

## Meeting Minutes West Virginia Board of Architects



**Location:** 405 Capitol Street  
4<sup>th</sup> Floor Conference Room  
Charleston, WV 25301

**Date:** Thursday, March 29, 2018

**Time:** 12:00 P.M.

**Attendees:** Todd Boggess, Member (TB)  
Richard T. Forren, President (RF) *late arrival*  
Jan Fox, Public Member (JF)  
Francis Guffey, Investigator (FG)  
Adam Krason, Member (AK)  
Emily Papadopoulos, Executive Director (EP)  
Wendy Scatterday, Member (WS) *by telephone*  
Edsel Smith, Public Member (ES)  
Edward W. Tucker, Secretary (ET)  
Mark Weiler, Assistant Attorney General (MW)

### Order of Business

1. The meeting called to order at 12:15 p.m. by Secretary Edward Tucker in the absence of President Richard Forren and introduced Mr. Francis Guffey and Mr. Mark Weiler.
2. Approval of Minutes
  - a. December 7, 2017 Board Meeting Minutes were approved. Motion to approve AK/TB. Motion passed unanimously.
3. Complaints
  - a. Complaint # 02-13-2017. Board Members Edsel Smith and Jan Fox recused themselves and left the room prior to the Board's discussion of Complaint 02-13-2017 because of Mr. Smith's prior employment as a Deputy Fire Marshal and Ms. Fox's conflict stemming from her current employment with a law firm involved in litigation related to the complaint. Mr. Forren had not arrived. After a report by the investigator and lengthy discussion, AK made a motion: Having reviewed the findings of the investigator and the additional information, the Board has determined that there is not sufficient evidence to warrant additional proceedings or that the architect violated the rules of professional conduct. TB seconded the motion and the motion passed unanimously, including a telephonic vote by WS.

*President Forren, Jan Fox, and Edsel Smith joined the meeting following the discussion of # 02-13-2017. Mr. Guffey and Mr. Weiler departed the meeting.*

- b. After review of Inquiry # 01-24-2018, ES made a motion that EP would send an educational letter to the engineer explaining that it appears he is holding himself out to be an architect and also make sure the West Virginia Board of Professional Engineers is aware of the same. AK seconded the motion, and the motion was approved unanimously including WS.
    - c. EP explained that the Board had received notification that NCARB had revoked Phillip Pecord's NCARB certificate and that his West Virginia reciprocal registration is based upon his NCARB credentials. AK made a motion that Mr. Pecord be contacted and asked

to provide a list of his projects he is currently working on in WV, be notified of the WV Board's recognition of the revocation of his NCARB certificate and discipline by other states, and be notified that he must be prepared to renew his WV registration using an alternative means in June. WS seconded the motion, and the motion carried unanimously.

EP noted that review of a renewal application where an architect disclosed unlicensed practice between the months of June and December led to the need for a correction on the Board's Policy Statement for Renewal/Reinstatement Procedure Matrix. For architects whose license has been expired less than one year and who have illegally practiced, the words "reinstatement fee" should be changed to "penalty" since architects do not have to be reinstated if they have been inactive less than one year. RF directed EP to make the change to the matrix and redistribute it.

#### 4. Election of Officers

- a. On a motion made by ET, RF was nominated as president. ES seconded the motion, and RT was elected by acclamation.
- b. On a motion made by RF, ET was nominated as secretary. AK seconded the motion, and ET was elected by acclamation. The Board members thanked RF and ET for continuing as officers of the Board.

#### 5. Registration

##### a. Reciprocal Applications

On a motion by AK and second by ES, Leesa Mayfield's application for reciprocal registration was approved. James Titus' application is pending, as more information must be provided regarding his ARE passage. On a motion by ET and second by AK, Michael Rempel's application for reciprocal registration was approved.

##### b. Reinstatements

Reinstatement applications for Mark Dunkley and Richard Thompson were reviewed and approved. RF also recommended that EP approve any reinstatements that qualify based upon application and meeting the continuing education requirements and only bring those to the Board that need further review because of discipline or other issues.

##### c. Renewals

EP reported that for the 2017-18 Renewal Period, the Board has 1,234 active architects, of which 121 reside in West Virginia and 1,113 are from out of state.

##### d. Continuing Education Audit of 2017 Hours

EP reported that the majority of architects reported their hours on time and have been notified of compliance. She discussed seals that are not in compliance and some architects who do not have one. ET noted that 9.6.1 states that "each registered architect shall procure a seal." The Board was in consensus that 30 days past the deadline for audit submissions was appropriate for a consequence such as a suspension or revocation of license.

#### 6. Financial Report

EP reported total expenses of \$109,698.03 as of March 22, 2018 and current revenue of \$45,075 for the same period. A comparison of budget to actual by line item (object code) was provided, as well as a comparison to FY2017 figures for the same period. EP noted that budget review for FY 2019 will begin soon, and RF noted that the Board needs to move toward adding a permanent part-time employee.

## 7. Legislative Report

- a. EP provided a report from the 2018 Session and reminded the Board of the two Executive Orders issued by the Governor in January. One order (2-18) requires all rules to be approved by the Governor's Office before they can be filed with the Secretary of State. Written notice shall explain why the rule should be exempted from the Regulatory Moratorium. The other order (3-18) is known as "Regulatory Review" and requires the Board to review each rule under the Board's jurisdiction, including a description of the rule and its first promulgation and subsequent modifications; a determination of if the rule should be continued without change, be modified or repealed; and a reasoning for the determination.
- b. EP noted that if the Board is going to consider any rule changes for the June deadline of rule submission, that submitting them to the Governor's Office would need to happen soon. Some discussion followed regarding the possibility of charging for license verifications and increasing renewal fees. The Board agreed that it would need to work both outside of meetings and at meetings to complete rule review and that some assignments should be made for rule review soon.
- c. The Executive Order (referenced above) requires the report by Nov. 1, 2018. This is the same requirement as SB 619 that had a deadline of 2020. EP is clarifying this issue with Judy Cooper from the Secretary of State's Office.
- d. EP reported that she has provided information requested by the Performance Evaluation Research Division on the complaint process the Board uses. She and Assistant AG MW met with PERD officials to provide documentation and explain the status of a complaint that was brought to the attention of the Joint Committee on Government Organization.

## 8. New Business

- a. President RF attended the NCARB Regional Meeting in Wichita and reported that it was lightly attended. He discussed resolutions that will be voted on at the Annual Meeting in June, including Model Rules of Conduct and NCARB Bylaws.
- b. Secretary ET noted that the Board's presentation at the EXPO on March 21 was well attended and the audience had good discussion and questions. He thanked the board members who participated, including AK, JF and TB.
- c. WS reported that both she and EP attended the new board member/new MBE training at NCARB. She thought it was helpful, especially since NCARB is a model.
- d. EP circulated the Tri-State Agreement proposed by NCARB for reciprocity with Mexico and Canada. The Board decided to take no action on this proposal given that very few jurisdictions have acted upon it yet.
- e. EP reported that she and JF visited with NCARB representatives who visited Dec. 14<sup>th</sup> to market/demonstrate their new licensing software/platform. She explained that the system is not a "stand alone" database but is tied to NCARB's system as an entry point. EP will continue to investigate options and present more soon since a new database is anticipated to be a major expense and not changed often.
- f. EP circulated the historical report she submitted for WV for the NCARB Centennial. Because there is still time, she suggested adding Mr. Tucker's elevation to FAIA and also a historical letter. JF noted that Gary Marcum was the first public member of the board, and she is the second.

## 9. Administrative Items

After review of the following items, all were approved by acclamation

- a. PCARD expenses for November 2017 – January 2018 and reconciliations were reviewed by RF.
- b. Travel forms were circulated and signed by Board members.
- c. Approval of Sick and Annual Leave was reviewed by RF. EP discussed creating a contingency plan for any unforeseen extended absence from work. She will consult with the WV Dept. of Administration and the WV Licensing Board Association president on this and present to the Board at a future meeting.

10. Good of the Order

- a. Next meeting date is June 7
- b. Board members were encouraged to attend the AIA event on April 7<sup>th</sup> and also the NCARB Annual Meeting.
- c. EP discussed an opportunity to have CLEAR investigation training through the WV Association of Licensing Boards in Charleston in May.
- d. EP circulated the latest prototype of the new website and asked for the Board's feedback on a graphic.

11. Motion to adjourn by ESWS at 3:19 pm.

Respectively Submitted:



Edward W. Tucker AIA, Secretary



Emily B. Papadopoulos, Executive Director