

West Virginia Board of Architects Quarterly Meeting Minutes



Date: November 16, 2023
Time: 12:00 PM
Location: 405 Capitol Street
Charleston, West Virginia 25301

Attendees:

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| Adam Krason, Member and President (AK) | In-Person |
| Richard Forren, Member and Secretary (RF) | In-Person |
| Emily Papadopoulos, Executive Director (EP) | In-Person |
| Todd Boggess, Member (TB) | In-Person |
| Wendy Scatterday, Member (WS) | In person |
| Edsel Smith, Public Member (ES) | In-Person |
| Edward Tucker, Member/NCARB Region 2 Chairman (ET) | In-Person |
| Jan Fox, Public Member (JF) | Virtual |
| Mark Weiler, WV AG's Counsel (MW) | In-Person (Departed: 2:20) |

1. Call to Order at: 12:22. AK welcomed State Fire Marshal Ken Tyree.
2. Approval of Minutes – August 10, 2023, Motion by WS/ES
3. State Fire Marshal Ken Tyree provided updates to include, new fire code to legislature, (modified rule) no changes to national codes. Mr. Tyree wants to add fire code officials to Building Code Officials' handbook. The SFM's website has been updated specifically in the area of applications and a designer's checklist. Drawings will now require a code analysis sheet (architects already do). Submittals will all be digital.
4. Disciplinary Matters and Report of the Complaint Committee - ET exited the meeting at 1:27 PM
 - a) Inquiry 10-10-2023
Complainant alleges that the building is not exempt and should have been drawn by an architect. To date, the Board has requested all documents related to the request for proposals and submissions by the engineering firm.
The Board agreed that, based upon the information available, the overall project size and complexity; two story and interior parking, did require the services of an architect. There are some questionable code issues so the Board instructed EP

to address a letter to the engineer of record to respond to the allegation of unlicensed practice.

- b) Inquiry 02-05-2023 – Board of Architects vs. Engineer
The Complaint Committee provided an update. A response was provided to the engineer’s attorney. Further discussions to come regarding the resolution of this case.
 - c) Complaint 04-10-2023 – Code Official vs. Craig Dixon
The Complaint Committee provided an update. Mr. Dixon’s reinstatement was denied, and he did not appeal. The Board will not take further action unless he seeks to reinstate again or apply for a new registration, at which time it could require a consent agreement with a penalty for practice while unlicensed.
Motion to close RF/TB
 - d) Complaints 09-07-2022, 07-07-2022, 07-28-2022 and Architect’s Appeal – Board, Dickersons, and Vladu vs. Steven Dye
The Complaint Committee provided an update. Board voted to approve an order to dismiss the complaints against Steven Dye, as no further action is needed. Dye did not renew his license. Thus, he cannot represent himself as an architect in West Virginia, and he cannot practice architecture in West Virginia as defined in applicable statutes and regulations. Motion by AK/RF
 - e) Reinstatement Applications with Disclosed Discipline
The Board approved the reinstatement of Kenneth Anderson. Motion to approve AK/TB
 - f) Review of Reciprocal Application with Disclosed Discipline
The Board approved the reciprocal registration of Darrell Sears - Motion to approve application AK/WS
5. Action Items Regarding Registration
- a) Applications for Review – Jack Nelson and Russell Willard
Jack Nelson
Jack Nelson attended the meeting virtually to discuss his application for reciprocity in WV with the members of the Board. He stated his belief that he met the eligibility requirements and has an exceptional circumstance. The Board denied the request for an exception to the eligibility requirements for reciprocity and noted that his circumstances were not exceptional. The application for reciprocity was denied, and Mr. Nelson was encouraged to reapply after having met the eligibility requirements. Motion JF/ES.
ET rejoined the meeting at 2:14 PM.

Russell Willard

The Board requested a third letter of reference from an architect in order to grant his registration.

- b) Registration & Renewal Report
EP indicated there are currently 1,462 registered architects, of whom 116 are West Virginians.
6. Financial Report
- a) FY 2024 Budget to Actual
EP provided an update, the financial report was approved. Motion by ES/ET
 - b) Review of P-Card Purchases and Reconciliation
Documents were reviewed and approved.
7. New Business
- a) Discussion of NCARB's Additional Pathways to Initial Licensure Webinar
ET discussed the initiative by the current NCARB President. He indicated there are many roads to licensure, but it is all a matter of competence, which is what the three Es are all about. No action taken.

Responses to the Licensing Requirements Survey
ET and EP discussed the Board's responses to the survey.
 - b) Discussion with AIA Licensing Advisor - Report from Fairmont State Meeting
EP reported that the State Licensing Advisor said the students attending the recent AIA meeting at Fairmont State University would benefit from more information regarding registration.
 - c) Report from Auditor's Conference for Chapter 30 Boards
AK and EP attended the conference and discussed the responses by the panel of attorneys to questions about legislation and complaints.
 - d) Ethics Module for Continuing Education
EP discussed a perceived need for CE in ethics based upon complaints, inquiries, and questions submitted to the board. She proposed a session with scenarios for discussion. Board supported this initiative.
 - e) Confidentiality Agreements and Defensive Driver Training
Board members submitted their agreements and signed training documents.
8. Old Business / Updates / Planning
- a) Update to Title 2 Procedural Rule, Series 2 – Disciplinary and Complaint Procedures
EP indicated that the rule changes took effect on November 8, 2023.

- b) Random Audit of Continuing Education
EP provided an update. WS agreed to assist with review of records and making proposals for resolutions for non-compliant registrants.
- c) Next Steps on Handbook for Code Officials
EP provided an update. A draft was provided to Landscape Architects, Surveyors, Fire Marshal, and Engineers. More work is needed on incidental practice, reference to FM information as reference, and final review. ET volunteered to review.
- d) Review of Executive's Annual and Sick Leave
Reviewed by AK

9. Adjournment
Motion RF/TB

Informational Items and Good of the Order

Upcoming Board Meetings

- February 15, 2024
- May 16, 2024
- August 15, 2024
- November 14, 2024

Other Upcoming Meetings

- MBE Workshop – Feb. 29, 2024
Savannah, GA
- NCARB Regional Summit – March 1-2, 2024
Savannah, GA
- NCARB Annual Business Meeting – June 13-15, 2024
Chicago, IL

Respectively Submitted:

Richard T. Forren, AIA Secretary

Adam Krason, AIA, President

Emily Papadopoulos, Executive Director