

West Virginia Board of Architects



Location: Quarterly Meeting
405 Capitol Street
Charleston, West Virginia 25301

Date: August 25, 2022

Time: 12:00 PM

Attendees:

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) – Virtual
Jan Fox, Public Member (JF) - Virtual
Wendy Scatterday, Member (WS) - Virtual
Edsel Smith, Public Member (ES) – In-Person
Edward Tucker, Member and NCARB Region 2 Chairman (ET) - Virtual
Mark Weiler, WV AG's Counsel to the Board (MW) – In-Person (departed at 1:26 pm)

Absent:

None

Order of Business:

1. AK Called the meeting to order 12:10.
2. Approval of Minutes –On a motion by ES/ET the Board approved the minutes for May 19, 2022.
3. Disciplinary Matters
 - a) Case # 12-09-2021 – The proposed findings of fact and conclusions of law and the Hearing Examiner were discussed. The Hearing Examiner recommended no discipline, and the Board voted on a motion by ET/WS to adopt the Hearing Examiner's recommendation of no disciplinary action but with modifications of the proposed findings and conclusion. Further, the Board agreed to establish a policy that any licensee that fails to meet the Continuing Education Credits will automatically be audited the following year.

b) Case # 02-16-2022 – This case was previously dismissed by the Board but in a follow-up, the Complainant submitted a rebuttal statement requesting that the Board reconsider its conclusion. The Board invited the Complainant to appear before the Board to further address the issues. The complainant was contacted prior to the meeting and declined to pursue the matter by appearing before the Board. The Board considers this case closed with no further action taken.

c) Report of the Complaint Committee - The Board received two separate complaints regarding an architect who is also a licensed contractor with the State of WV. A Complaint Committee was formed and met virtually on August 18, 2022. The Committee recommended referring both complaints against the architect to the Board of Contractors since both complaints deal primarily with his performance as a contractor. The Committee also recommends that the Board initiates its own complaint against the architect based upon information that has been collected in the investigation of the complaints that seems to suggest the architect has violated the rules of the Board.

On a motion by ES/RF, the Board agreed to initiate a complaint with at least two allegations against the Architect. 1) The Architect allegedly misrepresented himself by claiming that construction administration must be performed by the designing Architect. 2) The Architect allegedly made a misrepresentation in pursuit of a building permit by claiming that two separate sub-contractors would be performing work on the project when neither sub was contacted regarding the project.

On a motion by ES/ET, the Board agreed to refer the initial two complaints regarding the architect to the Board of Contractors for investigation and potential disciplinary action. The Board will continue to investigate the matter.

d) CE Audit - EP reported on CE Audit and what follow-up action is required. The Board audited sixty-seven architects. Of those, sixty-one architects met the requirements. Five architects met the requirement by other means. One architect did not return his Board initiated CE Audit Agreement.

On a motion by RF/ES the Board agreed to deny the architect, Bruce Brooks, a renewal based on his failure to comply with the requirements.

e) Reinstatement Guidance - EP informed the Board of a request for Reinstatement. The Board previously revoked the license of Thomas Little in 2019 for failure to meet the CE requirements at audit. He is now seeking guidance on the process for reinstatement. If he wishes to reinstate, the Board will pursue an agreement similar to the audit agreement now used. He will need to apply and prove that he has met the CE requirements for all of his expired years and will be subjected to an audit the following year.

4. Action Items Regarding Registration

- a) There were no NCARB candidates to review at this time.
- b) Reciprocal Applications with a State License - Joseph Kelly previously applied but was not eligible at the time he applied. He has now been registered for five years or more and has received approval from the Veterans Administration for a waiver of his initial fees as an Air Force veteran. The Board reviewed and approved his registration.
- c) Registration & Renewal Report - EP reported that so far this year, the Board has 1,354 active registrations. Officers signed the certificates for all new registrations.

5. Financial Reports - EP presented and discussed the following:

- a) FY2022 Actual – For information, no action required, The report shows the Board completed the FY2022 with \$157,474 in revenue and \$149,181.62 in expenditures.
- b) FY2023 Budget to Actual – EP provided details of financial statements, showing expenses to date of \$28,731.96 and revenue of \$13,900.00 The cash balance was \$289,629.41.
- c) FY2024 Proposed Budget - EP reported that the budget is the same as the current fiscal year as required by the WV Dept of Revenue.
- d) Review of P-Card Purchases and Reconciliation - AK reviewed and signed the P Card purchases.

6. New Business

- a) Report to the Joint Committee on Government and Finance - EP provided information regarding the annual request regarding the number of registrants and FTEs.
- b) Interorganizational Council on Regulation – EP participated in this webinar since it focused on incidental practice. In the past the Board has reviewed several incidental practice complaints.
- c) Mutual Recognition Agreement with the United Kingdom’s Registration Board – This is a request by NCARB for the Board to indicate if it will accept applicants through the MRA with the UK. Since any request would come with an NCARB certificate, the Board felt there would be no change to the current policy. This does not require ratification by the Board.
- d) Educational Symposium in Charlottesville – ET provided an update on the upcoming symposium on Sept. 29-30, 2022. All accredited architecture schools within the Region 2 area have been invited. This also includes Fairmont State University since it has a NAAB accreditation pending. If any seats remain open after the student and faculty reservations, an invitation to Board members will be issued.
- e) EP reported that the Governor’s Summer Intern was very helpful, and EP would like to utilize summer interns again. AK suggested that EP seek additional intern help during the renewal and audit time period.

f) ES reported that he is on the NCARB's Committee for Continuing Education. He hopes to elicit some help from the architects on the Board regarding CE. He is also on National Fire Protection Association's (NFPA) Executive Committee.

7. Old Business / Updates / Planning

a) NCARB Annual Meeting - ET attended the meeting in person and provided the Board with a summary of the meeting held in Austin, TX. ET indicated that a number of state Boards are not able to fill their Public Member positions and he is therefore thankful that ES and JF are willing to serve as members. EP and ES attended virtually.

b) Annual and Sick Leave - AK reviewed and signed the EP's Annual and Sick Leave.

c) Handbook for Code Officials – Architect Greg Williamson (GW) is continuing to review and update the handbook based on the comments from the Board. The next step is to meet and discuss with the Board of Engineers. AK noted that only a couple of Board of Engineers members have experience with dealing with Building Code Officials, so GW should focus his review with those who have that experience and not necessarily the entire Board. EP reported that she submitted a draft version of the document to a Code Official for which she is seeking feedback.

d) The following upcoming meetings were presented for planning purposes:

- Purchasing Conference – Attending virtually Aug. 24-26
- PCard Conference – Wheeling – September 13 & 14
- Region 2 Educational Symposium – Charlottesville, VA - September 29-30
- NCARB Leadership Summit - Salt Lake City, UT – October 14
- NCARB Regional Meeting – Honolulu, Hawaii – March 2-4, 2023
- NCARB Annual Business Meeting – Tampa, Florida -- June 15-17, 2023

8. Adjournment – The meeting was adjourned at 2:26.