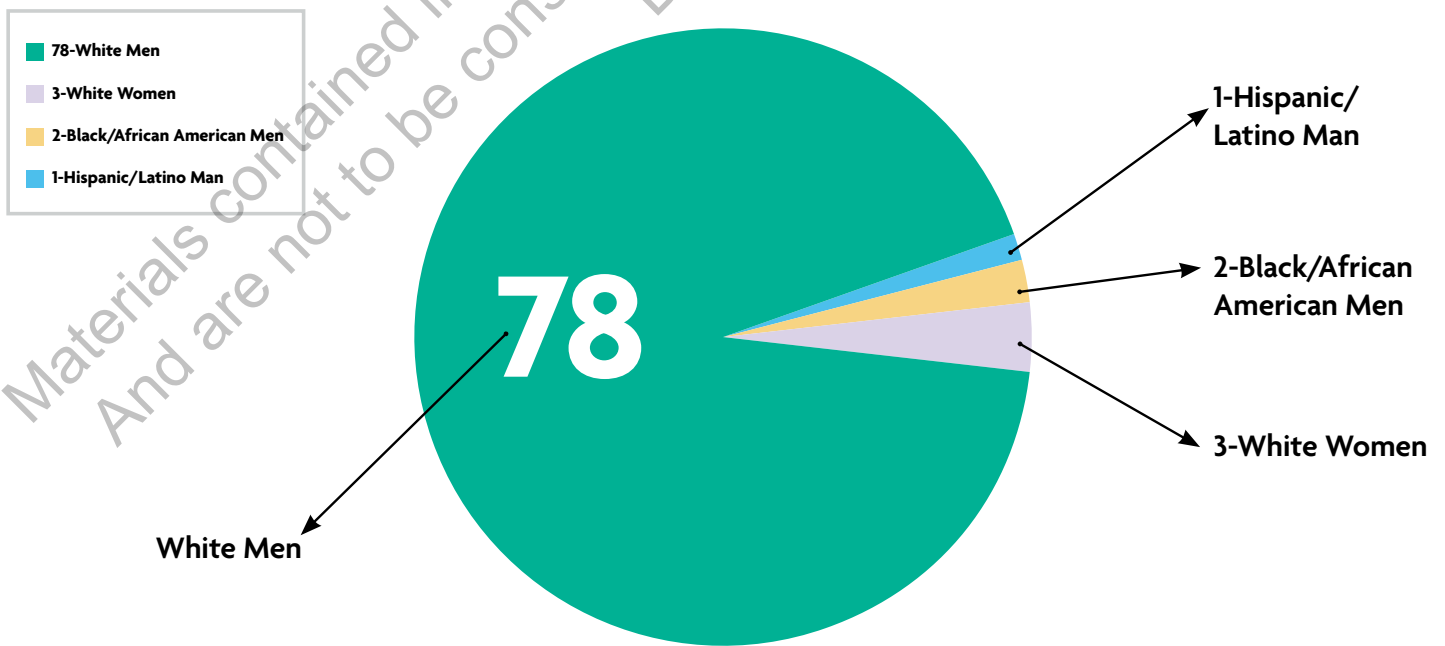
*1 woman of color (Asian)

Race and Ethnicity

There have been 221 NCARB Board of Director members total.



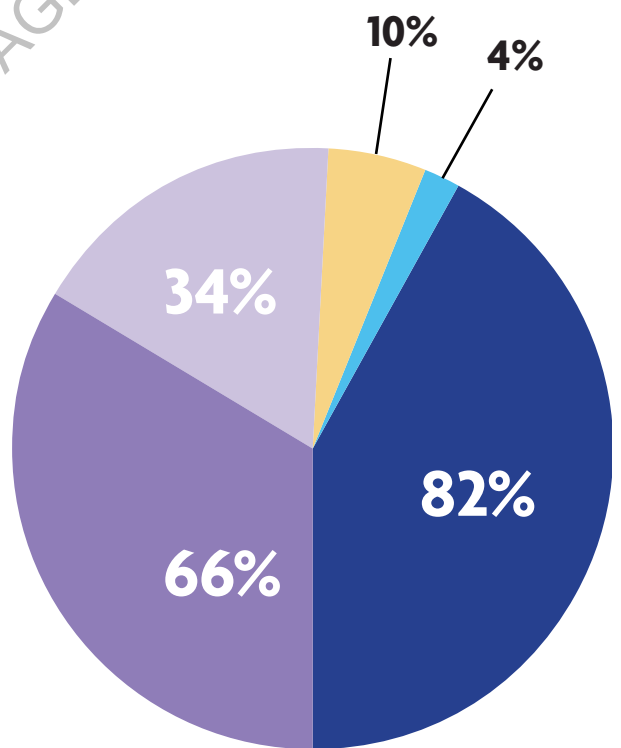
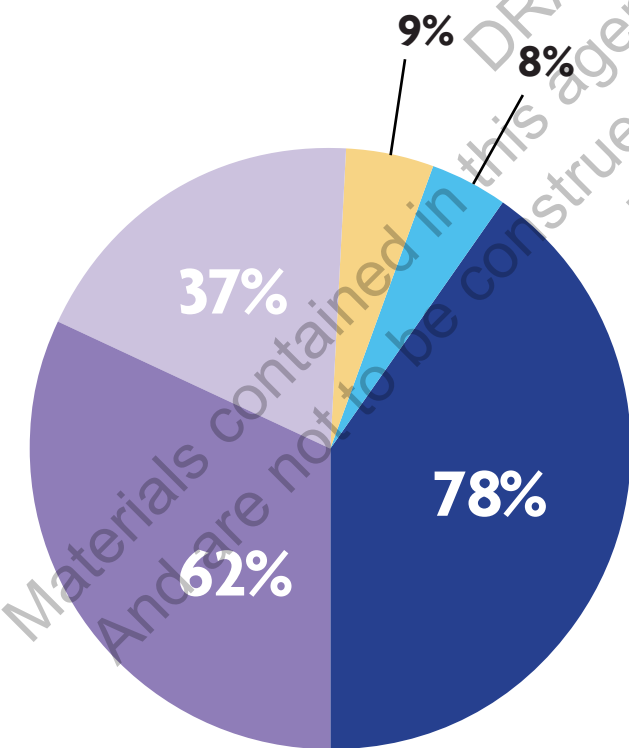
History of NCARB Presidents



Member Board Demographic Group Survey Comparison

2019 vs Current Data

Demographic Group	2019 Survey	Demographic Group	Current Survey
Male	62%	Male	66%
Female	37%	Female	34%
Black or African American	9%	Black or African American	10%
Hispanic/Latino Man	8%	Hispanic/Latino Man	4%
White	78%	White	82%



Governance Survey Results

The enclosed includes the Survey Overview as well as the raw data results and all comments.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

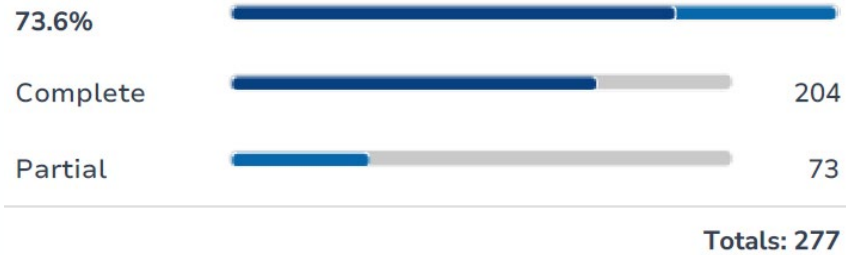
Survey Overview

- The survey launched on March 9, 2023 and closed on March 23, 2023. Respondents received an invitation email and reminder emails from NCARB and Regional Chairs/Executives.
- The survey received 277 responses
- The survey included 17 questions, divided into 5 topic sections, and demographic questions.

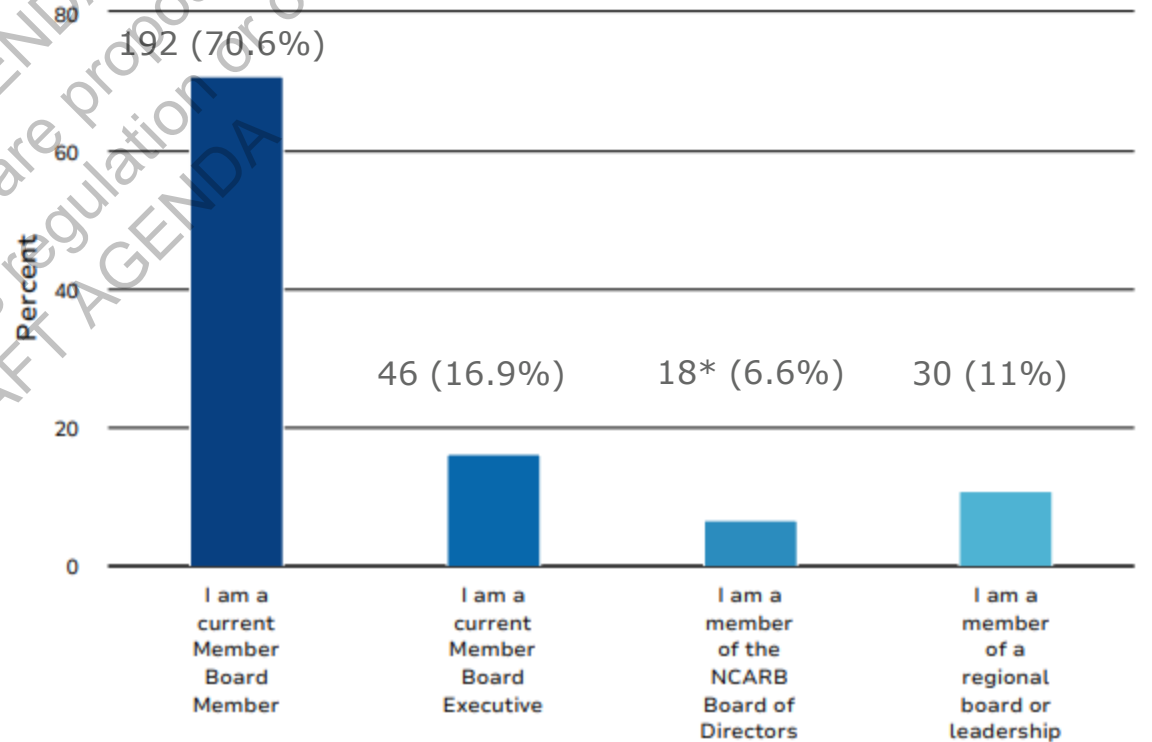
DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Survey Respondents

Response Counts



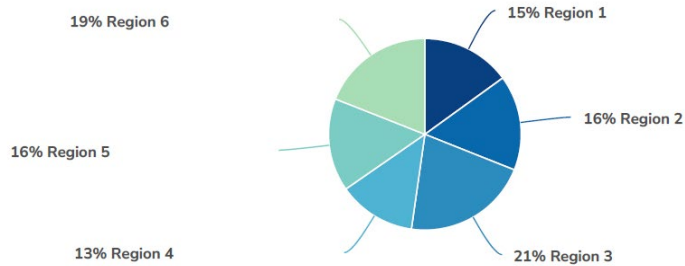
Position within NCARB Leadership



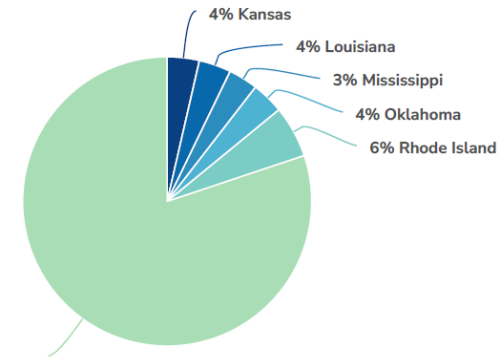
DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

Survey Respondents

Regions



Jurisdictions



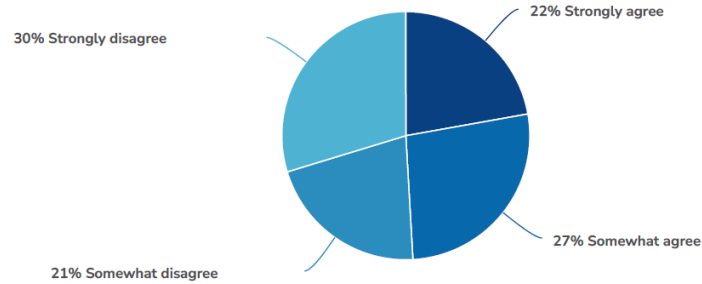
Value	Percent	Responses
Region 1	15.0%	41
Region 2	16.1%	44
Region 3	21.2%	58
Region 4	13.1%	36
Region 5	15.7%	43
Region 6	19.0%	52

Totals: 274

- All 55 jurisdictions are represented
- 10+ responses from Kansas, Louisiana, Oklahoma and Rhode Island

Indicate how much you agree or disagree: NCARB should realign regions by combining Regions 1 and 2 and Regions 4 and 5.

51% Disagree





49% Agree

Value	Percent	Responses
Strongly agree	22.2%	47
Somewhat agree	26.9%	57
Somewhat disagree	21.2%	45
Strongly disagree	29.7%	63
		Totals: 212



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Indicate how much you agree or disagree with the following options related to NCARB's Board structure.

Item	Overall Rank	 Strongly + somewhat agree	 Strongly + somewhat disagree	Score	#
6x2 model	1	65.9%	34.1%	585	196
6x4 model	2	56.6%	43.4%	552	195
4x4 model	3	45.0%	55.1%	500	196
8 at-large	4	26.8%	73.2%	332	191

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position



How much do you agree or disagree with the following potential requirements for service on the NCARB Board?

Item	 Strongly + somewhat agree	 Strongly + somewhat disagree	#
Every member of the Board (director and officer) who is also an architect must hold an NCARB Certificate (current practice)	72.3%	27.7%	219
Every officer must hold an NCARB Certificate. Non-officer directors are not required to hold an NCARB Certificate	65.7%	34.3%	213
Every officer who is also an architect must hold an NCARB Certificate. Non-officer directors are not required to hold an NCARB Certificate	71.0%	29.0%	213

- The Workgroup has not addressed the NCARB Certificate in the current recommendations; however, the question has come up multiple times.
- A question was added to the survey to pulse where members are with this issue.
- This allows the Board to decide whether to recommend addressing this issue this year or next year.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or proposed board action. DRAFT AGENDA



How much do you agree or disagree with the following potential requirements for service on the NCARB Board?

Item	 Strongly + somewhat agree	 Strongly + somewhat disagree	#
Every member of the Board, excluding the MBE director, must have served on a Member Board at some time	75.0%	25.0%	214
Every officer must have served on a Member Board at some time. Non-officer directors are not required to have served on a Member Board	78.6%	21.5%	217

- There is strong sentiment that every member of the Board (excluding MBE) must have served on a Member Board at some time
- A requirement for every Director (excluding MBE) to have served on a Member Board is not aligned with NCARB goals expressed to date.



Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

How much do you agree or disagree with the following options related to the proposed structure of the Nominating Committee?

Item	 Strongly + somewhat agree	 Strongly + somewhat disagree	#
Chaired by the immediate past president	70.6%	29.4%	204
Includes the Chair of the Diversity Committee	72.6%	27.3%	205
Includes the Chair of the Credentials Committee (non-voting member)	78.1%	21.9%	201
Includes eight individuals appointed through Lineup*	43.2%	56.8%	206
Includes one member from each region plus 2 appointed members by incoming Pres.	84.8%	15.1%	205



Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

The proposed Nominating Committee would not be involved in selecting officers, the MBE director, or the public director. How much do you agree with the following options?

Item	 Strongly + somewhat agree	 Strongly + somewhat disagree	#
If the future Board structure includes regional directors, the Nominating Committee should not be involved in selecting regional directors.	77.3%	22.7%	203
The Nominating Committee's role should be focused on identifying a pool of the qualified at-large directors for final selection by the membership.	83.3%	16.8%	203

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulatory or official board position

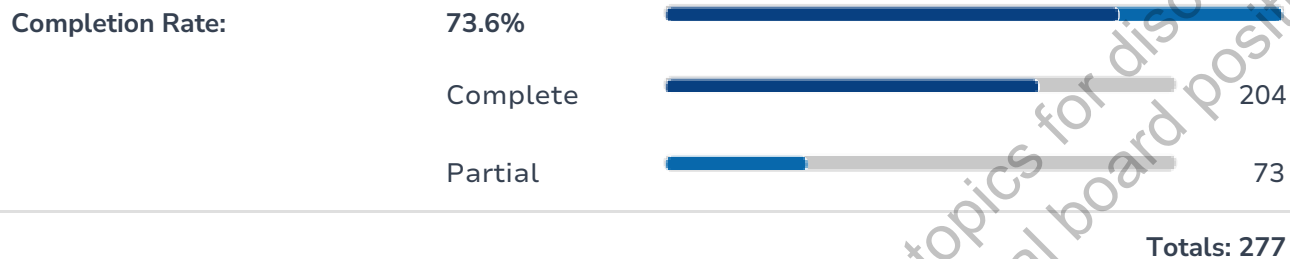
Indicate how much you agree or disagree with the following options related to the Board of Directors election process.

Item	Rank	 Strongly + somewhat agree	 Strongly + somewhat disagree	#
NC puts forward a pool of nominees exceeding the # of open at-large director seats. Members vote for each candidate. Top vote getters equal to the # of open seats win election	1	79.4%	20.6%	204
Members vote to select a secretary/treasurer. The secretary/treasurer will automatically advance to the vice president, president, and past president positions in subsequent years	N/A	59.8%	40.2%	204

Materials contained in this agenda are proposed topics for discussion
 And are not to be confused as regulation or official board position
 DRAFT AGENDA

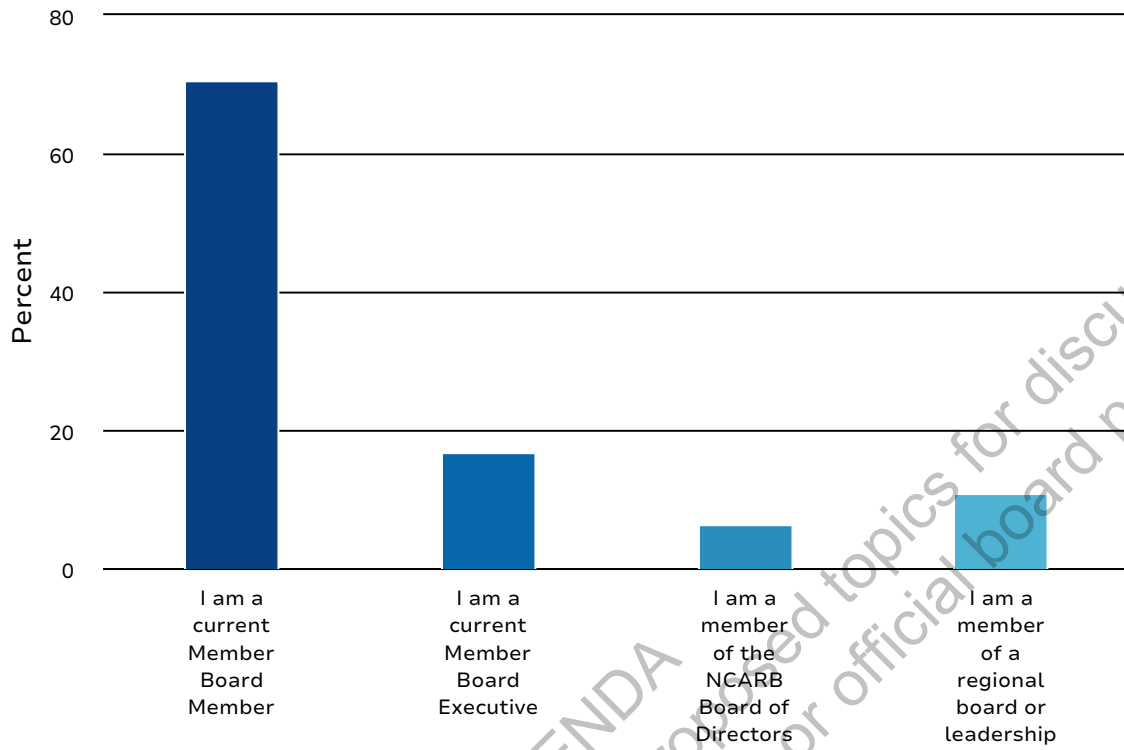
Report for 2023 NCARB Governance Survey

Response Counts



DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

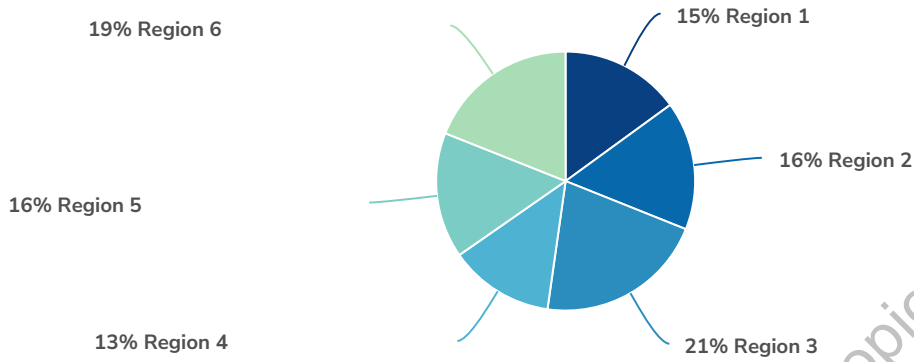
1. Select your position within NCARB leadership.



Value	Percent	Responses
I am a current Member Board Member	70.6%	192
I am a current Member Board Executive	16.9%	46
I am a member of the NCARB Board of Directors	6.6%	18
I am a member of a regional board or leadership	11.0%	30

Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position

2. What is your region?

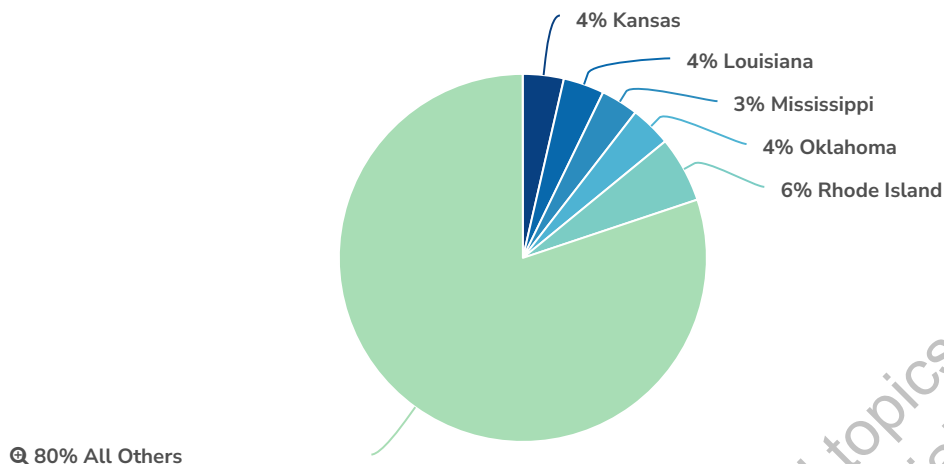


Value	Percent	Responses
Region 1	15.0%	41
Region 2	16.1%	44
Region 3	21.2%	58
Region 4	13.1%	36
Region 5	15.7%	43
Region 6	19.0%	52

Totals: 274

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

3. What is your jurisdiction?



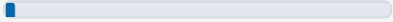
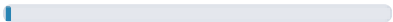
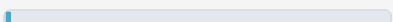
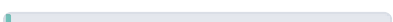
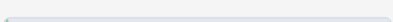

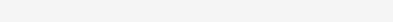

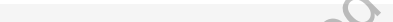






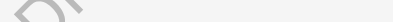
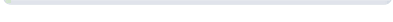
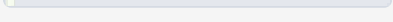
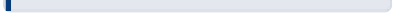
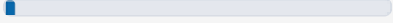
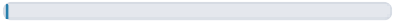
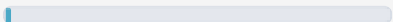
Value	Percent	Responses
Kansas	3.6%	10
Louisiana	3.6%	10
Mississippi	3.3%	9
Oklahoma	3.6%	10
Rhode Island	5.8%	16
Alabama	1.1%	3
Alaska	0.7%	2
Arizona	1.1%	3
Arkansas	1.8%	5
California	2.2%	6

Totals: 274

Value	Percent	Responses
Colorado		0.7% 2
Connecticut		1.8% 5
Delaware		1.1% 3
District of Columbia		1.5% 4
Florida		2.2% 6
Georgia		0.7% 2
Guam		0.7% 2
Hawaii		0.7% 2
Idaho		1.5% 4
Illinois		0.7% 2
Indiana		0.4% 1
Iowa		2.9% 8
Kentucky		0.7% 2
Maine		1.8% 5
Maryland		2.6% 7
Massachusetts		1.5% 4
Michigan		1.8% 5
Minnesota		2.2% 6
Missouri		1.5% 4
Montana		1.1% 3
Nebraska		2.9% 8
Nevada		2.6% 7
New Hampshire		0.7% 2

Totals: 274

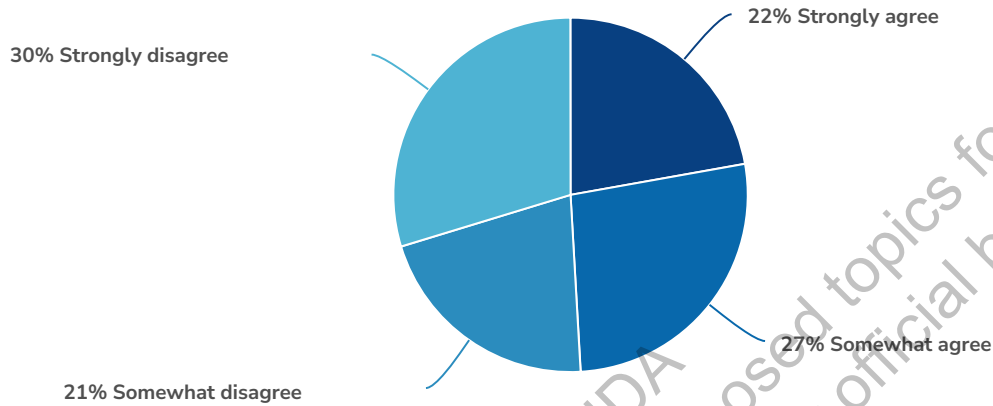
DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

Value	Percent	Responses
New Jersey		2.9% 8
New Mexico		2.2% 6
New York		2.2% 6
North Carolina		2.2% 6
North Dakota		1.1% 3
Ohio		1.8% 5
Oregon		1.8% 5
Pennsylvania		2.9% 8
Puerto Rico		0.7% 2
South Carolina		1.5% 4
South Dakota		1.5% 4
Tennessee		1.1% 3
Texas		1.5% 4
The Northern Mariana Islands		1.5% 4
U.S. Virgin Islands		1.5% 4
Utah		1.5% 4
Vermont		2.9% 8
Virginia		1.5% 4
West Virginia		2.6% 7
Wisconsin		0.4% 1
Wyoming		1.5% 4
Washington		2.2% 6

Totals: 274

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

4. Indicate how much you agree or disagree with the following statement: NCARB should realign regions by combining Regions 1 and 2 and Regions 4 and 5.



Value	Percent	Responses
Strongly agree	22.2%	47
Somewhat agree	26.9%	57
Somewhat disagree	21.2%	45
Strongly disagree	29.7%	63

Totals: 212

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official board position

5. Comments:

ResponseID	Response
------------	----------

8	I don't think regionally re-alignment is important enough to risk getting at least a couple of at-large board members.
---	--

9	We should be discussing this opportunity. I believe region 2 is ready for the discussions to begin. I understand that Region 1 wanted to wait until the new board for the region was in place.
---	--

10	My strongly agree rating is mostly contingent on board seats being tied to regions (in order to balance the number of states per region). If board seats are all at large, then current region structure is fine.
----	---

11	As the former NCEES Executive Assistant, may I suggest organizing zones like NCEES does? https://ncees.org/about/governance/ncees-zones/ This would ensure that the number of states/boards in each zone/region is fairly equal.
----	--

13	The realignment gives parity between Regions that does not currently exist.
----	---

14	Combining regions at this time I believe complicates the governance issue
----	---

16	I am pretty neutral on this however understand the advantage to streamline number of regions to similar sizes, etc. I feel that decision should be up to the affected regions 1,2,4 and 5.
----	--

19	To even the playing field, it makes sense.
----	--

20	It will lessen impact for small regions already and add barriers for them to make it to the board.
----	--

27	I am of the opinion that having information from more Regions instead of having information from a few Regions will provide stronger diversity and inclusion because with larger super Regions we run the risk of the smaller voices not being heard.
----	---

34	The reasoning behind the regional realignment proposal provided in earlier presentations was, I believe, compelling.
----	--

35	-- reduced options for regional leadership for those regions being combined - - how to allocate regional funds between the two regions?
----	--

39	I believe that regional re-alignment is something that could be considered, but other options might be a consideration, so cannot agree this is the correct approach at this time.
----	--

ResponseID Response

40 Understanding that Region 1 is quite content to be small, they like where they are in terms of the quality of membership for them. So if one region really doesn't want to change, it would be difficult to force them unless the other regions involved (2, 4, 5) convince them it's for the good of the whole.

41 At what I have seen in the presentations, combining some of the weaker regions with a stronger region makes sense, but does not impact us directly, so my opinion should not be considered too strong.

46 No need for fewer regions. They work just fine as they are.

48 I think folks would be more in favor of realignment if Region3 and 6 were also impacted.

52 I feel that this can be handled in the future, with more time for the regions to meet and discuss the merger.

53 We do not agree with the reasons we have heard for the realignment, but there are more serious governance issues facing NCARB.

54 The merging of the selected regions would cause those smaller regions to lose their voice and leadership role in balancing the scales in matters concerning NCARB.

55 This places each region closer to representation by population.

58 Consolidation of Regions reduces the ability of the Region to meet as we currently do for our fall meeting. Larger regions also make it less regional. Issues in Vermont are not the same as issues in Virginia.

66 This doesn't really affect Region 3, so I don't know as my opinion matters in this regard. However, if the outcome affect each Region having a board Member then I do care.

68 I like Region 1 as it is currently If any realignment was to be considered we should start with a clean slate and realign the entire country. Not just 4 regions

70 If the majority of Regions 1,2, 4, and 5 support it. If not, I would maintain the 6 Regions and approach the realignment of Regions next year.

72 I don't think the solution is that simple. I think all regions should be reviewed and an overall adjustment be made, regardless of the final number of regions.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

ResponseID Response

75 Realignment would be detrimental to representation and NCARBs mission, vision & goals. Region 1 works well because our practicing architects in New England often practice throughout our 6 states and we have been working hard over the years to create consistency and frequent dialogue and communication with our constituents and AIA new england chapters. Although we are small geographically we represent a large volume of architects and architectural schools. We are also diverse in our boards.

76 NCARB adopted the Regional structure as it currently exist in 1963. NCARB should leave the regional structure as it exists, rather than every few years spending the time and money to force a consolidation. Divorcing regions from the governance structure—i.e. the board—means there will be no connection between state and jurisdiction boards and the NCARB leadership. How will states and their regulatory issues be heard?

77 It depends on the amount of members in those regions to me. If combining those regions allows for a similar number for all the remaining regions, then I would support it.

78 The pros and cons of realigning these regions should be carefully considered.

82 Combining the regions would eliminate positions and therefore decrease opportunities for diversity.

83 While this is likely an eventual decision, the Regions have to be given the opportunity to adjust their by-laws, make up and programs. I'm happy the work group has dropped the reasoning of "it will expend leadership" when it is obvious that taking six officers and making them 3, is not an expansion.

84 There are many details left to be decided, hence my "somewhat agree" response. How is the region executive decided, how do officers merge, does this create a further "bottleneck" to the leadership path (especially if governance fails), etc.

85 Realignment of region should have more thought put into it aside from a blanket combining; besides the fact that the new governance initiative has been based on creating opportunity for diversity and this does the opposite.

86 Actions on the regions may be needed down the road, but including the region realignment with the national board realignment is an unnecessary distraction right now.

90 I think there are several reasons, but those regions could embrace more leadership options if they had more resources to pull from.

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

ResponseID Response

91 Although I am new to our state regulatory board, after attending the Regional Summit and participating in discussions within our region, it appears best for Region 5 to remain its own entity and not combined with Region 4.

92 I feel the combining of regions will erode regional diversity.

96 If it makes sense to have more volunteers by combining smaller regions I can support it. If they do not want to merge, then we should honor that.

98 I think the regional realignment is necessary, but should impact all jurisdictions equally. Study needs to be done to establish criteria, optimum sizes of regions for an organization like ours, and then to evaluate arrangement.

104 Neutral

108 I have not heard a good reason for realignment. If you are looking for more diversity there should be more regions, not less.

109 Initial conversations about this had to do with changing the make-up of the board and having 4 regional directors on the board, and 4 at-large members. The realignment also had to do with making the regions more equal with respect to the number of jurisdictions, and the the number of people within each region. I think it is best to separate the regional realignment from board representation, as it is my understanding that current regional directors do not "represent regions", but rather bring information back to regions. The reality however, is that regional directors are a link to their regions, even if information is only supposed to flow in one direction, one can only assume that a regional director will be influenced by their encounters with regional members, and will bring that information back to the board.

114 NCARB wants to diversify the base from which leadership is selected, more regions would mean more opportunities for more individuals to be selected.

115 There has not been a reasonable argument for realignment. Reducing regions reduces diversity.

117 It needs to be an organic process where the affected Regions review the pros and cons then decide whether it makes sense to combine. Also, if the goal is to make Region 1 more diverse by combining it with Region 2, that would not be an honest approach to the lack of diversity in Region 1, a Region that contains the highly diverse cities of Boston and Hartford, among others.

120 What is in common? How would we help one another? At this point have west and an east split. What is WCARB anyway?

Materials contained herein are for discussion purposes only and are not to be construed as a proposed topic for discussion or official board position

ResponseID Response

122 NCARB adopted the regional structure as it currently exists in 1963/64. NCARB should leave the regional structure as it exists, rather than every few years spending the time and money to force a consolidation. Divorcing regions from the governance structure—i.e. the board—means there will be no connection between state and jurisdiction boards and the NCARB leadership. How will states and their regulatory issues be heard? Regions are the foundation of the NCARB organization.

126 I agreed that reducing the number of Region would also reduce the number of personnel involved and at the same time it would reduce expenses rather than have the two existing region. But my concern is the equal representation to the National Council board to some states and territory.

130 If the purpose of realignment is to respond to DEI issues, then I support it. I would like to see an analysis of the DEI concerns that would be addressed through realignment.

134 I do not have a strong opinion. I like the smaller groups... I like the idea of breaking up Region 3 and Region 6 into smaller groups.

135 I strongly agree with the belief that it would strengthen smaller regions and perhaps simplify the need for representation by having four regions instead of six. Additionally, it seems like a logical, regional combination. If you told me today that you were going to realign region six with region one, I might think it was strange, but I would willingly move forward with the change.

144 There has been no effort to engage Region 1 and Region 2 in substantial discussions about joining the two regions. This has been a top down proposal and Region 1 and Region 2 have not been engaged in discussions in a meaningful way.

147 I think this is better left to those members of the impacted regions. I prefer to have adequate state/regional representation and fear this action may water it down and bring about fewer volunteers to step up to more significant roles within NCARB

148 But we shouldn't put ourselves in a position to tell other Regions what they should be doing or not doing.

150 The proposed region 4 & 5 is too large compared to other areas. If you want to change regions, then eliminate them completely. Or change them to focus on something other than solely geography.

151 This is a strong proposal, however, without agreement from the affected Regions, I don't think it should be forced on them.

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as representation of official board position

ResponseID Response

153 Regional means more local jurisdictions with similar issues. Currently even our Regions seem to large with differing needs. Going bigger is one step away from not even needing Regions and going National. Restructuring makes more sense.

156 Helps with logistics and NCARB's planning purposes as they have to deal with only 3 Regions rather than 6.

158 Missouri is neutral on this issue and would be fine with it either way. We are more concern that we have an opportunity to discuss our state's issues/concerns with other nearby states and that we have representation as a state and as a region on the Board.

159 As a Member of Region 1, I cannot express enough how much of a waste of time and waste of opportunity Region 1 has been. Massachusetts has some very complicated issues that many of the other States in Region 1 do not have. The current leadership in Region 1 are focused on self promotion and have not been helpful in advancing some of the issues brought forth in the Region. Region 1 is such a waste of time, at meetings very, very little time is spent talking about the actual practice. Time is very valuable for many volunteers and unless you feel like you are making a difference, it is not worth it. Having the ability to work with other larger States with more complex issues would be better for Massachusetts. I gathered similar sentiment from other members of the Massachusetts Board who felt that Region 1 was a complete waste of time.

161 I am of the impression that regions will remain in tact.

168 I think this is adding another hurdle to passing the governance change. I am not particularly tied to Region 4 and 5 not combining but am afraid that others would not want them to combine and I would rather not lose their support.

173 I find this a very difficult question based on precedent over 60 years. I also see how this could be a benefit.

174 I'd actually prefer that you keep 6 regions but redistribute them equally. I understand there is not easy political way to solve this and feel it would ultimately be better to keep the status quo for now rather than rock the boat. What I feel strongly about is California not losing representation of it's diverse stakeholders through regional representation of region 6 on the NCARB Board of Directors.

176 I do not really see the benefit of realignment - it seems to be born of a desire to reduce the number of Regional Directors, which seems like a lame reason to change the alignment.

181 I don't believe any governance related issues are strictly regional and fewer regions would lead to broader pools of talent to draw from.

Materials contained in this agenda are proposed for discussion
And are not to be construed as representation of official board position

ResponseID Response

184 I do not believe that there is a compelling credible reason to reduce the number of regions.

187 I don't understand why you are seeking to disenfranchise members in the northeast and midwest.

188 We feel our region has a unique perspective that is based on the New England viewpoint. It is important for all the region viewpoints to be present and considered when making national decisions.

196 We have differing regulations and views for licensing in the different regions and combining regions would dilute our voices. In the spirit of diversity more voices are better.

197 The opinion of those four regions should be paramount.

199 Agree on the basis of overall numbers of people represented in each region.

202 The combination of the regions into 4 allows more balance, economic impact and population representation than the current 6 Regions.

203 My response is based upon listening to discussion in regional meetings and from participating in the Listening Sessions.

205 No valid reason or back up data has been provided to justify the belief that this would benefit anyone. I see no reason to realign the regions without adequate information or cause.

206 Combining the Regions will not increase representation or provide a greater diverse membership to select leadership from. It will most probably decrease the opportunity for greater and more diverse leadership. The Regions are functioning just fine as they exist.

209 My concern is the merging of regions 1 and 2 would result in dialogue and connection to the BOD less specific to our current region and its diversity and current challenges. Region 1 I assume has different goals and challenges than region 2.

211 I think doing this for the sake of diversity is a waste of time and effort. There seem to be plenty of differences between practice in these 2 regions and we are now grouping far too much into one specific area. Leave the issue alone.

212 I like the regional make up as now exists. I value the experiences that each region brings to our association and appreciate the differences. I would hate to see those experiences diluted by combining regions.

Materials contained in this agenda are proposed topics for discussion and are not to be considered as regulatory or official board position

ResponseID Response

214 No comment

217 The affected regions should decide this

220 Speaking from a small jurisdiction, as the regions become larger, the smaller our voice becomes.

221 Combining Regions 1 and 2 to counter weak DEI participation within Region 1, is the wrong approach. Instead, the NCARB Board should assist Region 1 with creating their own wider grass-roots initiatives to strengthen their DEI outreach.

228 It would result in a non-productive situation.

231 Combining regions does nothing to improve diversity. In fact, it will directly reduce geographical diversity. We need to keep representation from rural areas. Adding at-large members makes much more sense.

235 Currently I've heard too much opposition to realignment although I am personally in support of the concept.

236 My only concern: Does combining regions provide an artificial sense / statistic of diversity, when in reality, there is little diversity in region one?

238 I feel that some efficiencies could be realized by combining though, not being part of these jurisdictions, would ultimately defer to them

241 If merging Regions is to happen, I think all 6 Regions should be examined for realignment. Geography and time zones matter when planning meetings and considering travel to regional events

246 If we are to realign the the regions we should take a comprehensive look at the distribution of jurisdictions by region to ensure a more balanced and equitable regional structure.

248 It would work for aligning region sizes. Culturally, they are pretty happy with the status quo, but I think it could work if conversations are held with the two regions in one room, working out all the issues together.

250 I think the regions and regional leadership should have a say in combining to make sure it would be a positive transition. If the only reason to combine regions is so there are extra spots on the BOD, it seems like the total number spots for the BOD could increase by one or two without issue.

251 Regions are insignificant.

Materials contained in this agenda are proposed topics for discussion
And are not to be consulted as regulation or official board position

ResponseID Response

258 I believe that combining regions makes it more difficult for a region to align with the interests of the jurisdictions within it. The current regions work well for representing the differences in practice in different areas of the country.

262 I disagree with slashing the representation of those regions in half by combining them, especially without knowing whether or not they support the change. Realistically, it doesn't directly impact my region, but the impacted regions haven't been given a vote in their direct loss of representation and I disagree with that. Once the committee finalizes their recommendation, it should be sent to the four impacted regions for them to vote on before it is ever put before the entire membership. I don't think it ever should have been presented to the membership before a vote from the impacted regions and I believe that is why there has been so much push back on the proposal as a whole. Doing the process the right way may take a bit longer, but it is better than doing it wrong and having to walk it back or, worse, causing harm and lost trust in the organization/board.

266 The justification for region realignment makes sense for the proposed governance changes, but there is real value in regional identity and the perception - if not reality - of more granular representation likely by retaining the status quo.

270 A realignment will better equalize the Regions.

272 I value the regional leadership opportunities and don't want to dilute what we have. How about 5 regions with restructure instead of merge to have all with same number of jurisdictions

273 test

274 What is wrong with what we have now? Nothing seems to be broken!

275 The realigned regions make more sense but could still be better. I think region 6 should only include states that touch the Pacific Ocean. Idaho, and other internal states have more in common with each other than with the coastal states (with the exception of Alaska).

276 As a member of Region 1, and attending meetings for years, it is a complete waste of time. My fellow board members have communicated that they think Region 1 is useless and a waste of time. We hardly ever talk about the actual practice.

282 If a realignment is to take place, all jurisdictions should be put into the mix - figure out what alignments would make sense going forward. I think that 1 is too small, and could benefit from including bigger states, but the whole picture should be reexamined first.

ResponseID Response

284 Regional divisions shall primarily based the total number of architects practicing in the region, and number of jurisdictions shall be a secondary consideration.

285 While there are some significant benefits to combining the regions, I am concerned that it will result in less access for people to participate in the NCARB leadership structure. Unless these regions add some sort of additional officer spots, there will be a loss of a treasurer, secretary, chair, etc.

287 Regions are already outdated - so should realign b population - Chicago has little in common with DesMoines Iowa

290 As discussed at the FY 2023 Regional Conference, Region 1 has the ability to meet in person regularly, get a good deal accomplished as a Region and has a good deal of diversity at the moment. The overall feeling is that if combined (in this specific) realignment would yield a diluted regional representation with increased inefficiencies (the opposite of what appears to be the intent). If restructuring is agreed as necessary (by a majority of the NCARB members) then in all fairness, all regions should be realigned wholistically.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation of official board position
DRAFT AGENDA

6. How much do you agree or disagree with the following options related to NCARB's Board structure? Note: NCARB's officers currently are the secretary, treasurer, second vice president, first vice president/president-elect, president, and past president. The proposed new officer structure includes the secretary/treasurer, vice president, president, and past president.

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
<p>The Board should reduce the Executive Committee from six to four members by merging the secretary and treasurer positions into one and eliminating the second vice president.</p> <p>Count Row %</p>	115 55.8%	47 22.8%	26 12.6%	18 8.7%	206
<p>The Board should comprise eight at-large directors, as well as the officers, the MBE director, and the public director.</p> <p>Count Row %</p>	22 10.7%	33 16.1%	48 23.4%	102 49.8%	205
<p>The Board should comprise four regional directors and four at-large directors, as well as the officers, the MBE director, and the public director (with regional realignment).</p> <p>Count Row %</p>	49 23.7%	44 21.3%	44 21.3%	70 33.8%	207
<p>The Board should comprise six regional directors and two at-large directors, as well as the officers, the MBE director, and the public director (without regional realignment).</p> <p>Count Row %</p>	66 32.2%	69 33.7%	49 23.9%	21 10.2%	205

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
The Board should comprise six regional directors and four at-large directors, as well as the officers, the MBE director, and the public director (with increased Board size; without regional realignment).	43 21.0%	73 35.6%	50 24.4%	39 19.0%	205
Count					
Row %					
Totals					
Total Responses					207

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

7. Comments:

ResponseID	Response
------------	----------

8	Most important is adding some at-large members, but maintaining the requirement for most Board members to be either current or former Member Board Members. If that means regional representation, that's fine.
---	---

11	Again, drawing on my history with NCEES, the Board of Directors is comprised of 8 people. The Pres-elect position rotates among the 4 zones each year, the Pres-elect then moves to President and Past President at the end of each term. These are each 1-year terms. The Treasurer is voted in from any zone for a 3-year term. There are 4 Vice Presidents, one from each zone to ensure that each zone has equal representation. Each zone has a Vice President, Assistant Vice President, and Secretary. These positions are 2-year terms, with alternating rotation, meaning that the Central and Western Zones nominate/vote a new VP and AVP in even-numbered years and the Northeast and Southern Zones nominate/vote a new VP and AVP in odd-numbered years. The Secretary positions are opposite years for coverage, so Central and Western Zones are nominated/voted in odd-numbered years and Northeast and Southern Zones, are nominated/voted in even-numbered years.
----	--

13	Ig the 8 at-large option cannot reach the votes needed, the compromise would be 4 regional plus 4 at-large directors. Less desirable would be 6 regional and 4 at-large directors. Only 2 at large would not be acceptable.
----	---

14	While I don't like the idea of increasing the size of the Board, I think only 2 at large members will not do what we need to do to create a board with expanded voices. I do not favor the realignment of regions.
----	--

16	1. If there is regional realignment (reducing 6 to 4) then 2 at large would be sufficient. 2. 8 at large directors could be viable if there is representation from each region.
----	---

19	I think regional representation is important and the addition of at-large directors is important to the DEI initiative.
----	---

27	I am of the opinion that having more opportunity for voices to be heard is the best of all scenarios, yes it is more work and time but providing the opportunity for as many voices to be heard in detail is better as we strive for diversity and inclusion.
----	---

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

ResponseID Response

31 This organization is A COUNCIL of member boards composed of licensed architects appointed by the governors of the various jurisdictions. these MBMs are charged with upholding the laws in the jurisdictions they serve. By permitting non MBMs to serve as directors of this organization is inappropriate and violates the founding principles of NCARB. EDI ideology has its place within the Committee and Task force structure. NCARB is NOT the AIA. NCARB is in the regulatory business, we and not a certificate holder organization, Our electorate is the appointed Member Board members on the Boards, not the architects that hold an NCARB Certificate.

34 The presence of regional directors on the Board best ensures that a significant percentage of Board members have member board experience.

39 I believe a 6 + 2 model should be proposed with 6 regional directors and 2 at large directors. Regional re-alignment could then be studied and perhaps the 4 + 4 model would be attainable. However, I also heard some are in more favor of 8 evenly sized regions as another option, therefore more discussion is needed.

40 There is vocal support for keeping regional representation, and also strong support for greater access to the board, so expanding the board by two more seats seems to be a good compromise.

41 1) A four (4) region realignment makes more sense to me and the goals I am aware of. This reduces expense and fosters collaboration. 2) Reducing the ExCom board from 6 to 4 also makes sense. If needed, the at large or regional directors can pick up the slack of duties and should to get more engaged. 3) I am not in favor of eight (8) at large directors. This dilutes the use or need of regional leadership and that pipeline development efforts. 4) If realignment does not seem feasible, I am in favor of keeping one (1) regional director and two(2) at large directors and not growing to board.

43 Four regions with the same size board

46 I would prefer to have the 6 regional directors and NO at-large directors.

48 I am in favor of regional realignment but understand that tackling this issue at this time would jeopardize the main governance resolution.

52 The size of the Board should not exceed 14 total.

53 Agree with the structure. Disagree that the Secretary/Treasurer position should be the only elected position. We support Region 4's position that the President-elect position should be elected too.

54 More information is needed as to why there is a need for the realignment.

ResponseID Response

55 I think it important that we reduce the Regions to 4 as addressed above and as a result the best condition is as noted in the answers above with a 4 (Region Directors) x 4 (At-Large) representatives. This allows leadership by region to be addressed properly. Those region directors are important to representing the entire country equitably. As an alternative, if the regions 1/2 & 3/4 do not merge, then the alternative show follow that there are 6 regional directors (Not my preferred circumstance) that cover the entire country. I do realize there is a DNI issue and the proposal to go to 8 at-large will address this matter and it is important. However, frankly speaking the at-large condition with a nominating committee appointed by the BOD level may cause concern relative to those at-large individuals being beholden to those to whom they were nominated.

57 If 6 regional directors and four at-large directors is the "winner," maybe it could be a future goal to realign the regions per a future review and recommendation from regional leadership on realignment so that at some point in the future we have four and four. I don't think two at-large directors is enough.

58 Under all but the last scenario, there is no guarantee that each region will be represented.

66 The Diversity push is well intentioned, but large scale changes for the sake of diversity are not the answer in my opinion. Everyone can see that diversity is increasing on its own. It shouldn't be "regulated".

68 agree with the at large- directors as long as Every region is guaranteed to have representation on the overall Bd of Directors

71 Are Questions 1, 2, 3, and 5 regarding the board composition predicated on the Executive Committee being reduced from six to four members by merging the secretary and treasurer into one position and eliminating the second VP. This is unclear. If so, this should have been a separate question leading up to Questions 1, 2, 3, and 5 and have been predicated on whether you agree with the reduction of the Executive Committee. Also, Question 2 reads such that the public director is regionally aligned and Question 3 reads that the public director is without regional alignment. The Public Director currently has no regional affiliation.

72 I don't know what the magic number is in terms of at large members, nor do I know how many regions is the right number. But I know we need both. I also think we can easily address board size and meeting duration with board committees and reports vs everyone doing everything together at the board meetings. That is how our state board functions and it works well.

75 A smaller exec com and a larger board will work best for governance, representation, and the work needed to be done. What will be done about time commitment and stipends for these positions in order for the under represented to be able to take on these positions?

ResponseID Response

76 Other than combining secretary/treasurer and eliminating the second vice president position. The balance of the regional structure should remain, there has been no reason provided throughout this discussion why the current structure that has been in place for 103 years needs to be restructured.

77 I think it's important to have representation from each region at the least.

81 OPTION 6- Make no changes, is preferable to me

82 Option 6, no changes is preferable.

83 You've said from the beginning that NCARB does NOT want to increase the size of the Board, Why put in the option? Is it for confusion? You should not eliminate Regional Directors if you do not reduce Regions.

84 Until there is a requirement for the majority of Board of Director positions to come from a member board, I don't support 8 at-large positions.

91 It is important to have the up and coming leadership (i.e. second vice president) participate on the board as a learning opportunity to listen and observe matters being discussed so that when it is their turn to advance in the office rankings, they have a solid understanding of where the overall board is at and how they have arrived at this place.

96 I'm new, so I still find this a bit confusing, I'm expressing that we should retain regional members whatever the structure, and that we should reduce the overall executive numbers to have quicker rotations.

108 At-large positions should come from a pool of only member board members who hold NCARB certificates.

109 Regional representation seems to be important, as regional directors act as a conduit to the board. Although they are not supposed to represent their region, information flows through the regional director. So whether there are 4 or 6 regions, I think it important to maintain regional representation. If it is 8 at-large members, than there should be a limit as to the number of directors (perhaps no more than 2) from each region.

114 Assuming that any at large members could ascend to officer and possibly president, at large members must be certificate holders who have served on registration boards. We are regulators who serve on registration boards and all leadership should understand and reflect the reason NCARB exists.

117 If in the future the regions decide to realign, the composition of the board could be reconsidered. To force region realignment for the purpose of adding diversity to the Board is not agreeable.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulator or official board position

ResponseID Response

120 Smaller is better At large is good - differing perspectives

122 Other than combining secretary/treasurer and eliminating the second vice president position. The balance of the regional structure should remain, there has been no legitimate reason provided throughout these discussions why the current regional structure needs to be consolidated. The only choice for the four options has been selected. All other options are rejected.

126 For the same reason above.

130 I would like to see the 3 options that impact regional representation analyzed directly against the DEI issues, as well as other NCARB governance issues (example - what is the financial operating impact to each option). I support the option(s) that grow out of data/evidence. Without evidence, I don't want to rank the options per the next question (and there's no comment box for next question).

141 I prefer 6 regional directors (if the regions are not combined into 4) and at least 4 at large - increasing the board by 2 members

144 The Regional Directors are critical to the communication to the Region about issues that the Board is considering. It is this communication that is critical to maintain with each Region being represented on the Board.

147 I think it is rather vital to have regional representation at the Board level.

150 The secretary and treasurer should be two positions.

151 I favor Region re-alignment - if the affected regions can be brought around to understanding the benefit of that re-alignment. In this instance, my preferred board composition would be the 4+4 model maintaining current total size. In the absence of re-alignment, I most favor the 6+4 model to maximize at-large positions but can "live" with the 6+2 option if board size is to remain a "crucial" concern for others.

153 Eight at large could stack the deck for one state or region.

159 Region 1 should be included in another larger region. The smaller states like Vermont (who currently have 3 officers in the Region) won't like it, but Vermont hasn't had a disciplinary action in years, so they are completely out of touch. The At Large Directors can be individuals who want to champion particular issues that are relevant to the current context.

168 I think the right number of at large directors is 4. I don't think increasing the board size by 2 is too big of an issue. It might be the option that has the least amount of push back from the membership.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

ResponseID Response

- 173 Adding 2 at large spots on the board is important and adds to the inclusiveness of the MBE and Public members done in the past.
- 176 The change to the executive makes great sense. I believe that there should be 6 regional directors. Whether there are 2 or 4 other directors is not significant to me
- 187 These items are very confusing I was not at the recent meeting in Hawaii. So this is just a number game without context.
- 196 I think the 6 regions, 2 at large and 6 executive directors gives us diverse voices at the board level and regional level with enough at large representation.
- 199 Would agree with region realignment, but think Regions 1 and 2 and Regions 3 and 4 may take some time to realign, so the board with 6 regional directors and additional at-large representation may be the best way forward for added inclusion and diversity on the board.
- 202 Unless we have a new region alignment from 6 to 4, the 4 regional directors and 4 at-large proposal doesn't represent the regions fairly.
- 205 I strongly believe that leadership should be initiated through member board appointments. The regional structure is an excellent way for member board members to begin in leadership positions.
- 206 Their should be 6 Regional Directors and Two At-Large. OPTION 6: Make no changes. Leave it alone.
- 212 As mentioned above, I value the differences that regional diversity brings to the Board.
- 214 More At large directors
- 235 8 at-large directors gives NCARB to most flexibility to meet it's board diversity annual goals.
- 241 6 regional directors and 4 at-large directors OR 6 regional directors and 2 at-large directors could be the initial realignment of leadership with a concurrent initiative over a 2 or 3 year period to study and ultimately realign regions moving to 4 regions (and 4 at-large directors). If membership rejects the regional realignment, then the board composition remains.
- 248 I think with the current 6 regions in mind, either of the two alternatives beyond 6 regional directors could work.

ResponseID Response

250 I think reducing the Executive Committee positions making the secretary and treasurer positions one and eliminating a second VP is a fantastic idea. Then keep all regions without combining to have six regional directors, the MBE director, the public director, officers, and 2 at large members.

251 This puts too much power in the leaderships hands.

253 The above is based on combining Regions 1 and 2 and Regions 4 and 5.

266 There should be guardrails in the bylaws to ensure some regions aren't over-represented. Regional realignment - if it happens - needs to be introduced step by step with heavy involvement and input from regional leadership.

270 There should be a minimum of four at-large directors, regardless of Regional realignment.

272 I like seeing regional leadership on the BOD, also would like to see more at large positions

275 Regional representation is important.





276 Region 1 should be consolidated with others so that Massachusetts can collaborate with other States that have similar issues. There were leaders from VT and ME that would rudely shut down any comments that didn't align with their agenda.


285 I think both the 6/4 split and 8 at-large director versions of the board are good options for the new governance structure. I may have missed the explanation for why 10 board spots is fine with the 6/4 version, but drops to 8 with the at-large ones. Seems like 10 would be fine either way. Frankly, I think that the regional directors would all win at-large spots if they ran [typically], so the 8 person at-large version only represents adding 2 new voices. For that reason, I would give the 6/4 version a slight advantage because that guarantees 4 new voices. If the 8 at-large version was 10 at-large, I'd do that instead. The full at-large versions would also allow for people to possibly pursue a regional director position without the additional commitment of national board work. That said, both options are still an improvement in access and structure. As a matter of getting the board structure changes to pass, I think that removing the regional realignment is critical at this time

290 The regions should not be 're-aligned' at this time.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official board position
DRAFT AGENDA

8. Rank the following options in order of preference (1 is most strongly preferred, 4 is least strongly preferred):

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
The Board should comprise six regional directors and two at-large directors, as well as the officers, the MBE director, and the public director (without regional realignment).	1		585	196
The Board should comprise six regional directors and four at-large directors, as well as the officers, the MBE director, and the public director (with increased Board size; without regional realignment).	2		552	195
The Board should comprise four regional directors and four at-large directors, as well as the officers, the MBE director, and the public director (with regional realignment).	3		500	196
The Board should comprise eight at-large directors, as well as the officers, the MBE director, and the public director.	4		332	191



 Low Rank High Rank

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

9. How much do you agree or disagree with the following potential requirements for service on the NCARB Board of Directors?

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
<p>Every member of the Board (director and officer) who is also an architect must hold an NCARB Certificate (current practice).</p> <p>Count Row %</p>	106 49.8%	48 22.5%	38 17.8%	21 9.9%	213
<p>Every officer must hold an NCARB certificate. Non-officer directors are not required to hold an NCARB Certificate.</p> <p>Count Row %</p>	70 33.8%	66 31.9%	39 18.8%	32 15.5%	207
<p>Every officer who is also an architect must hold an NCARB Certificate. Non-officer directors are not required to hold an NCARB Certificate.</p> <p>Count Row %</p>	94 45.4%	53 25.6%	37 17.9%	23 11.1%	207
<p>Every member of the Board, excluding the MBE director, must have served on a Member Board at some time.</p> <p>Count Row %</p>	106 51.0%	50 24.0%	36 17.3%	16 7.7%	208
<p>Every officer must have served on a Member Board at some time. Non-officer directors are not required to have served on a Member Board.</p> <p>Count Row %</p>	97 46.2%	68 32.4%	22 10.5%	23 11.0%	210
<p>Totals Total Responses</p>					213

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official board position

10. Comments:

ResponseID Response

- 8 In my opinion, we need the majority of board members to have served on a Member Board. Whether or not they have a certificate doesn't matter, but it does demonstrate commitment to the organization.
- 11 If someone is truly invested in advancing the profession, they are going to understand the importance of licensure. How can an officer speak on this if they aren't licensed and/or don't hold a certificate?
- 14 I heard it was important for the NCARB BOD to understand what happens at the state level by being on a state board.
- 16 Confused as to how a non-architect officer can hold a certificate?
- 27 I am of the opinion that to serve on the NCARB Board of Directors that having an NCARB Certificate should be a consideration but I believe that we do have some individuals who may not have an NCARB Certificate but they would be a great asset to the organization and should be considered.
- 31 These questions are the worst combinations of alternatives which are posed for you to arrive at the preconceived result that you want. What is a non-officer director.
- 34 Although I feel that a significant percentage of Board members should have some member board experience, I don't think it should be mandated for all positions.
- 35 - Question #1 is difficult to answer - an MBE doesn't serve on a member Board.
- 39 I believe to be on the board on the directors, you do not have to have served on a member board as that broadens the pool for the at-large members. I also believe that the makeup of the officers on the board should represent the member boards, however, there might be a strong leader that comes from the at-large position. That person would have to be voted into office, so there is that check and balance for membership.
- 40 Being on a member board is valuable experience and gives a unique perspective on all issues facing a board. However, the national board doesn't deal with disciplinary cases so other relevant experience may be just as important as board service. As for holding a NCARB certificate, the officers have time to obtain them before being elected to those positions.
- 48 In order to allow strong Committee members to have a voice we should not require state board service as it limits the pool of available candidates.
- 52 Member Board service is vital to NCARB's work.

ResponseID Response

53 The questions are misleading. We have always disagreed that officers must be NCARB Certificate holders. This is a serious barrier for DEI.

55 Simply put we are the National Council of Architectural Registrations Boards. The key word here is "Architectural". We regulate architects. If one is a member of the national board of directors there is no doubt in my mind that they should be an architect with an NCARB certificate.

66 If you are an architect, and you are on the NCARB Board, it seems illogical that you do not hold an NCARB Certificate

71 Architects on the BOD must have an NCARB certificate. If one chooses not to be a certificate holder, how can they consider themselves to be a "card carrying" member of the organization and promote the value of the certificate. I heard at the Regional Summit that the cost of the certificate is prohibitive. The certificate cost is a better value than AIA dues. The cost is a matter of spending priorities as the annual cost of the certificate amounts to less than one purchased latte per week.

72 I feel more flexible regarding the non-officer directors, because if we are looking at diversity of knowledge or specialty, those individuals may not have had the opportunity to serve on a state board. If keeping an active certificate is an issue, I think that goes back to firm culture and why employers are not paying for their staff to keep certificates current.

75 To be on the board or excom (national), except for the public and mbe positions, you must have a certificate. Mbe and public board members may reach national sec/treas position at the highest but not VP or Pres

76 The only choice for the four options above is: The Board should comprise six regional directors and two at-large directors, as well as the officers, the MBE director, and the public director (without regional realignment). You provided no option to select #4 is least strongly preferred on any of the opposing option. My selection is 4 for all other options

81 True inclusivity includes those who choose not to purchase an NCARB certificate

82 Inclusivity includes those who do not wish to purchase a certificate.

83 As you are aware, not every architect needs an NCARB certificate. He/she may only practice in one Jurisdiction, may be in an office where, though an architect, does not have to sign or seal drawings, is an educator and not an architect in practice, etc, though may serve on their Board and/or NCARB. If NCARB means it when it says they want diversity, equity and inclusion, give those a chance to become a part of the NCARB community by offering them a window to become certificate holders and a reduced rate. As a reminder, you are giving those an opportunity to take the exam for free.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as registration or official board position

ResponseID Response

- 84 I understand board of directors, especially officers, are trained to act on behalf of NCARB's interests and not member boards. However, NCARB IS member boards and was created for that purpose. Perhaps messaging to this point can be improved.
- 85 If an architect is going to serve in a leadership capacity within NCARB then an NCARB certificate should be required.
- 91 I do not believe a non-architect should be an officer - let alone President of NCARB.
- 92 The at-large positions could be someone who hasn't served on a member board, but has served on NCARB committees for 3 years, is an architect, and has an NCARB certificate. I feel all officers must have an NCARB certificate, that solidifies their knowledge, commitment, and experience in the NCARB mission.
- 96 I am a unique case in that while I have been licensed in CA since 1991 I passed the Calif Architecture Exam not NCARB exam. I resented NCARB's position at the time and never got a certificate. When moving to Oregon in 2014 at the time they did not recognize the CAE and wanted me to have an NCARB Certificate but no one was alive that could verify I did my internship so I could not get one. Only when the state revised it's law could I get licensed but I still have no certificate. I serve as a Member of our Board but could not serve in leadership unless there is a way to give me a certificate at this late date. I feel I am between a rock and a hard place.
- 97 You have two conflicting statements in your third and 4th requirements. I strongly agree officers must have served on a board. I strongly disagree that non-officers directors are not required to have served on a board.
- 98 I don't feel strongly about any of these items - I do think we don't want unnecessary restrictions on opportunity to serve.
- 114 This is the National Council of Architectural Registration Boards. If you have an opinion of how the Council operates you MUST be a member. This distinction should have been decided BEFORE any change to governance was considered.
- 115 Every member of the Board, must have served on a Member Board at some time.
- 117 I welcome diverse voices on the Board in the capacity of Directors, but not officers.
- 120 Stay focused on Architects with Licenses with NCARB Certificates

ResponseID Response

122 Every architect or individual serving on the board should hold an NCARB certificate. All non-architects should become part of an NCARB Association that can hold a certificate similar to other organizations that require associate membership. In this way they have an investment in the organization particularly as they engage in NCARB business and policies.

130 The most important thing to me is that everyone on the Board have been members of a jurisdictional board. I support having an Executive Director position on the board, but this position should be non-voting - for communication and liaison issues only.

135 I am concerned that individuals who do not hold an NCARB Certificate will not have the same passion/conviction for the importance of obtaining the certificate and the organization as a whole.

144 in looking at this issue regarding the NCARB certificate, we have to answer the fundamental question of the purpose of the certificate. It is my understanding that the certificate is a vehicle for reciprocity. If an architect does not need reciprocity there is no need for the certificate, In my opinion NCARB should require board members and officers to have an NCARB Council Record but not require them to be certificate holders. The certificate has a special purpose for reciprocity that not all architects need.

147 in the 4th grouping phrase I am not sure I agree with or understand the statement "current practice" does this mean an individual who still has an NCARB certificate but has retired is not eligible to serve on the Board?

161 Assuming non officer director not holding a certificate might be a public member.

173 Voting members of the BOD should have member board experience, and a certificate. We should use the Taskforce and Committees to inform the BOD and those members should be from various backgrounds.

174 If NCARB waived certificate fees for committee volunteers, provided a certain amount of scholarships annually proportionately to each state and also provided a pathway to an associate certificate for non-architects that have devoted their time to the NCARB organization through public service and volunteer work, the certificate requirement would be much more palatable.

176 Any officer must have served on a Member Board, as an Architect Member. It makes sense that any architect Board member should hold a Certificate.

184 Why would there be members of the board of an organization that did not hold the credentials of the organization?

*DRAFT AGENDA topics for discussion
Materials contained in this agenda are subject to change
And are not to be construed as regulation or official board position*

ResponseID Response

187 Board members should be NCARB members. It's the NCARB board. I don't understand why this is even a question.

202 NCARB represents the licensure of architects, and if you want to be an architect who is a leader in NCARB, you must hold a current NCARB certificate.

205 Gubernatorial appointment is extremely important as this is an organization of licensure boards. Member board membership is the single most important attribute each director and leader at NCARB should have.

206 Inclusiveness for All NCARB Members is paramount and those who choose not to have an NCARB certificate is their choice and one that should not exclude them from NCARB governance and policy.

211 NCARB should be working to make exec committee more efficient with less people, not expanding overhead and extra leadership.

212 This is the NCARB. Not holding a certificate shows a lack appreciation for the certificate value. Can you imagine an AIA officer not being a member of AIA?

246 As we explore expanding access to the Certificate, the requirement for a certificate for architect officers becomes less of an impediment to serving in that capacity.

248 The importance of having an NCARB certificate at the officer level stands.

250 I don't think it's a bad idea to require all architect members of the board to hold an NCARB certificate, but they should be allowed to be nominated without holding one as long as they agree to obtain one to hold the position.

262 I think that the NCARB certificate is too exclusive and would disproportionately and negatively impact already underrepresented groups. I want to see the board as inclusive as possible. I believe all members of the Board should be active members of a member board; however, I understand that term limits in some jurisdictions may create incidental exclusivity.

266 Knowing we're trying to open the field of potential directors, I still get stuck on NCARB's reason for being. Maybe there's a litmus test for types of committee work or involvement in NCARB efforts that could equate to board involvement.

268 I feel that directors or at large members can serve without a certificate. Once they go to Officer position they must hold a certificate.

272 I'd like to see an at-large director that in not a MBM attached to the region they are from to participate in the regional activities

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

ResponseID Response

275 Everyone in a leadership role in NCARB, officer or not, should be a licensed architect. Not necessarily NCARB Certified but a licensed architect.

276 We have Regional Leadership that haven't been on a Board for years, they block any new ideas and claim to be champions of diversity.

285 As a matter of practicality, it makes sense that architects who are a part of NCARB leadership hold an NCARB certificate and have served on a member board. Non-architects cannot hold a certificate, of course, but being a member board member should suffice there. My only reservation in having that be a mandate is that there are some outstanding candidates for leadership that are among the volunteer pool. They may still be too young (or have other barriers) to hold a certificate and/or may not have the eye of the governor's office in their particular state. I understand that some people have a concern that not making these things prescriptive will open the door to say, a chiropractor with no member board experience in line to be President. However, that is **highly** unlikely. That individual may indeed qualify to run, but would not capture very many votes from a body of mostly licensed, NCARB-cert holding member board members...UNLESS they have also demonstrated that they have t

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation of official board position
DRAFT AGENDA

11. The Governance Work Group is proposing a new Nominating Committee. How much do you agree or disagree with the following options related to the proposed structure of the Nominating Committee?

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
NCARB's Nominating Committee should be chaired by the immediate past president. Count Row %	61 29.9%	83 40.7%	38 18.6%	22 10.8%	204
NCARB's Nominating Committee should include the chair of the Diversity Committee. Count Row %	79 38.5%	70 34.1%	23 11.2%	33 16.1%	205
NCARB's Nominating Committee should include the chair of the Credentials Committee as a non-voting member. Count Row %	70 34.8%	87 43.3%	26 12.9%	18 9.0%	201
NCARB's Nominating Committee should include eight individuals appointed through the existing NCARB committee appointment process (four each year with staggered two-year terms). Count Row %	31 15.0%	58 28.2%	66 32.0%	51 24.8%	206
NCARB's Nominating Committee should include one member from each region plus two members appointed by the incoming president (one each year with staggered two-year terms). Count Row %	111 54.1%	63 30.7%	16 7.8%	15 7.3%	205
Totals Total Responses					206

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official board position

12. Comments:

ResponseID Response

8 I remain unconvinced that a nominating committee is necessary.

16 This committee make up could be affected by region realignment. In other words if regions are reduced to 4 then the ratio of at large would be significantly changed.

27 No Comments

39 I believe the DEI committee has too much power in these discussions. I am glad the board is stepping back and asking membership their opinion as I was disappointed to attend several listening sessions and discussions at meetings to see the proposed model in September get submitted versus the revised ones discussed for 3-4 months. Yes, NCARB leadership could use to be more diverse. However, I recall several years ago the push was for more women in leadership. That has happened without a special committee overseeing nominations.

40 There was discussion of the president having too much influence in selecting members of the Nominating Committee. But I think this proposal is fine.

41 1) The biggest concern with the realignment is the nominating committee and maintaining a sense of clarity and non-bias. This committee will need to be larger than eight to maintain the goal. 2) the committee members should be equal for all regions to avoid stacking(i.e. 2(or whatever from region 1, 2 from 2, etc...) 3) having a member of the excom chair the committee is important so the nominating committee is s guided by the needs and commitments of the board.

48 This version of the Nominating Committee seems to represent everyone's interests.

53 We question the need for a nominating committee.

57 I don't think it's necessary that the chair of the Diversity Committee be on the Nominating Committee, but I do believe that the Diversity Committee should review the P&Ps of the Nominating Committee to ensure that best practices are used to avoid bias. Additionally, the Nominating Committee should receive training that focuses on the benefits of diversity. The composition of the Nominating Committee is dependent upon the composition of the board. If the regions have representation on the board, then you don't need representation on the Nominating Committee.

58 I am not convinced that a nominating committee will make elections any more of a "popularity contest". It just gives the power to a smaller group.

ResponseID Response

- 66 I feel the Nominating Committee is too powerful and just means of hand-picking the Board. Particularly where the slate is non-competitive to be voted on by the States. That is not really voting at all.
- 71 If the composition of the nominating committee includes members from each region, the Jurisdictions within those regions should have a voice in the appointment of Regional representation to the committee.
- 80 There's no need for a Nominating Committee. Use In-Line to select everyone then there would be absolutely no bias, discrimination, racism, or sexism.
- 81 The Nominating Committee should not formed.
- 82 The Nominating Committee should not exist - membership should decide.
- 83 There should not be a Nominating Committee. Those seeking to become officers should step forward as they do now and want to declare interest. The membership should decide on the most qualified to be on the Board. I personally resent what had been presented to leadership in Salt Lake City, that NCARB wants to avoid a "popularity contest". We vote for those by qualification, not popularity or Region. I know I do.
- 84 Diversity comes in many forms, including race and gender. I'm not clear if it is NCARB's intent, the Diversity Committee's intent, or confusion among members - but it seems that is our only focus. I would support more Diversity Committee involvement if their goals were clearer. Perhaps improved messaging would help here? Finally, while I love a radical shake up, I don't think the members are able and willing to be so open minded. Understanding their fixation on regions (or consistent small group opportunities), I think that is a valuable olive branch to consider in these changes and my responses are given with that opinion.
- 85 All Nominating Committee members should have member board service experience. Diversity Committee chair may serve as non-voting member.
- 91 I believe every region should have representation of the Nominating Committee.
- 96 As long as the committee is diverse and there is transparency in the process I can support any structure, but do believe the chair of the Diversity Committee should be involved.
- 108 The nominating committee should consist of only regional representatives with voting privileges.
- 109 I think the past president should be part of the committee, but I don't think that they need to be chair.

ResponseID Response

115 Diversity Chair may serve as a non-voting member just like Credential's.

120 Increase opportunity for those who are credentialed and seek to make a difference

121 If the Credentials Committee Chair is a non-voting member, it seems to follow that the Diversity Committee Chair should be non-voting, as well. That is the reason for my vote, otherwise I am fine with them being on the Committee.

122 This proposal asserts that the current system of electing leaders does not adequately take into consideration competency and qualifications. The proposed solution is to give that power to a select few. Why are they to be more trusted than the 54 jurisdictions? Gender diversity and equity is taking place now in leadership roles, also noted on NCARB's web site, giving a select committee a voice in the nominating process diminishes the significance of all other NCARB committees, and causes pause for potential misuse of power.

135 I don't see the same issues I have heard others complaining about. I am indifferent as to whether or not the chair of the Diversity Committee sits on the Nominating Committee.

144 In one of the restructuring proposals there are no guaranteed positions for regional representatives. The regional input is placed one level below in the Nominating Committee. While I feel the nominating committee is a good vehicle to fill the at-large Board positions, It should not replace the Regional Directors nominated from the regions.

149 There is no need for a nominating committee. Every nomination that meets the requirements of the credentials committee should be voted on by the membership.

150 The chair of the credentials committee should be a voting member of the nominating committee.

158 Missouri does not see the need for a nominating committee. Any qualified person who wants to run for a position should be allowed the opportunity to do so without a screening/nominating committee.

173 If only having 2 at large spots the Nominating Committee could be smaller.

174 The Credentials Committee has a clear mission and should part of this. The two additional members should be appointed by the DEI committee, not the president. The president should not chair this committee.

ResponseID Response

176 Nominating Committees are usually used in organizations where there are a dearth of interested candidates. If there are more people interested in office than there are offices, then, self nomination works best.

184 I am wary of a Nominating Committee in general. While I see value a committee that seeks out talented, qualified, and dedicated individuals who may not normally nominate themselves, or who may need encouragement to nomination, as presented the committee has a danger of becoming too selective, and being "stacked" by aggressive viewpoints and individuals.

187 I understand the need for increasing diversity within the NCARB board but some of these changes seem like they are forcing the issue. We should be encouraging people to enter the profession and rise through the ranks as women have done.

202 I disagree with the current proposed nominating committee configuration. It can become an issue with the exclusion of various regional leadership opportunities. Also, the chair of the Diversity Committee needs to be rotated for diversity in the position.

205 The Nominating Committee, if there is one, should represent the member board members. The largest impediment to including women and minorities in leadership is the multitude of leadership positions and the hold these individuals have on these positions. Past presidents should be a part of the board, but should FINALLY take a break and allow others to hold positions.

206 There is no need for a nominating committee which would only control those being allowed to run for office. A nominating committee is a terrible idea and it would create a club atmosphere. Its a very bad idea. and there's no reason to vet individuals who have been vetted by their state boards and governor to be able to represent their boards at NCARB, Checking boxes is discriminatory and not who we are as a professional organization.

211 just appoint the most qualified people

212 Experience in leadership roles is a valued trait for understanding the roles being considered.

234 There should have been a question about the proposal for a nominating committee itself

235 The nominating committee can be chaired by the immediate past president as a none voting committee member.

248 This seems to be the most concerning issue to members I've spoken to. I think the current proposal is fair, and needs to be fully explained to membership. Not everyone seems to understand it.

ResponseID Response

250 I'm relatively new and don't fully understand the Nominating Committee's current makeup and processes so I wouldn't say I have any strong opinions either way.

262 Really, none of these structures make much sense or seem like they will address the root issues that the Board is hoping to; it seems like it will add another mystery layer to an already over-complicated process and create less transparency. I would be okay with the Credentials Committee Chair being a voting member, but that isn't an option. and the Diversity Chair should absolutely be a voting member of this committee, if it moves forward.

266 Nominating committee effectiveness in achieving intended goals, fairness, it's results should be monitored and evaluated with each election cycle. I'm guessing we should expect to be making adjustments to the process regularly.

268 Nominating committee should be in charge of assisting selection for the at large positions. The jurisdictions shall vote on the selected candidates.

269 I think that it would be more beneficial to have a very clear and defined process for nominating at large board member, without a very clear and defined process the election of new member will be political.

275 People should not be judged by the color of their skin but by the content of their character.

276 If the Regional Leadership is as bad as Region 1, I would recommend ending all Regions

285 I think having the regions each have a guaranteed spot of the nominating committee allows for their voice to be a part of the process.

290 Each region should have representation on the nominating committee for the most opportunity for diversity, equity, and inclusion.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

13. The proposed Nominating Committee would not be involved in selecting officers, the MBE director, or the public director. How much do you agree or disagree with the following options related to potential roles of a Nominating Committee?

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
<p>If the future Board structure includes regional directors, the Nominating Committee should not be involved in selecting regional directors.</p> <p>Count Row %</p>	109 53.7%	48 23.6%	31 15.3%	15 7.4%	203
<p>If the future Board structure includes regional directors, the Nominating Committee should be involved in selecting regional directors. The committee should ask each region to put forward at least two nominees for their regional director. The committee will then determine which nominee will be put forward for a vote of acclamation (round of applause from the floor) by membership.</p> <p>Count Row %</p>	19 9.4%	44 21.7%	44 21.7%	96 47.3%	203
<p>The Nominating Committee's role should be focused on identifying a pool of the qualified at-large directors for final selection by the membership.</p> <p>Count Row %</p>	109 53.7%	60 29.6%	17 8.4%	17 8.4%	203
<p>Totals Total Responses</p>					203

14. Comments:

ResponseID	Response
------------	----------

8	Personally I don't see the need for Regions, but if we are going to have them, they are the best way to decide on representation at the Board level.
---	--

16	The regions should choose who they want as their region director. In spirit of DEI, there might be participation of nominee selection for at large members?
----	---

27	I am of the opinion that each region should be voting on their regional directors without assistance from or by a Nominating Committee.
----	---

31	Just how far are you willing the denigrate the organization in the name of Equity, Diversity and Inclusion?
----	---

34	I feel selection of regional directors should be left to the regions. This will guard against the possible suppression of dissenting voices during the vetting process.
----	---

39	I don't think a nominating committee will have the same relationship with Regional members as the regions themselves to propose directors for the region.
----	---

40	This may be problematic as the regions will feel like they're losing their unique ability to move their preferred candidate forward. But I think it is worth a shot.
----	--

46	The nominating committee should ONLY be involved in recruiting potential board members and have no say in the selection.
----	--

53	Nothing more to add.
----	----------------------

58	The Nominating Committee should focus on at-large positions and not be involved with Regional positions.
----	--

66	"A pool" that then gets voted on.
----	-----------------------------------

71	The Nominating Committee shall focus on only the consideration of at-large directors. The jurisdictions should be provided voting options for any at-large directors. A process in which the jurisdictions provide a vote of acclamation is essentially no vote at all.
----	---

81	The Nominating Committee should not formed.
----	---

82	The Nominating Committee should not exist - membership should decide.
----	---

83	The question remains if there should be a Nominating Committee at all.
----	--

ResponseID Response

84 I don't believe the membership has much faith in the nominating committee. Allowing them to select regional leadership cannot possibly go over well.

91 The individual regions should select their own regional director. The Nominating Committee should not be involved in selecting regional directors.

92 I feel each region has already selected (and will continue to select) the best qualified person to represent their region. And this person has already proven their qualifications and commitment to NCARB's mission. I feel eliminating this process weakens involvement through a leadership path that prepares a person for a board position.

96 I don't believe I understand the process well enough to speak firmly on this item.

108 State Boards should remain in control of the process for putting forward qualified candidates for leadership positions.

114 The membership should decide who the members of the board are, including at large members. The idea putting two people on stage and asking the membership to clap for one over the other sounds counter to the DEI effort we are trying to support.

115 The Nominating Committee should not be involved in selecting regional directors.

120 All vote in Democracy

122 The power of the nominating committee is excessive. There has been discussion that candidate applications would be masked, and candidates selected on qualification and a checklist of criteria. This becomes the pinnacle for possible corruption and control and destroys the democratic process that currently exists. Again, as stated this proposal asserts that the current system of electing leaders does not adequately take into consideration competency and qualifications. There is no reason to have a nominating committee, the current process is not broken.

130 The Line-Up tool should be used in some way to select regional directors if those positions stay on the Board. I'm not sure how, specifically, to do this best. For example, If each region puts forth 2 names, then will there be a sufficient pool to then apply Line-Up to meet DEI aspirations, especially with staggered terms?

135 Do we need a nominating committee to vet individuals? Couldn't individuals within each region accomplish that? Is the purpose of the nominating committee to produce a more diverse pool of candidates?

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

ResponseID Response

144 This issue touches on the fundamental issue of communication between each region and the Board. This communication is important for the region and therefore the selection of the Regional Director should be done at the regional level and not by the nominating committee.

149 Nominating committee is not needed!

156 Regional directors should be selected by their region. Current practice is working.

161 Round of applause? Doesnt seem to be very good way to determine approval.

173 Representation is important and helps to develop leadership skills.

174 The nominating should not become a barrier to leadership. It should always be focused on identifying diversity for all levels of leadership withing NCARB: volunteers board members member board members regional leadership

176 As long as there are more people interested in being board members than there are seats, then they should just self-nominate. If there are not, then a nominating committee would be necessary to fill the slots.

184 While, as noted above, I have serious doubts about the Nominating Committee as proposed, they should certainly not be involved in selecting the regional directors.

187 Regional director should be selected by the region.

202 The regions should make decisions that are impactful on the regions.....

205 Too much power in the hands of the person or people forming the nominating committee would likely be detrimental to NCARB.

206 There is no need for a nominating committee. It would only create a "Club NCARB" atmosphere. That is so wrong.

209 I believe the region should still nominate their own directors.

211 let the regions decide what's best for them

248 I really like the idea of having two candidates for regional directors, as the region sometimes are reluctant to modify their self-nominated top candidate.

251 Membership should have options. Not a fixed slate.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position

ResponseID Response

266 If I'm interpreting this survey question correctly, it serves to point out the issues in keeping status quo of regional representation. In the third item it looks like the goal of a broad pool of candidates is withered to whoever the regions put forward. The conundrum of regional representation? What I think has been a goal of eliminating the ladder from Regional Board to National Board is a requirement for broadening the pool of board candidates. Assuming the nominating committee already has regional representation, I agree with what I think was proposed by the governance committee - that the nominating committee will have an application and selection process that should work for us. Proof will be in the pudding.

269 I think that a very clear and defined requirements and process are essential for the nomination and election of future officers.

276 Leadership should be about aligning people with issues so that NCARB has the right people looking at the right issues and is ahead of the issues. Region 1 is a disaster in this regard.

285 Regardless of whether the Board includes regional directors, I think that having the nominating committee work on candidate selection at a regional level is a bit heavy-handed. I think that each region might be better served by having their own version of a nominating committee for regional leadership. Perhaps they could consult with the main NCARB committee as/if desired.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

15. How much do you agree or disagree with the following options related to the Board of Directors election process?

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
<p>The Nominating Committee will put forward one nominee for each open at-large director seat, and members vote by acclamation for each candidate.</p> <p>Count Row %</p>	14 6.9%	51 25.1%	62 30.5%	76 37.4%	203
<p>The Nominating Committee will put forward a pool of nominees exceeding the number of open at-large director seats (for example, six nominees for four open seats). Members vote for each candidate. The top vote getters equal to the number of open seats will win the election.</p> <p>Count Row %</p>	83 40.7%	79 38.7%	22 10.8%	20 9.8%	204
<p>The Nominating Committee will put forward a slate of nominees equal to the number of open at-large director seats. Members will vote by acclamation on the slate as a whole.</p> <p>Count Row %</p>	18 8.9%	44 21.7%	61 30.0%	80 39.4%	203

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official board position

DRAFT AGENDA

DRAFT AGENDA

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Responses
Members vote to select a secretary/treasurer. The secretary/treasurer will automatically advance to the vice president, president, and past president positions in subsequent years.	52 25.5%	70 34.3%	43 21.1%	39 19.1%	204
Count					
Row %					

Totals

Total Responses

204

DRAFT AGENDA
 Materials contained in this agenda are proposed topics for discussion
 And are not to be construed as regulation or official board position
 DRAFT AGENDA

16. Comments:

ResponseID Response

11 My concern with an automatic officer advancement, once someone is voted in as Secretary, will there be a plan in place to remove the Secretary, in the event there are issues with this person (doing a bad job, trying to advance their own agenda once voted in, etc.) or will NCARB be essentially stuck with a "bad apple" for 3 additional years?

27 I am of the opinion that each region votes on who they wish to have in each position but not necessarily having them automatically advance forward or up because maybe that individual who is serving in their current position is not inclined or has the desire to move forward or up

31 Voting by acclamation is voting by the loudest mouth. what is wrong with casting a ballot, can't we afford the paper or is that perceived as an environmental waste?

34 I feel strongly that members should have a choice for the at-large seats.

53 We fail to see the need for a nominating committee.

58 Nominating Committee should put forward a pool of nominees exceeding the number of open at-large director seats for non-regional positions. Each Regional Director should be on the Board of Directors

70 Provided the nominating committee has an appointment from each Region.

71 Assuming that the number of at-large directors on the Board will be 2, with respect to question 1, it would be preferred that the pool of nominees be at least double the number seats. All seats should be subject to an annual vote with a maximum term of two years. This is consistent with the the manner in which Regional Directors serve on the board. Also, any candidates that wish to run for an at-large position should be included in the pool of candidates for voting consideration.

72 With automatic advancement in the ex comm, there needs to be a clear method of recall if someone is not performing their duties. This may exist already but needs to be made clear.

81 The Nominating Committee should not formed.

82 The Nominating Committee should not exist - membership should decide. Should not just get promoted to next position.

ResponseID Response

83 There should not be an automatic advancement. If the officer is found to be inefficient, not a strong leader, unable to continue due to illness, etc.that person should not move up. What provision is made for that scenario. Again, why a Nominating Committee? Maybe a step up by vote withing the Board of Directors?

84 NCARB Staff and the BOD are tight lipped about bad performers. I'm concerned the membership can vote in someone well liked as secretary/treasurer that automatically advances who is a bad performer. How could that be avoided?

91 Each member should be allowed to vote for the candidate(s) they feel are most qualified. Individual voices must be heard.

92 I feel a slate for the at-large vote by acclamation eliminates the state vote, and gives too much power to the nominating committee. I like the idea of at-large positions in order to allow someone who has previously served to continue, especially since we do lose some well-qualified committed individuals. Also the at-large helps to select from those that have served on committees and have the passion, knowledge, and experience to serve in this role.

96 Again, being new, I'm not 100% clear on the process but would support any process that helped to forward diversity and was transparent.

104 Members should elect the Secretary/Treasurer and the Vice President.

108 Members should be voting on the Board of Directors positions. The current process is adequate. Any position should be able to be challenged.

109 I think there should be an election for the secretary/ treasurer, as well as the vice president, with the understanding that the VP will move up to President and past-president. The secretary/treasurer can always run for VP but I don't think it should be an automatic 4 year term track, or the only way to get into the leadership track.

114 The nominating committee, if there is one, should only put forth the at large members. The Regions MUST have a say in who represents them. The process needs to stay democratic in order to be fair.

115 Member Boards should vote on these positions and continue to allow for contested elections.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as registration or official board position
DRAFT AGENDA

ResponseID Response

122 The power of the nominating committee is concerning. I believe there should be no nominating committee and that the MBM should make the decision to run for office and let the membership decide if the candidate has the qualification necessary for the office they are seeking. If there was a need for a nominating committee then the only voting committee members should be the regional chairs, and the non-voting could be the credential committee. Again, none of these options are acceptable. You are asserting that the membership does not have the competency to determine a qualified individual seeking office. You are attempting to destroy the democratic process, and a process that has been successful for years in this organization and this country. The automatic ascension from Secretary/Treasurer to the Presidency is an undemocratic process and concerning suggestion. I can not even comprehend why this would be considered.

130 I think it's important to give the membership a final vote in some way, and acclamation of a slate is not really voting in my mind. There are many nuances here. How do the options line up against DEI and operational goals? Some analysis is needed to determine the option(s) that will best meet the goals.

150 The secretary/treasurer should be two positions. Each should be voted on along with the vice president.

151 My concern with the proposed "officer" funnel is that it significantly limits entry to the ExCom and provides a single path onto it. It will prevent otherwise qualified candidates from running for other office positions.

158 Missouri agrees with Region 4 that the Vice President position should also be included in the voting process.

161 Option for voting really contingent upon how Nominating Committee functions. Thus, "somewhat agree" to each.

168 There was discussion at our regional meeting for members to also vote for vice president in addition to secretary/treasurer instead of automatically advancing. I don't want to see the pool of nominees with the top vote getters winning; this will allow for implicit biases to have an impact on the board (people who look diverse will be more likely to be the "losers" of the election and the status quo candidates the "winners").

174 The nominating committee as proposed will become an unnecessary barrier to certain underrepresented group. The nominating committee is important but should not be the only way to run for office.

176 Again - why do we need a nominating committee?

190 It's not a vote if there's only one option.

ResponseID Response

196 Continuity is important rather than a complete shuffle of board members from term to term.

197 The first three elements are not elections, they are coronations.

202 All officer positions should be open to nominations from the floor and also open to NCARB members to challenge the "ladder" advance. We shouldn't be held hostage by the automatic ascension to power concept.

205 The power should remain with the member boards, not in the hands of a few people who have worked their way up into NCARB leadership. These individuals are often no longer on their respective boards and do not have the relationship necessary to make the best decisions for NCARB.

206 Nominating Committee is not needed

238 Automatic advancement doesn't seem to allow for change as the board makeup evolves

248 The first step is to have membership trust the Nominations Committee's decision-making process. If they do, then the first two options work. If there is skepticism, then the last option works better, as members will feel they have choices.

250 I don't think that a Nominating Committee made of people that aren't necessarily selected by the body as a whole should be the only ones determining who gets a seat on the Board of Directors with "votes of acclamation". A panel of qualified individuals that can be voted on gives members more of a say in who is representing them. I don't think automatic succession is a good idea, especially when the positions have different responsibilities. Someone who is organized and good with finances would make a great Secretary/Treasurer, but that doesn't mean they would subsequently make a good leader for a President position or vice versa.

258 Someone might be appropriate as a secretary/treasurer, but not make a good president. Keeping these roles separate in the election process makes more sense. Also, this gives little chance to evaluate an officer's performance.

266 Regardless of how good a job the Nominating Committee does, I think the membership still needs to feel empowered with their vote. That's why the "strongly agree" on the third item. If totally by acclimation, why not eliminate the whole board voting process?

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulator or official board position

ResponseID Response

272 I think a ranked voting concept would be good...but think it should be cross-checked against region - do jurisdictions only vote for members from their region? If so it might not be too effective. Would like to see options for contesting vp and pp, generally these are not contested, but if it is maybe it's important enough to consider, why not allow it?

275 A vote by acclamation means absolutely nothing. Why don't we all just pat ourselves on the back while we are at it?




276 The automatic moving up in positions and having prolonged terms has ruined Region 1 where we have Leadership that haven't been on a Board in years. They are blocking the fresh perspective, have nothing to offer and the States they come from haven't had disciplinary action given in years so they aren't even doing their jobs and NCARB shouldn't be looking at them as leaders but as failures to even uphold any discipline in their State.

285 I think the nominating committee would be extremely helpful in doing a lot of the research on candidates that individual members may not have the reach or time to do. They can certainly help to keep DEI initiatives at the forefront and combat the natural slants towards the people who are most prevalent within any demographic.

287 Stop laddering up from Sec to President. President should have adequate preparation simply by being a past member of the Board - stop this multiyear commitment that becomes too long a legacy.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

17. Rank the following options in order of preference (1 is most strongly preferred, 3 is least strongly preferred):

Item	Overall Rank	Rank Distribution	Score	No. of Rankings
The Nominating Committee will put forward a pool of nominees in excess of the number of open seats (for example, six nominees for four open seats). Members vote for each candidate. The top vote getters equal to the number of open seats will win the election.	1		505	191
The Nominating Committee will put forward one nominee for each open seat and members vote by acclamation for each candidate.	2		307	181
The Nominating Committee will put forward a slate of nominees equal to the number of open seats. Members will vote by acclamation on the slate as a whole.	3		296	181

Lowest Rank Highest Rank

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

18. Other suggestions:

ResponseID	Response
------------	----------

14	If we put forth more candidates than there are seats could we say there is no campaigning allowed? Worried it will become a popularity contest.
----	---

27	No Comment
----	------------

52	There is no way to recover at the ABM if exact numbers of candidates are submitted and one is voted down, of the slate is rejected. This could have dramatic impacts to the continuity of the BOD's work.
----	---

53	When we looked at the people who attended the Honolulu meetings, we saw many women and minorities in attendance that did not apply for leadership roles in NCARB. The NCARB Certificate was one reason, but NCARB has said many times that was not open for discussion. What were the other reason? Did NCARB ask each of them why they did not run for office?
----	---

57	If there is no regional representation on the board, one vote per position would be better and would give membership a feeling of more control. If there is regional representation on the board, a Nominating Committee P&P could be that the slate is voted on as a whole and if it fails then each seat is voted on individually with the failing seats going back to the Nominating Committee for a subsequent nomination.
----	--

58	More regions is better than less regions. It provides better communications potential and keeps issues more "regional". The data from the responses in the questionnaire can be analyzed in many ways and used to support a number of positions. Similar to the question in a previous questionnaire that asked if minor or significant change is needed. This should have been 2 questions.
----	--

70	Provided the nominating committee has an appointment from each Region. If not, Members would vote for each of the at large Directors.
----	---

71	Questions 1 and 2 are essentially the same and are totally undesirable. Also would have preferred that question 3 have been worded such that the number of candidates for consideration would be double the number of open seats instead of presuming four open seats. All at large seats should be voted upon each year by the Jurisdictions with a maximum allowable term of two consecutive years. Again, any person who wishes to run for an at-large seat should be given the opportunity to be voted into that seat.
----	--

81	None of these are preferable, therefore no ranking provided
----	---

82	None of these are preferable - therefore no rank.
----	---

ResponseID Response

83 Respectfully, the first question on the survey should be "Should there be a Nominating Committee?" You are loading these options like any are preferred at all. How about NO Nominating Committee. Where is that option? You obviously have made the decision already. It should be individuals who want to become leaders at NCARB, who put their name before the membership along with their qualifications and it should be the jurisdiction, not a committee, and elect who we want to lead, as we do presently. At the Regional Summit, a slide show was presented showing check boxes for qualifications that referred to race, age, gender and other factors veiling the idea that if you check enough boxes, you can be selected by a Nominating Committee to be on the Board of Directors. That is unfair, discriminatory and an insult. If the membership wants to elect all women or persons under 45, it should be their decision and not based on the number of boxes they can check on a form. Remember everyone, if

84 Voting on the full slate equal to the number of seats seems the most ideal for streamlining purposes. But until we decide how this works for any opposition, it's a weak suggestion. Additionally, why bother to seek a membership vote if the nominating committee has a slate with no real decision to be made?

91 NA

92 I feel the states/jurisdictions need to vote between candidates, otherwise all the power is at the nomination level. This also puts a lot of pressure on the nominating committee. Vote by acclamation is really not a vote at all in this situation, in my opinion.

108 Regions should be putting forward nominees for leadership, not a nominating committee.

114 The nominating committee, if there is one, should only put forth the at large members. The Regions MUST have a say in who represents them. The process needs to stay democratic in order to be fair.

121 I do not see the significant difference between the second and third options. If I could I would put a rank of 3 by both of those options.

Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

ResponseID Response

122 The proposed election process is completely undemocratic. The proposed nominating committee should NOT be given divine power to control the election process. The current democratic process within NCARB does not have a nominating committee. I foresee the power of the nominating committee to be endless, resulting in elections that are controlled without the input of the membership. This proposal assumes that the nominating committee has more knowledge and understanding of a candidate than the entire membership. Although it has been stated by NCARB's consultant that elections by popularity is a thing of the past, I affirm that elections by popularity is a democratic process and the voice of the people. Call me Crazy. NCARB is soliciting a democratic poll of options to override democratic voting.

130 I don't see a real difference between options 1 and 2. Even though the idea is based on individual acclamation vs group, I don't see that individuals would ever be voted down. And if they were, then what would happen?

158 Missouri would reject both 2 and 3 as options; however, the survey will not allow that choice to be made.

159 Please get rid of Region 1. It is such a disappointment.

176 What are the provisions for someone to run against the "Slate"? Under all of these, a Committee picks the Board members. NOT A GOOD IDEA

184 If the composition of the nominating committee is chosen in an equitable fashion, they should be trusted to vet candidates - that is their charge.

190 The nominating committee should find viable candidates for the members to vote for at large. If they only nominate one person per position, what is the point of the membership voting?

197 Same as above

202 How many ways can you continue to ask these questions?

205 Each Region should put forth two nominees for each open seat. Based on resumes and information provided the member boards should vote for the candidates. The candidates with the most votes will fill the seats. This should be a democratic process directly from the member boards.

206 This question is forcing an opinion. How about #4 No Nominating Committee.

266 See comments from previous question.

ResponseID Response

278 A nominating committee is NOT needed. The current system of the candidate vetting can still be accomplished by the same committee. Regional Directors should continue to be put forth by the regional structure. At the very least, the committee needs to provide adequate choices for the at large positions.

285 My only issue with the full slate is that it may result in several great candidates failing to be elected because of one potentially unpopular choice. Granted, the committee would hopefully be unlikely to promote such a candidate, but it is possible. I think their recommendations would hold weight with the voters in general. I also think voters would feel less "in-control" or involved with the process if it was a simple up/down vote on a slate of pre-selected candidates. The full slate approach could also lend itself to interested individuals being de facto beholden more to the nominating committee than to the member base as a whole.

DRAFT AGENDA
Materials contained in this agenda are proposed for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

➤ **Certified Interior Designers**

○ **CIDQ Update**

- **CIDQ Q Connection Spring 2023- Emailed April 4, 2023**
- **CIDQ Announces...- Emailed April 4, 2023**
- **Nominate Someone Outstanding Today – Emailed April 18, 2023**
- **Just 2 Days Left to Apply! - Emailed May 10, 2023**
- **CIDQ Q Connection Summer 2023- Emailed July 6, 2023**

➤ **ARPL**

- **ARPL One- Pager (Benenson Study Group)- Emailed May 31, 2023**



CERTIFICATE of RECOGNITION

By virtue of the authority vested by the Constitution of Virginia in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

Engineers Week

WHEREAS, engineers have made innumerable contributions throughout Virginia's history, beginning with George Washington, a native Virginian, and our first president of the United States; and

WHEREAS, President Washington, a true pioneer in the field, began his career as a surveyor and engineer; and

WHEREAS, engineers apply the principles of science and mathematics and their keen knowledge and skills to develop economic solutions to technical problems to meet societal needs with innovative products that improve lives and create jobs; and

WHEREAS, engineers are on the front line of the major technological challenges of our time – rebuilding towns devastated by natural disaster; cleaning up the environment; assuring safe, clean, and efficient sources of energy; exploring space and oceans; and designing products and systems that will improve our world for the future; and

WHEREAS, engineers encourage and inspire our young math and science students to realize the practical power of their knowledge; and

WHEREAS, Engineers Week is an opportunity to recognize the countless contributions of engineers to the world, the nation, and the Commonwealth of Virginia and commit to strengthening and promoting the engineering profession;

NOW, THEREFORE, I, Glenn Youngkin, do hereby recognize February 19-25, 2023, as **ENGINEERS WEEK**, and I call our citizens to recognize the countless contributions of engineers to the world, the nation, and the Commonwealth of Virginia.




Governor


Secretary of the Commonwealth



CERTIFICATE of RECOGNITION

By virtue of the authority vested by the Constitution of Virginia in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

Surveyors Week

WHEREAS, the role of the surveyor has been, and remains, of vital importance in the development of the United States and to our private property rights; and

WHEREAS, surveying requires both fieldwork and indoor work, in order to measure, maintain, monitor, verify, validate, and regulate boundaries of land, economic assets, and other properties; and

WHEREAS, since the colonial era, surveyors have been statesmen, leaders in the community, and influential citizens; and

WHEREAS, former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln; and

WHEREAS, surveyors remain essential to the development of the United States and the Commonwealth of Virginia today; and

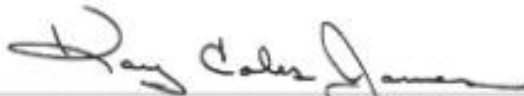
WHEREAS, Virginia is home to more than 1,400 licensed surveyors; and

WHEREAS, Surveyors Week is an opportunity to recognize the historic contributions of surveying, and appreciate the new technologies that are constantly modernizing the profession;

NOW, THEREFORE, I, Glenn Youngkin, do hereby recognize March 19-25, 2023, as **SURVEYORS WEEK** in the COMMONWEALTH OF VIRGINIA, and I call this observance to the attention of our citizens.




Governor


Secretary of the Commonwealth

- **Regulatory Update/NOIRA**
- **Statutory/Regulatory Review Committee**
- **Periodic Review of Regulations**
- **Licensed and Certified Population**

As of July 1, 2023

APELSCIDLA Businesses	5,127
Architects	7,729
Professional Engineers	30,910
Land Surveyors	1,226
Land Surveyors B	57
Land Surveyor Photogrammetrists	100
Certified Interior Designers	468
Landscape Architects	968

➤ **2024 Meeting Dates**

- **Tuesday, February 13**
- **Wednesday, May 8**
- **Tuesday, August 13**
- **Wednesday, November 13**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

Department of Professional and Occupational Regulation
Statement of Financial Activity

**Board for APELSCIDLA
954160**

2022-2024 Biennium

March 2023

	March 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - March 2021	July 2022 - March 2023
Cash/Revenue Balance Brought Forward			184,558
Revenues	136,415	1,194,842	1,218,405
Cumulative Revenues			1,402,963
Cost Categories:			
Board Expenditures	12,215	109,550	128,294
Board Administration	84,870	488,237	552,621
Administration of Exams	1,090	28,772	13,153
Enforcement	8,262	43,935	57,526
Legal Services	1,782	3,165	7,128
Information Systems	39,234	343,456	302,847
Facilities and Support Services	15,828	132,031	123,915
Agency Administration	59,185	226,255	372,071
Other / Transfers	0	-	(573)
Total Expenses	222,466	1,375,402	1,556,983
Transfer To/(From) Cash Reserves	(66,672)	0	(154,020)
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	1,361,459	0	1,448,807
Change in Cash Reserve	(66,672)	0	(154,020)
Ending Cash Reserve Balance	1,294,787	0	1,294,787

Number of Regulants

Current Month	46,314
Previous Biennium-to-Date	43,891

Department of Professional and Occupational Regulation
Supporting Statement of Year-to-Date Activity
Board for APELSCIDLA - 954160
Fiscal Year 2023

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	23,671	7,958	5,005	11,085	11,624	23,890	10,478	22,368	12,215	0	0	0	128,294	180,726	52,432	167,479	13,247	7.3%
Board Administration	86,026	58,727	57,244	30,502	55,454	94,695	30,112	54,990	84,870	0	0	0	552,621	900,479	347,858	689,325	211,154	23.4%
Administration of Exams	2,126	1,468	1,541	752	1,466	2,366	734	1,609	1,090	0	0	0	13,153	50,323	37,170	14,818	35,505	70.6%
Enforcement	8,900	6,407	6,313	3,109	6,296	9,537	2,940	5,761	8,262	0	0	0	57,526	91,510	33,984	71,881	19,629	21.5%
Legal Services	0	0	0	0	0	0	3,564	1,782	1,782	0	0	0	7,128	9,128	2,000	9,504	-376	-4.1%
Information Systems	23,469	37,205	28,768	20,628	34,394	30,998	34,484	53,667	39,234	0	0	0	302,847	466,377	163,530	393,120	73,257	15.7%
Facilities / Support Svcs	9,547	15,938	12,553	11,408	14,428	16,326	12,698	15,190	15,828	0	0	0	123,915	217,331	93,415	161,721	55,610	25.6%
Agency Administration	42,847	30,254	60,621	29,974	40,074	55,732	17,544	35,841	59,185	0	0	0	372,071	534,371	162,300	473,283	61,088	11.4%
Other / Transfers	0	0	0	0	0	0	-573	0	0	0	0	0	-573	0	573	-764	764	
Total Charges	196,585	157,959	172,044	107,458	163,736	233,544	111,982	191,209	222,466	0	0	0	1,556,983	2,450,244	893,261	1,980,367	469,877	19.2%

- **Other Business**
- **Conflict of Interest Forms /
Travel Vouchers**
- **Adjourn**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA