



Board Member Orientation Manual

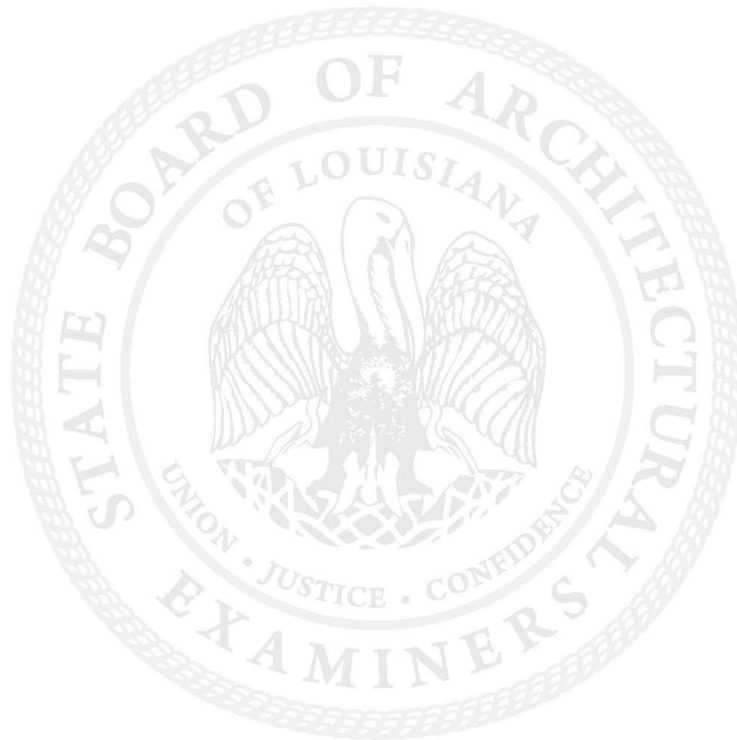


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Organization within the State

To safeguard life, health, and property and promote the general welfare of the public, the legislature has recognized the need for regulating and licensing those individuals and firms that design buildings intended for human occupancy or habitation as their principal purpose.

Accordingly, the legislature has enacted laws (R.S. 37:141 et seq.) and the Board has adopted rules which require that all individuals and firms practicing architecture register with the Board, obtain and then renew their licenses (individuals) and certificates of authority (firms) annually, and be subject to regulation and discipline by the Board.

The Board may discipline a registrant for violating the licensing law or the Board Rules. The sanctions available are set forth in the Architect Licensing Law, and the Board has adopted disciplinary guidelines. The Board had adopted comprehensive rules concerning its handling of consumer/public complaints against registrants. See R.S. 37:153, R.S. 37:154, and Board Rules §§ 1903, 1905 and 1907. The Complaint Review Committee of the Board (three board members) is also actively involved in the investigation and resolution of complaints against registrants. See Board Rule §1903.

As a state agency, the Board reports directly to the Director of Boards and Commissions in the Governors Office, through the Division of Administration. There is a Sunset Review which takes place every five years (last one occurred in the 2018 regular legislative session.) Following this sunset review, the Board was tasked to complete an Agency Self-Evaluation (Attachment A) which must be done every five years.

Legislative Oversight for the Board runs through the Senate Commerce, Consumer Protection and International Affairs (Attachment B) and House Commerce Committees (Attachment C).

Open Meetings Law - LA R. S. 42:11 – R.S. 42:28

The board and its operations are subject to the Open Meetings Law (Attachment D) which operates in conjunction with the Public Records Law. The Open Meetings Law is designed to regulate meetings of public bodies, ensure state integrity and increase public trust and awareness of governing officials and bodies. The Open Meetings Law applies anytime the board meets and achieves a quorum. It does not apply to chance meetings or social gatherings where there is no vote or other action taken, including formal or informal polling of members.

Public Records Law – LA R.S. 44:1 – 44:41

The board and its records are subject to the Public Records Law (Attachment E) which operates in conjunction with the Open Meetings law and provides for maintenance and disclosure of public records. The Public Records Laws was designed to ensure unfettered access to documents and implement the right of public to be reasonably informed as to basis and reasons upon which governmental affairs are conducted. The Board must balance the right of the public against the necessity of government to act in public interest by protecting and preserving against unreasonable dangers of loss or damage or acts detrimental to the integrity of its records.

Under the Public Records Law copies, duplicates, photographs or other reproductions of books, records, writings, accounts, letters and letter books, maps, drawings, photos, cards, tapes, recordings, memoranda, papers, documentary materials must be made available to the public upon request. There is a prescribed time period in which the Board must respond to all public records requests.

In 2018 the Board was able to have an exemption added to the Public Records Law (R.S. 44:4(55)) which excludes us from providing any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody or control of the State Board of Architectural Examiners concerning the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture. However, such records may be released to the public in an administrative proceeding before the board, and any final determination made by the board relative to the fitness of any person to receive or continue to hold a license or certificate of registration to architecture and any legal grounds upon which such determination is based shall be a public record.

Administrative Procedures Act

The Louisiana Administrative Procedure Act (R.S. 49:950 et seq.) (Attachment F) provides for public access to agency decision-making and furthers public awareness of agency rules by applying uniform requirements to state agencies with rulemaking power and by setting minimum standards for agencies to follow in adopting and implementing rules. In short, the Administrative Procedure Act (APA) establishes a uniform, comprehensive set of procedures covering the administrative actions of state executive branch agencies, including rulemaking, fee setting, adjudicatory proceedings, and licensing, and judicial review of those actions. The APA applies to any state board, commission, department, agency, officer, or other entity (within the executive branch of state government) which makes rules, regulations, or policy, or formulates or issues decisions or orders pursuant to or as directed by the laws of the state or the United States. (R.S. 49:951). This Act allows for legislative review in the rulemaking process as it relates to the actions identified above.

Architect Licensing Law and Rules

Law

The Board was established via Act 231 of 1910 to regulate the practice of architecture. R.S. 37, Chapter 3, the Architects Licensing Law (Attachment G) provides for the establishment of the Board and establishes the laws under which an architect will qualify to practice and must practice. Changes to the law must go through the legislative process and be introduced as a bill by a legislator. The Board typically collaborates with AIA Louisiana when it is seeking to make changes to the Architects Licensing Law. AIA Louisiana has a lobbyist who will help to identify a legislator to sponsor the bill. While the Board does not directly sponsor law changes, Board members, Legal Counsel and staff can and will appear before legislative oversight committees to provide information related to any proposed law change.

Law changes can only occur during a legislative session, so careful thought must be given to timing of discussions with AIA to prepare for any proposed change.

Rules of the Board (Regulations)

The Rules of the Board (Regulations) are found in the Louisiana Administrative Code (LAC Title 46, Part I) (Attachment H) and outline the implementation details for the statutes. The Rules can be amended by the Board following a detailed process that is outlined in the Administrative Procedures Act.

Once the Board has determined that a rule requires amending, adoption or repeal, staff will work closely with legal counsel to ensure that the Board follows the process to ensure that regulatory changes occur in a timely manner. This is a rather lengthy process which can take up to a year or more to occur. A short summary of the steps involved in changing a Rule is outlined below:

- Board determination to change a rule
- Legal Counsel and Staff prepare draft of rule change
- Legal Counsel and Staff prepare Fiscal and Economic Impact Statement and submit to Legislative Fiscal Office for review and approval
- Legal Counsel and Staff prepare Notice of Intent to be published in *Louisiana Register*
- Draft Notice of Intent (including Fiscal and Economic Impact Statement) is submitted to the Occupational Licensing Review Commission for first reading and approval
- Approved Notice of Intent is submitted to *Louisiana Register* publication
- Each published NOI must go through a 20 day comment period. The Board is obligated to review and respond to comments
- If necessary, edits are made to proposed rule and it is resubmitted to the Occupational Licensing Review Commission for Final Reading and approval
- Draft of Final Rule is submitted to Legislative Oversight Committees who have 30 days to hold a hearing if they deem it necessary.
- Board approves final rule.
- Final rule is published in the *Louisiana Register*

The Board

Board Composition

The Board is made up of 7 members, 5 architects representing geographical districts within the state, a public member who is a citizen of the United States who is not actively engaged in or retired from the professions of architecture, engineering, interior design or landscape architecture or in the occupation of a contract or the design and construction of buildings; and an architect member who has been employed full time in architectural education or has been an administrator of building design, construction, or design standards for government at the local, state or national level for seven years. All Board members are appointed by the governor for a six year term. The process for selection of Board members is spelled out clearly in the Architects Licensing Law and Regulations. A roster of current Board members is included as Attachment I.

Role of the Board Member

Board members must be willing to work within a group to make decisions and understand and follow democratic processes. They must be willing to devote time and effort to the work of the Board and work to find alternative solutions to problems whenever necessary. Effective Board members will have good communication skills and recognize that the goal of the board is the service and protection of the public.

Board members should maintain an awareness that authority is granted by the law neither to the board as a whole nor to any member individually and can only be used in open meeting by vote of the majority of board members. They should avoid becoming involved in the daily functions of staff.

Board members should delay making judgments until adequate evidence is received and has been duly discussed. It is important that board members do not let personal feelings toward others affect their decisions and never discuss a complaint but refer all calls or contacts to the board office.

Impartiality and Conflict of Interest

In order to act fairly, in a non-partisan and unbiased manner, Board members must avoid the appearance of prejudice or favoritism. Therefore, you must conduct yourself in an impartial and objective manner when engaging in Board business. This necessitates a careful choice of words when discussing issues at Board meetings, which are recorded as part of the permanent record of Board proceedings. This neutrality must continue when conducting committee meetings and through any communications related to Board business.

If you, intentionally or unintentionally, indicate through word or action that you appear to harbor prejudice or bias in a Board matter, you should recuse yourself from participating in discussions or any votes taken on the matter.

You may not use your position on the Board in any way to influence a decision, in a government or private business matter, which may result in financial gain. Board members aware of a financial or personal interest in a Board matter must recuse themselves from discussing or voting on the matter in question. If you feel there is the potential for a conflict of interest in any situation related to Board business, you should discuss the details with the Director.

Bias

Even though a Board member may not have a conflict of interest, he or she may need to disqualify themselves from participating in a matter before the Board because they may have a bias or prejudice. Bias and prejudice occur in situations where a Board member's mind may already have been made up on the matter or where the member may have more information about the matter than is available to the other members. A member should disqualify him or herself if he or she has strong feelings about the specific facts of a case which will influence an opinion regardless of the evidence. Specific facts in dispute are the "who, what, where, why, when and how" of a particular case.

To determine whether you have a bias or prejudice regarding a case or issue before the Board, ask yourself whether you can sit, hear the evidence and make a fair and impartial decision on the matter. If you can, you should still identify the association you have with the person/firm or situation for the record and indicate that you can sit and judge the matter fairly and impartially. If you cannot, then, you must disqualify yourself.

Once a member disqualifies him or herself, that member cannot participate in either the discussion or vote regarding that case at any time that the Board considers it. This non-participation is called "recusal." When a member recuses him or herself, it is important to verbally state the recusal on the record at the meeting. The member should then leave the Board table and return when the case is finished.

If a Board member believes he or she has no actual bias or prejudice about specific facts of a case, he or she should consider the "appearance of fairness" and disqualify him or herself if participation in the matter would give the public the appearance of impropriety.

Contact with Licensure Candidates

Board members should not intervene on behalf of a candidate for any reason. Please forward any contacts or inquiries from candidates to the Board office. Gifts of any kind to Board members from a candidate are not permitted.

Communication with Media/Requests for Information

Any requests for information or interviews by the media must be referred to the Board office. You must not discuss any complaint or investigation in person or on the phone. A written response will be made for requests from reporters, except for requests for procedural information. All communication from attorneys representing respondents or complainants, as well as all inquiries from respondents regarding the substance of a case will be referred to the Board Attorney.

Board Member Disciplinary Actions

Board members are not immune to incurring disciplinary actions. A complaint against a Board member will be conducted in the same manner, as it would be with any other registrant. If the matter goes through the hearing process, a hearing officer may be appointed to hear the matter. The hearing officer would then reach a decision that would be approved or disapproved by the Board.

Responsibilities of the Board and Board Members

The Board is responsible for setting (and validating) minimum qualifications for licensure. They should establish and administer a fair and uniform enforcement policy to deter and prosecute violations of the Architects Licensing Law and its related rules. The Board periodically establishes operating guidelines for staff in carrying out the duties of the Board. The Board should disseminate

information to licensees, candidates and professional and educational organizations about the Board's services and activities, and laws and rules governing the profession.

Meetings

The Board will meet 4-6 times per year at its office in Baton Rouge. Board members are expected to attend all meetings for the smooth functioning of the Board. In the event of unforeseen circumstances or emergencies, you should contact the Executive Director and the President/Chair of the Board. The minutes will reflect when a Board member is not present.

Board Members will be asked to participate in Board Committees and Task Forces. Appointments are made by the President/Chair of the Board. Time commitment for each committee may vary.

Conduct

The Chair/president conducts the meetings. All members of the Board have voting privileges. Members are asked to abstain from voting on an issue or from hearing a case when the potential for conflict of interest is present. Four members constitute a quorum.

Materials

A meeting agenda with supporting materials is provided to Board members approximately 1 week prior to the meeting. It is important to prepare by reading the document prepared by staff. If you are unsure about something, feel free to ask for more information or clarity to participate fully in the discussion and make recommendations or decisions. Board members should always feel comfortable expressing their opinions.

Public Attendance at Board Meetings

LSBAE meetings are subject to all provisions of the Open Meetings Law. As such, the meeting is publicly noticed and members of the public are invited to attend each meeting.

Agenda/Notice/Record

In accordance with the Open Meetings Law, agendas are posted on the Louisiana Boards and Commissions website as well as the Board website no later than 24 hours prior to the meeting. Minutes of the meeting are a summary of actions taken and reports provided. They are prepared by staff and reviewed by Legal Counsel prior to submission to the Board for review and approval at the next scheduled meeting.

Other Meetings (NCARB)

Board members are expected to attend meetings of the National Council of Architectural Registration Boards (NCARB). NCARB holds a Regional Summit in March and an Annual Business Meeting in June. Additionally, they are expected to volunteer to participate in NCARB Committees. LSBAE has a deep history of being one of the most active boards in the country when it comes to NCARB Volunteer Service. This keeps us apprised of national initiatives and allows us to stay ahead of the curve with respect to national licensing trends.

State Required Training

As members of the Board, you are considered an agent of the state and must complete certain training as legislatively required. Staff will communicate with you to provide you with timelines and access information for each of the trainings which include:

- Ethics Financial Statement must be completed each year by May 15

- Driver Training – every three years
- Ethics Training – annually
- Sexual Harrassment

Staff

There are currently four staff employed by the Board. There are two unclassified positions which are hired at the pleasure of the Board and two Classified position which fall under the State Civil Service. All employees participate in the state retirement plan (LASERS) and receive their benefits through the state. Salaries for the unclassified positions are determined by the Board and salaries for the classified employees are covered under the pay scales and policies established by State Civil Service.

The Board has hired staff to ensure the smooth operation of board functions. Those include assisting board members in carrying out their duties and responsibilities, organizing and managing Board and Committee meetings, maintenance of licensee records, disciplinary proceedings, etc.; review and pre-approval of applications for licensure; issuance of new licenses; investigation of complaints; assistance to the licensee population and consumers with questions or concerns; representing the Board with all state agencies, the media and other licensing boards; development and monitoring of the budget; preparation of legislative and regulatory changes.

Board Office

The Board office is located at 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. Office hours are 7:30 a.m. to 4:30 p.m. Central time. Office staff follow the state Holiday calendar.

State Holidays are:

- New Years Day
- Inauguration Day (Once every four years – next is 2024)
- Martin Luther King Day
- Mardi Gras
- Good Friday
- Memorial Day
- Independence Day
- General Election Day (in even years)
- Labor Day
- Veterans Day
- Thanksgiving Day
- Acadian Day
- Christmas

BOARD OPERATIONS

Board Meeting Travel

The Board will cover travel expenses related to attendance at Board meetings, this includes mileage reimbursement and hotel costs for those who have to travel to get to the Board office in accordance with the State Travel Policy. Travel for Board meetings does not require approval.

NCARB Meetings & Travel

Travel expenses for attendance at NCARB Meetings (lodging, meals, mileage and airfare) will be reimbursed in accordance with the state Travel Policy. NCARB typically provides limited funding for two board members, the public member and the Executive Director. The Board will identify the two

board members who are selected to receive funding from NCARB. Expense Reports will need to be submitted with receipts showing documentation of all expenses incurred during the meeting.

Per Diem

Board members receive a per diem for participation in Board meetings. The amount approved is equal to the amount paid to state legislators. Currently, that rate is \$161/day.

Budget

As a self-funded agency, the Board receives no funds from the state and relies solely on revenues earned through the licensure process to maintain operations. Staff will prepare a draft budget for Board consideration and approval each spring. The Board operates on the state fiscal year which runs from July 1 through June 30 each year.

LICENSING

Individuals wishing to become licensed in Louisiana must meet certain requirements for licensure which include the following:

Education

- Obtain a professional degree in architecture from a NAAB-accredited program [NAAB accredits programs, not institutions or degrees], **OR**
- Meet the NCARB Education Standard

Experience

- Complete NCARB's Architectural Experience Program (AXP)

Examination

- Pass NCARB's Architecture Registration Examination (ARE)

The Architectural Experience Program (AXP) and the Architecture Registration Examination (ARE) are developed and administered by the National Council of Architectural Registration Boards (NCARB). In order to sit for the ARE, a candidate must meet our education and experience requirements. NCARB validates these requirements and grants the candidate eligibility to test. As such, LSBAE's first interaction with candidates is often when they have completed the ARE and are ready to apply for licensure.

Architect Licensure

The National Council of Architectural Registration Boards (NCARB) provides a service to maintain a record of licensure qualifications for architects and architect licensure candidates. As such, architects or candidates applying for licensure in Louisiana must maintain an NCARB record which documents and certifies that the candidate has met each of our requirements for licensure.

When an architect or candidate is ready to apply for licensure they will request that NCARB 'transmit' their record to the Board office. Once that transmittal document has been received, the architect or candidate will receive an e-mail inviting them to apply for their license.

The Board has created an Operating Procedure (Attachment J) which grants staff the authority to issue licenses as soon as they are received and reviewed for completeness and compliance with the licensure requirements. Applications that are "clean" and contain no items of concern (prior disciplinary action or requests for waiver of CE requirements) are typically issued within a 3 – 5 day period. For applications that contain prior disciplinary action or waiver of CE requirement requests, the Operating Procedures identify scenarios most frequently seen in applications and provides guidance for staff in completing processing of these applications which may include issuing a letter of caution or opening an investigation.

Staff provides the Board with a report of all licenses issued or reinstated at each Board meeting for review and ratification.

Firm Registration

The legislature has enacted laws that govern all firms practicing architecture in Louisiana. In accordance with those laws, the Board has adopted rules to regulate the registration of such firms. *Any business practicing architecture in Louisiana must obtain registration with LSBAE.* The registration period for all firms is July 1 through June 30 each year. As with the individual licenses, staff will provide the Board with a report of all licenses issued or reinstated at each Board meeting for review and ratification.

Firm registration is based on the business structure of the firm. There are three categories of business types that a firm can choose to register as.

Professional Architectural Corporation (PAC):

The [Professional Architectural Corporation \(PAC\) Law](#) (Attachment K) applies only to architectural firms that are **incorporated** and does not apply to Limited Liability Companies or Limited Liability Partnerships. There are ownership (shareholder) and control (director) requirements that must be met in order to register as a Professional Architectural Corporation. To register as a PAC, a firm must be lawfully incorporated, and a majority of shares must be held by a licensed Louisiana architect or by a holding company, of which a majority of shares are owned by licensed Louisiana architects. See La. R. S. 12:1090. In addition, depending upon the number of directors, a majority (if more than 2) of the directors must be licensed Louisiana architects. If there are fewer than three directors at least one must be a licensed Louisiana architect.

Architectural Engineering Corporation (AEC):

The [Architectural-Engineering Corporation \(AEC\) Law](#) (Attachment L) applies to firms that are incorporated and include one or more licensed architects and one or more licensed engineers and requires that such firms maintain current records regarding a designated supervising Louisiana registered architect and a supervising Louisiana registered engineer with LSBAE and LAPELS. This does not apply to Limited Liability Companies (LLC) or Partnerships (LLP) who have practiced both architecture and engineering.

Architectural Firm (AF):

The requirements for all other businesses that practice architecture are spelled out in *LAC 46:I, §1705. Architectural Firms*. Types of firms that may qualify for registration as an Architectural Firm include corporations, partnerships, limited liability companies or partnerships, associations, sole proprietorships, or other entities lawfully organized under the laws of Louisiana or other jurisdiction for the purpose of practicing architecture.

For purposes of registration with LSBAE, a sole proprietor is an architect who is practicing in their name with a business structure (John Smith, Architect, **LLC/Inc./etc.**).

To register, such firm must designate in its application one or more supervising professional architects who shall perform or directly supervise the performance of all architectural services by the firm in Louisiana. There are no shareholder or control requirements to register as an Architectural Firm.

Depending on the structure of the firm/business, it may be required to designate an in-state registered agent with the Louisiana Secretary of State, and other general corporation laws may be applicable.

Supervising Professional

With reference to the AEC Law and Architectural Firms, LAC 46:I, §1703.D and LAC 46:I, §1705.G define Supervising Professionals as:

Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only when the requirements of §1313 of this Part are fully satisfied. Only natural persons:

- 1. who are licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158;*
- 2. who are full-time active employees of the architectural-engineering corporation; and*
- 3. whose primary occupation is with the architectural engineering corporation may be designated as a supervising professional architect.*

Firm owners are responsible for meeting the requirements for operating a business in the state of Louisiana by registering with the **Louisiana Secretary of State**. The Board does not engage with this and does not validate registration with the Secretary of State prior to issuing a firm registration and recommends that firm owners or their agenda contact their attorney or CPA for guidance on business registration with the state.

Renewing a License or Firm Registration

Renewal procedure.

- The licensure cycle for Individuals is 12 months on the calendar year (January 1 through December 31).
- The licensure cycle for Firms is 12 months on the half year (July 1 through June 30).
- All renewal applications must be submitted through our Licensing Portal.
- A renewal notice is emailed reminding licensee to renew two months prior to the license expiration date (beginning of November for Individuals, beginning of May for firms)
- Renewal reminders are sent 2 to 3 additional times before the current licensure period ends. Additionally, the spring and fall newsletters are distributed during the renewal cycle and feature extensive reminder information regarding renewing a license.
- Licensees who fail to renew by the end of the licensure period are sent two additional emails reminding them to renew in the 90 day period following expiration of their license.
- Architects must validate completion of 12 CEH earned in the year and respond to Moral Character questions regarding disciplinary actions or investigations.
- Firms will be asked to respond to Moral Character questions regarding disciplinary actions or investigations against the firm or its licensees.

Continuing Education

LA R.S. 37:145(B) requires that each architect obtain 12 hours of continuing education on an annual basis to ensure that architects remain informed of technical and professional subjects necessary to safeguard life, health and promote public welfare. Architects are required to maintain a log with

supporting documentation of continuing education hours earned and attest to completion of those hours when competing their annual renewal.

Exemptions

- Newly registered architects during initial year of registration.
- Emeritus architects or architects whose license has been designated as “inactive”
- Architects who are called to military service, have a serious medical condition or who can demonstrate other hardship

The Continuing Education Committee reviews requests for hardship waivers and makes determinations regarding the granting of an exemption. The Board has authorized staff to grant hardship waivers to in-state architects who live in an area that was impacted by a natural disaster which was deemed a state of emergency.

Qualifying Educational Activities

LAC R.S. 1315.E. outlines acceptable activities for continuing education. The Board accepts AIA transcripts which will clearly identify HSW courses, there are additional activities that are accepted by the Board that do not qualify for HSW under the AIA guidelines. A sampling of acceptable activities includes:

- Attendance at professional or technical HSW subject programs offered by a professional or technical organization (AIA, NFPA, CSI, NCARB, etc.), insurer, or manufacturer
- Correspondence, televised or video-taped courses
- Monograph or self-study courses which include self-examinations
- Presenting HSW courses at meetings conventions or conferences
- Teaching or instructing HSW courses
- Authoring a published paper, book or article
- Successful completion of college or university courses
- NCARB committee service for committees dealing with HSW issues

The rules provide further guidance on how hours are earned for each of these types of activities.

Pre-Approval of Programs

In addition to accepting programs identified above, the Board will review a continuing education program prior to its presentation to determine if it satisfies the requirements for HSW credit. There is a form that interested parties must complete and submit for consideration by the Continuing Education Committee.

Continuing Education Audit

Architects who have renewed will be randomly selected for a continuing education audit. Licensees selected for audit must supply the records specified by Board rules.

- Review by Board Staff. The submitted records shall be reviewed by Board staff for completeness. If all of the activities claimed by a licensee to meet the minimum requirements were offered by providers on the list of acceptable providers maintained by the Board (see below), then Board staff may approve the audit, provided that all required documentation has been submitted. Board staff may also approve audits when transcripts or other records are submitted from the American Institute of Architects (AIA).

- Review by Board Members. If an audit does not meet the conditions for approval by Board staff, the submitted records shall be reviewed by a majority of the Board members.
- Additional Information. Additional information or evidence may be requested of the licensee by the Board.
- Disallowance. If the Board disallows claimed CE activities, the licensee shall within 120 days after notification of same either substantiate the original claim or earn other credit to meet the minimum requirements. A licensee failing to supply the requested records within this time frame shall be deemed in noncompliance and may be subject to disciplinary action.
- Discipline. The rules contain guidelines for disciplining architects who fail to meet the requirement. These guidelines include a grace period to complete hours, fines and the potential for suspension of license.

There is a Continuing Education Audit Process and Timeline document which further details the implementation steps for the audit.

NCARB

As a member of the National Council of Architectural Registration Boards, the Board receives access to a multitude of services provided by them which support the licensing process. In exchange the board pays a nominal membership fee each year. In addition, the Board is a member of the Southern Conference of Registration Boards which is a Region of the NCARB.

NCARB members are the Boards that regulate the profession of architecture in the 50 states, District of Columbia, Guam, Puerto Rico, U.S. Virgin Islands and Northern Marianas. Individuals who serve on these Boards are called Member Board Members or you may see the acronym (MBM).

NCARB is a partnership between staff and Member Boards There is an open and informed debate on all NCARB policy decisions within each board and within each Region.

- Changes to Education Guidelines, AXP Guidelines, ARE Guidelines require an action of the Board of Directors.
 - When changes are made to these programs, the Board will seek feedback on the proposed changes through a 90 day comment period in order get a reaction prior to voting.
- Changes to the Certification Guidelines and Bylaws require a vote of the membership that occurs at the Annual Business Meeting
 - Each Member Board has one vote on resolutions that come before the Council.
- Meetings of the Member Boards
 - Member Board Chairs/Execs Conference is held bi-annually in the fall and is attended by the Board Chair/President and Executive Director.
 - Annual Business Meeting is typically held each June and is attended by the entire Board, Executive Director and designated staff when applicable
 - Regional Summit is typically held each March and is attended by the entire Board, Executive Director and designated staff when applicable
 - MBE Workshop is held prior to the start of the Regional Summit and is attended by the Executive Director and designated staff when applicable

It is critical that the Board engage in dialogue regarding these issues which will typically be presented as Resolutions or a request for comment as they will have an impact on the qualifications for licensure. The Board must determine what is acceptable for qualification for licensure in Louisiana. If they agree to changes in Education, AXP or ARE Guidelines no action will be necessary. If they disagree to changes, they may need to study their laws or rules to determine if a change is necessary to address the areas of disagreement

How Does Membership in NCARB Support LSBAE?

NCARB develops and recommends standards to be required of an applicant for architectural registration. This includes the development and administration of the Architecture Experience Program (AXP) and the Architectural Registration Examination (ARE). Additional benefits of NCARB membership are outlined below.

Analysis of Practice

On behalf of Member Boards and underpinning all of the NCARB programs, NCARB conducts the NCARB Analysis of Practice. This study is designed to obtain descriptive information about the tasks performed in architecture and the knowledge/skills needed to adequately perform those tasks.

This study includes information about a number of issues related to the profession of architecture including architects' professional development needs; expected changes in the architect's job role; important changes in the profession; participation in the Architectural Experience Program (AXP); and architecture as a career.

Utilizing the results of the Analysis of Practice, NCARB will:

- Update the test spec for the ARE
- Develop recommendations for improvement of the AXP
- Guide the Council's recommendation to the NAAB for Student Performance Criteria and Conditions and Procedures for Accreditation for schools of architecture

Model Law/Model Regulations

NCARB does not set national requirements for licensure. Each Member Board sets the requirements for licensure in their jurisdiction. NCARB has prepared a document which sets forth Model Law/Model Regulations (Attachment K) which contains draft statutory and regulatory language for use by its Member Boards. This document was designed to provide guidelines for legislation in areas agreed upon by the state boards regulating architecture as ideal uniform standards.

The guidelines contain three elements –

- Model Law – providing a broad framework of the various authorities an architectural licensing board should be granted by its jurisdictional legislature through statutory language
- Model Regulations – offers detailed language outlining rules for implementation of the authority and responsibilities granted through the Law
- Commentary – explains the intent of the model law and/or regulation

Changes to this document are voted upon by all NCARB Member Boards. It is the intent of the Board that we carefully review all proposed changes to NCARB Model Law/Model Regulations and make every effort to maintain alignment with these model documents to assure a smooth reciprocal licensure process for architects. That said, the Board should never feel compelled to adopt a law/rule because it resides in NCARB Model Law/Model regulations and should carefully consider the merits and impacts of any proposed change before moving to adoption.

Licensure Requirements Database

NCARB maintains a database of requirements for initial and reciprocal licensure and renewal, as well as practice requirements on their website. This information is reviewed annually by Member Boards for verification and is a valuable tool for staff in understanding how other Boards regulate the profession.

Transmittals

As a service for candidates and Certificate holders, NCARB stores secure, confidential, and comprehensive records containing information related to completion of the NAAB accredited degree, the experience requirement and the ARE. That data known as the "NCARB Record" will be shared with LSBAE when an architect or candidate is ready to get licensed in Louisiana.

Disciplinary Database

NCARB hosts a database which houses information on disciplinary actions taken by Member Boards. This too, is another valuable tool for staff in reviewing applications. This database is only accessible by Member Board staff.

- Participation in the database is optional and not all Member Boards input data on their disciplinary actions
- If staff becomes aware of a prior disciplinary action that is not housed in the database, they will reach out directly to the other Member Board for any necessary information.

Collaterals

There are six Organizations that play an important role in the profession of architecture. They are referred to as “collaterals”. They are:

- American Institute of Architects
- American Institute of Architecture Students
- Association of Collegiate Schools of Architecture
- National Architectural Accrediting Board
- National Council of Architectural Registration Boards
- National Organization of Minority Architects

Each organization represents different groups responsible for the education, training, registration and practice of architects.

International Reciprocity

NCARB participates in various international organizations’ meetings to represent U.S. regulatory requirements and to take part in discussions related to the practice of architecture around the world. They have engaged in agreements with a handful of countries in order to allow reciprocal registration in the United States. Our Board has signed on to all of those agreements (Tri-National Agreement with Canada and Mexico, and Mutual Recognition Agreements with Canada and Australia & New Zealand. Each of these agreements spell out a specific requirements and qualifications for NCARB Certification for applicants through these agreements. Significant review and evaluation comparing the reciprocal countries programs to NCARB’s Certification requirements was completed prior to entering into the agreements to assure parity between the two countries

As a board that requires the NCARB Certificate for reciprocal licensure, we accept all applicants who become NCARB certified through these agreements. It is important to note that data received from NCARB for these applicants do not include the official transcripts or experience or examination records, but rather, an affidavit attesting to completion of these programs.

ENFORCEMENT

The Architects Licensing Law grants the Board the authority to cancel, fine, suspend, revoke or restrict the license of an individual or firm for violation of the statutes and rules governing the practice of architecture. The Board is also authorized to determine the eligibility of applicants for licensure, establish criteria for renewing registrations, evaluate and approve continuing education course hours and programs and conduct investigations of alleged violations, conduct hearings on alleged violations, and promulgate rules for consideration by the state legislature.

The Board is responsible for investigating complaints and violations of the Architects Licensing Law and regulations. Rulings are based on LSBAE rules and laws in effect at the time of the violation. Recent disciplinary actions are published in *Louisiana Architect*, the bi-annual newsletter, and shared with other architect registration boards throughout the United States by publishing in the NCARB Disciplinary Database.

Investigations

The Board can open an investigation into alleged violations of the law/regulations following the receipt of a Sworn Affidavit which contains detailed information outlining the potential violation. Additionally, the Board may also opt to open an investigation on its own determination. Upon receipt of a complaint or staff awareness of a potential violation, staff will conduct a brief review to determine if there is the appearance of a violation of the law/rules. If it is deemed to be, a formal investigation is begun to gather information for the CRC to review and evaluate in determining the appropriate action for said violation.

Staff will consult with legal counsel throughout the investigation to assure a thorough review of the facts of the complaint is prepared and present the findings of the investigation to the CRC. The CRC will review the case information and make recommendations for moving forward which may result in a cautionary letter, the offering of a Consent Order, or in some cases and formal hearing to gather further information.

Hearings

The Board may conduct hearings to resolve complaints against licensees. The Administrative Procedures Act outlines a specific process for complaints that lead to adjudication of a violation including a formal hearing. Additionally, a process is outlined in the Boards rules. When a hearing is scheduled, Board members should make every effort to attend unless a specific bias or conflict of interest prevents fair and impartial participation. This may include knowledge of the facts of a case, bias for or against a party in the case, or the possibility of personal gain or loss from the outcome of the hearing.

Hearings generally involve attorneys, a court reporter, exhibits, testimony by witnesses, and presentation of affidavits. As a Board member, you should take notes, ask questions at the appropriate time, and make every effort to understand fully the allegations and testimony. There will be an attorney to advise the Board. Please note that during a formal hearing, the Board's attorney represents the interests of the Board and a separate attorney will be engaged to represent the interests of the state.

It is important to remember that a contested case hearing is an open forum, where your actions, body language, facial expressions, and interactions with all persons in the hearing environment are constantly being observed by the attorneys, the parties, the litigants, the public, and possibly even the

media. Each of you will affect the perception that the public and litigants take with them from the hearing experience. Courtesy, attentiveness, professionalism, impartiality and fairness are required elements of the process, as is keeping an open mind until you have heard all of the evidence of the parties before you render any opinion on that evidence. Reserve all expression of your opinions on the evidence presented until the Board's deliberations, after the parties have closed their arguments in the case.

Discipline

The Architects Licensing Law grants the board the authority to discipline individuals for unlicensed practice. This includes architects whose license has expired as well as individuals who are not licensed to practice and are putting themselves forward as an architect or offering architectural services.

Disciplinary Guidelines have been established in the Rules which outline common violations and recommendations for disciplinary action and fines. The Guidelines were established to create a baseline for Board consideration in conferring discipline. While the Board has the authority to adjust the conferred discipline based on specific facts of a case, they should do so with a cautious eye toward maintaining fairness and equity in discipline for similar cases.

Common violations seen by the CRC:

- Unlicensed practice (usually a firm)
- Expired practice (individual or firm)

Other violations seen by the CRC:

- Continuing Education violations (failure to earn hours, failure to respond to audit)
- False statement on initial or renewal application
- Conviction of a felony
- Use of another architect's plans without their approval
- Plan stamping/failure to maintain project documents

Elements of Consent Order

The Board will make every effort to resolve a disciplinary matter with a consent order which is a legal document that reflects the agreement between the parties regarding the violation and agreed upon sanctions. As a legal binding document, it is critical that it addresses several important elements:

- Findings of fact
- Conclusions of law
- Sanction
- (reinstatement rights)
- Publicity reporting action
- Appeal rights

Sanctions

There are a number of sanctions the Board may impose on an architect or firm who has violated the Architects Licensing Law and/or regulations.

- Suspension
- Evaluations/examination
- Letter of concern/reprimand

- Revocation
- Probation
- Limited licensure
- Fines
- Recovery of costs

SELF-EVALUATION REPORT



Louisiana State Board of Architectural Examiners

February 15, 2019

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State Board of Architectural Examiners Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

(Agency Name)
Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Katherine E. Hillegas	9625 Fenway Avenue, Suite B Baton Rouge, LA 70809	225/925-4802 225/925-4804	khillegas@lsbae.com

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The Board is responsible for granting licenses and regulating the practice of architecture in the State of Louisiana. The mission of the Board is to safeguard life, health, and property and to promote the public welfare through regulation of the practice of architecture. In doing this, the Board has established and identified standards and programs for licensure and credentialing of architects and their firms. It is the board's objective to ensure that the practice of architecture is reserved to those individuals and firms who have the proper qualifications and have been registered by this board.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

The key function of assuring that all those who practice architecture in Louisiana meet the minimum qualifications of competence continues to serve the objective of protecting the health, safety and welfare of the public who enjoy the benefit of the built environment, as well as consumers of services rendered by architects. To accomplish this, an architect's design must satisfy the applicable requirements of law and also must be a correct application of the skills and knowledge of the profession. The results of faulty design may be injurious not only to the person who engages the services of an architect, but to the public as well.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

All fifty states, U.S. territories, Canada, Mexico, and most if not all European nations limit the practice of architecture to individuals who have demonstrated proper qualifications and become registered by the jurisdiction's regulating entity. It is obvious, we suggest, that allowing unqualified persons to design buildings intended for human occupancy and habitation may be dangerous to life, health, and property.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

LA R.S. 37, Chapter 3 continues to reflect the mission and objectives of the Board. Since 2010, the legislature has amended the licensing law on repeated occasions to improve the board's operations, as requested by the board. As examples, in 2011 the legislature amended R.S. 37:155 to clarify certain exemptions from the architect licensing law; in 2012 added R.S. 37:158 pertaining to architectural firm practice; and in 2016 amended R.S. 37:144 authorizing the board to establish the Louisiana Architecture Education and Research Fund, amended R.S. 37:149 authorizing the board to charge registration fees to architectural firms, and amended R.S. 37:150 pertaining to the renewal, and delinquency fees which the board can charge to architectural firms.

As with any Board that has been in existence for a long period of time, the process of licensure has changed significantly due to technological advances. There are portions of the law that could benefit from updating to better reflect these changes. For example, in 2015, the National Council of Architectural Registration Boards (NCARB) implemented an initiative that allows programs accredited by the National Architectural Accrediting Board (NAAB) the opportunity to create microprograms within the accredited degree program that offer students an option to complete requirements for licensure while earning their degree. These programs provide students with a structured approach to completing the Architectural Experience Program™(AXP™) and taking each division of the Architect Registration Examination®(ARE®) before graduation. Currently, LA R.S. 37 requires that students must complete their NAAB accredited degree and be enrolled in AXP prior to qualifying to take the ARE. Our law needs to be updated to reflect acceptance of this initiative that streamlines the path to licensure for those students desiring to "fast track" to licensure.

Additionally, the Board used to administer the Architect Registration Examination in Louisiana. All candidates were required to register with the board to confirm their eligibility to test. The examination is now administered nationally by the body that develops it, NCARB, and it is the one who validates a candidate's eligibility based on our statute and rules. The statute has not been updated to reflect this procedural change.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The function of regulating the profession of architecture is not duplicated by any other state or federal agency.

There is however, a non-governmental organization (National Council of Architectural Registration Boards, i.e., NCARB) that the Board is a member of that provides services to architects and architectural candidates that is beneficial to the process of licensure. NCARB provides recordkeeping and initial evaluation services for licensed architects by issuing a “Certificate” which can be easily utilized by architects seeking reciprocity in other jurisdictions. For architecture candidates, NCARB administers the experience program and the examination one must complete to become licensed. As a member of NCARB, our Board is involved in the development of national programs that facilitate licensure and streamline the licensure requirements for architects across the United States. The members of our Board have a deep history of volunteer engagement in this organization and have contributed to the development of the experience program, the NCARB Education Standard, and the Architect Registration Examination.

F. In general, how do other states carry out similar functions?

In the U.S., there are 55 jurisdictions that license architects, the 50 United States, Guam, Puerto Rico, the U.S. Virgin Islands, the Northern Marianas Islands and the District of Columbia. All 55 of these jurisdictions have established a practice act to empanel a state board that is tasked with regulating the profession of architecture.

Each of those jurisdictions have education, experience and examination requirements necessary to secure a license to practice architecture. In 17 jurisdictions, the education requirement can be substituted for additional experience.

G. What key obstacles impair your agency’s ability to achieve its objectives?

Many in the architectural community are concerned with an exemption in LA R.S. 37, Chapter 3 which grants civil engineers the authority to practice architecture in Louisiana. This exemption was established in our statute during the late 1940’s when there was an architectural-engineering program at Tulane. It is believed that at that time, Tulane offered the only architecture program approved by the Board. (Further research into the programs offered at LSU is required to confirm this) The exemption came as a result of a program that included educational components for architecture and engineering. That program no longer exists, and there are now four different schools in Louisiana offering NAAB accredited degrees in architecture.

In 2011, AG Opinion 11-0048 was issued. It states that a licensed engineer is authorized to practice in all engineering disciplines in which the engineer may be competent and qualified by education or experience, and that their practice is not limited to the discipline in which the engineer is listed with the Louisiana Professional Engineering and Land Surveying Board (LAPELS).

It is our understanding that the Louisiana Professional Engineering and Land Surveying Board does not issue engineering licenses by discipline and that an engineer can now self-declare competency in a specific discipline by education or experience. By virtue of this opinion, this now affords all licensed engineers in Louisiana the opportunity to self-declare competency in civil engineering and thus, the ability practice architecture.

Architects are trained to consider all aspects of a project and must demonstrate competency in 96 key areas related to the design and construction of a building. Civil engineers typically work to design and construct large-scale projects, including airports, water supply systems, and public infrastructure. They may work on a variety of different projects, such as roads, buildings, bridges, and water

systems and are more likely to design, manage and supervise large-scale building projects, such as cities and public works projects.

As a result of the exemption in the Architect Licensing Law for civil engineers, the 2011 AG Opinion and the fact that LAPELS does not issue engineering licenses by discipline, a large number of architectural projects in Louisiana are being designed by engineers, not architects. All of this restricts and impedes the ability of the Board to regulate the practice of architecture in Louisiana.

H. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

As with many Boards across the country, we are closely monitoring the impact of the U. S. Supreme Court ruling of *North Carolina Board of Dental Examiners v. Federal Trade Commission*. Many states have begun the process of re-examining regulation within their jurisdiction and questioning the need for regulation. Our Board is carefully monitoring the ripple effect of this decision across the country and is actively engaged with a national organization of regulatory boards, the Federation of Associations of Regulatory Boards (FARB).

I. What are your agency's biggest opportunities for improvement in the future?

In 2017, we began updating the way licensee data is managed and how we communicate with our licensees. Phase 1 of a new database was launched this past fall (2018), and development continues on future phases of this new database which will provide a greater level of security of our licensees' data. In addition, this system is the cornerstone of our business continuity plan which will enable us to maintain the work of the board remotely should anything ever happen to our office. Continued development of this database, and enhancements to the business continuity plan are seen as our biggest opportunities for improvement.

Additionally, the Board has a strong desire to ensure that the licensure (and renewal) process is as painless as possible for the licensee, while maintaining the required rigor to assure competency in the practice.

III. History and Major Events

The Louisiana State Board of Architectural Examiners was established in 1910 following the passage of Act 231. Initially, the board's primary purpose was to prevent the practice of architecture by unlicensed or unqualified professionals. It should be noted that Louisiana was the third state to regulate the profession of architecture. At the time it was established, applicants were required to apply directly to the Board for licensure and there were no laws in place to facilitate reciprocity. The initial task of the Board was to create a clear definition of the practice of architecture.

In 1920, with more States enacting legislation regulating architecture, the Board began to establish relationships with other jurisdictions regulating the profession. The Board attended the first NCARB meeting in November 1920.

In 1941, the Louisiana Department of Occupational Standards was established, and the Board was moved under that Department. The Board validated their policy that one must hold a degree in architecture to obtain access to the exam and that applicants must provide a copy of their transcripts for verification. In December 1941 a member of the Board was called to active duty and resigned his

position. This resulted in a policy being established that prevented the Board from imposing a delinquent penalty on architects in active military service.

In the 1940's, a complaint was filed by an applicant who had graduated from Tulane with a degree in architecture and was not granted a license. The Board contended that its rules required that applicants have three years of practical training in an office of a licensed architect in addition to a BArch degree from an accredited school in order to take the examination. This case worked its way through the Louisiana judicial system, finally ending with a ruling against the Board by the Supreme Court of Louisiana in 1944. The Court found that the law under which the Board operated did not contain an experience requirement for licensure. The Board had been in existence for 31 years at this time, and it had begun to establish policies and rules that essentially were unenforceable because they were not in the enabling legislation.

Act 161 of 1946 granted the Board the authority to issue licenses to candidates who passed the NCARB examination as long as substantial equivalency to that examination had been established. Such candidates were required to show three years of practice experience.

In 1965, the Board adopted its first set of Rules. In the early 1970's, the Board endorsed the continued use of a NAAB accredited degree and 3 years of experience as a qualification to take the exam. Candidates who did not have an accredited degree were required to show 8 years of experience under the direct supervision of an architect. In 1973, the Board agreed to grant exam eligibility to candidates who were within 6 months of completing the experience requirement with the agreement that a license would not be issued until the experience requirement has been completed.

In the mid-1970's the Department of Occupational Standards under which the Board had been housed was abolished. This resulted in the Board becoming an autonomous agency reporting to the Department of Commerce. Teeny Simmons was appointed as the first Executive Director of the Board in 1978.

By this time, the board focus shifted from licensure requirements to practice requirements. Discussions began to focus on the appropriate use of seals and plan stamping for architects and engineers. The Board participated in a joint task force with representatives from the engineering board and the Fire Marshal's office. This resulted in the passage of rules requiring architects and engineers to seal or stamp all plans submitted to the Fire Marshal's office.

The Professional Architectural Corporation law was passed in 1979 resulting in registration of all professional architectural corporations who satisfied certain requirements.

In 1983, the legislature enacted the Architectural-Engineering Corporation Law, which authorized architectural-engineering corporations to practice architecture and engineering, under the regulation of the Board to the extent the entity practiced architecture.

The Board spent much time during the 1990s refining the rules as they related to the practice of architecture, with a focus on the placing of seals or stamps, a determination that roof replacement affected life-safety and therefore required the services of an architect, and similar issues. The laws and rules were updated to reflect the different types of business entities which practiced architecture, and the requirements for firm licensure were updated during this time to regulate the practice of architecture by limited liability companies and architectural-engineering corporations.

In 2001 the statute was updated to change the composition of the board to include a public member and a member of the educational community. A continuing education requirement was established in 2003 and disciplinary guidelines were established in 2007.

In 2012, the statute was updated to overhaul registration of firms. In 2013, the Board rules were updated to include special licensure provisions for individuals trained in architecture by the military and their spouses, as mandated by the legislature.

In 2016, the governor approved establishment of an Architecture and Education Research Fund. Rules for this fund were adopted by the Board in March of 2017.

IV. Policymaking Structure

- A. Complete the following chart providing information on your policymaking body members adding rows if necessary.**

**State Board of Architectural Examiners
Exhibit 2: Policymaking Body**

Member Name	Appointment Date	Term Expiration Date	Qualification(s) <i>(e.g., public member, industry representative)</i>
John Cardone, Jr.	05/01/2015	04/26/2021	Public Member
Knox Tumlin	01/30/2015	01/29/2021	Architect
Allen Bacque	02/15/2016	12/31/2021	Architect
Ronald B. Blicht	01/05/2018	12/31/2023	Architect
J. David Brinson	02/15/2016	12/31/2021	Architect
Richard LeBlanc	01/05/2018	12/31/2023	Architect
Kevin J. Singh	01/01/2019	12/31/2024	Architect/Educator

Table 2 Exhibit 2 Policymaking Body

- B. Describe the primary role and responsibilities of your policymaking body.**

Policy making decisions are handled by the Board as a whole. There is no established subcommittee to address policy issues prior to Board consideration.

- C. How is the chair selected?**

The chair of the Board is selected by the board members each fall.

- D. List any special circumstances or unique features about your policymaking body or its responsibilities.**

N/A

- E. In general, how often does your policymaking body meet? How many times did it meet in FY 2016? In FY 2017?**

In FY 2016, the Board met 7 times. In FY 2017, the Board met 5 times.

Currently the Board is scheduled to meet every other month, which would be six times a year.

F. What type of training do members of your agency’s policymaking body receive?

All members of the Board attend the Regional and Annual Meetings of the National Council of Architectural Registration Boards where sessions are held which discuss current trends in policy making and issues are debated amongst the 55 jurisdictional boards regulating architecture throughout the country.

Training for new board members is also provided by the Federation of Association of Regulatory Boards during the NCARB meetings.

Additionally, the Executive Director spends time with each incoming Board member to on-board and prepare the new member for their role of service on the Board. Current issues the Board is addressing are discussed.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

No

H. What information is regularly presented to your policymaking body to keep them informed of your agency’s performance?

Board members are provided with a summary update on applications received and licenses issued at each meeting, as well as with copies of current financial statements. In addition, board members receive an update on the total number of complaints received, under investigation and closed at each Board meeting.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

There is a “Consumer” section on our website which explains to the public how to communicate or connect with the Board. The site also contains a form with instructions on how to file a complaint. Members of the public can call the Board office to discuss issues under the jurisdiction of the Board.

When in rulemaking, all proposed rule changes are posted on our website for preview by both registrants and the public. A public comment period is provided.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

N/A

V. Funding

A. Provide a brief description of your agency's funding.

The Board relies solely on self-generated funds and receives no appropriations from the state.

B. List all riders that significantly impact your agency's budget.

N/A

C. Show your agency's expenditures by operations. *See Exhibit 4 Example.*

**State Board of Architectural Examiners
Exhibit 4: Expenditures by Operations — 2017 (Actual)**

Operation	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Salaries	\$208,216	34%	
Related Benefits	\$90,872	15%	
Travel – Employees	\$1,814	0%	
Travel – Board Members	\$41,623	6%	
Operating Services	\$165,265	27%	
Supplies	\$2,881	0%	
Per Diem	\$16,241	2%	
Professional Svcs – Acctg	\$4,200	1%	\$4,200
Professional Svcs – Legal	\$56,840	9%	\$49,000
Other Charges	\$10,621	1%	
GRAND TOTAL:	\$598,573	100%	\$53,200

Table 4 Exhibit 4 Expenditures by Operations

D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 5 Example.

State Board of Architectural Examiners
Exhibit 5: Sources of Revenue — Fiscal Year 2017 (Actual)

Source	Amount
Licenses and other fees	\$518,218
TOTAL	\$518,218

Table 5 Exhibit 5 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 6 Example.

State Board of Architectural Examiners
Exhibit 6: Federal Funds — Fiscal Year 2017 (Actual)

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
N/A	0	0	0	0
TOTAL		0	0	0

Table 6 Exhibit 6 Federal Funds

F. If applicable, provide detailed information on fees collected by your agency. See Exhibit 7 Example.

State Board of Architectural Examiners
Exhibit 7: Fee Revenue — Fiscal Year 2017

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited <i>(e.g., General Revenue Fund)</i>
I/S Initial Licensure	\$75/200	78	\$5,880	Board Operating Account
I/S Renewals	\$75/200	1,192	\$89,460	Board Operating Account
I/S Delinquent	\$105/200	58	\$10,545	Board Operating Account
O/S Initial (reciprocal)	\$300/500	286	\$42,900	Board Operating Account
O/S Renewals	\$150/500	1,922	\$288,300	Board Operating Account
O/S Delinquent	\$180/500	83	\$27,390	Board Operating Account
Emeritus Architect Fee	\$5	83	\$415	Board Operating Account

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Architectural Corp Fee	\$50	462	\$23,100	Board Operating Account
A/E Corp Fee	\$50	152	\$7,600	Board Operating Account
LLC Fee	\$50	429	\$21,450	Board Operating Account
Administrative Fee	Varies		\$1,500	Board Operating Account
Total			\$518,540	

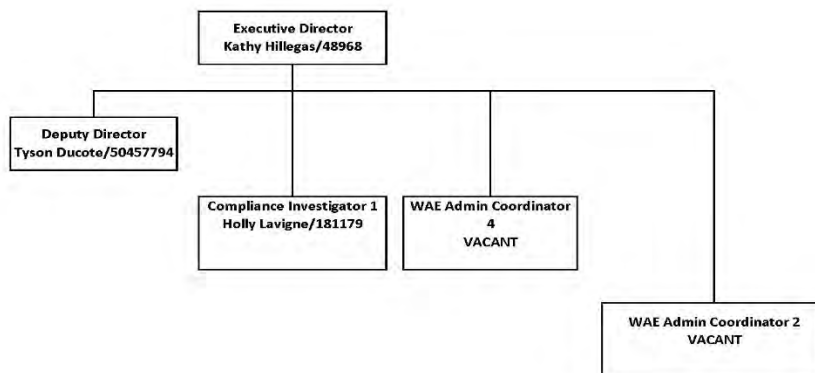
Table 7 Exhibit 7 Fee Revenue

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of Full-time Equivalents (FTEs) in each program or division. Detail should include, if possible, Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.

Louisiana State Board of Architectural Examiners Organizational Chart

1/3/2019



B. What are your agency’s FTE caps for fiscal years 2014–2017?

4.0

C. How many temporary or contract employees did your agency have as of June 30, 2017?

One (1)

D. List each of your agency’s key programs or functions, along with expenditures and FTEs by program. See Exhibit 8 Example.

(Agency Name)
Exhibit 8: List of Program FTEs and Expenditures — Fiscal Year 2017

Program	Number of Budgeted FTEs FY 2017	Actual FTEs as of June 30, 2017	Actual Expenditures
Licensing	1.75	1.75	77,805
Enforcement	.75	.75	36,262
Administration	2.00	2.00	94,149
TOTAL	4.00	4.00	208,216

Table 8 Exhibit 8 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for **each** agency function (for example, licensing). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Ellen Palmintier with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Licensing

Location/Division: State Board of Architectural Examiners
9625 Fenway Avenue, Suite B
Baton Rouge, LA 70809

Contact Name: Katherine Hillegas

Actual Expenditures, FY 2017:

Number of Actual FTEs as of June 30, 2017: 1.75

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of this function is to review all applications for individual and firm licensure to ensure that the applicant meets the qualifications for licensure in Louisiana, or in the case of a renewal, for continued licensure. This involves confirming that the applicant has met the education, experience and examination requirements for licensure within the prescribed timelines identified in our rule or in the case of experience and examination, through the program rules.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

In FY17, the Board received and successfully processed the following applications:

Initial Individual Licenses	61
Individual Reciprocal Licenses	160
Individual License Renewals	3,337
Firm Renewals	953
Firm Applications	47

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 2012 the legislature enacted Act 514 of 2012, codified as R.S. 37:158, which authorized the Board to regulate and supervise all firms practicing architecture in this State. In 2017, the Board revised its rules relating to professional architectural corporations and architectural-engineering corporations, and it adopted a new, comprehensive rule regulating architectural firms. *See* Board Rules §§ 1701, 1703, and 1705. All firms practicing architecture in Louisiana are now required to register with the Board and obtain a Certificate of Authority to so practice.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

This program affects individuals and firms who wish to practice architecture in the state of Louisiana. Individuals who wish to practice must obtain a degree in architecture from a National Architectural Accrediting Board (NAAB) approved program. They must also complete the Architectural Experience Program where licensure candidates are mentored by licensed architects and must demonstrate competent performance of 96 tasks identified across six experience areas. These tasks are identified through a Practice Analysis of the profession and are used to establish the requirements to complete the AXP and the Architect Registration Examination (ARE), which is the final requirement for licensure.

Firms seeking to practice architecture in Louisiana must comply with the Professional Architectural Corporation Law (R.S. 12:1086 *et seq.*) by demonstrating that a majority of the corporation's shares are held by licensed architects in Louisiana; the Architectural-Engineering Corporation Law (R.S. 12:1171 *et seq.*) by designating annually a supervising professional architect (full time active employee

of the corporation whose primary occupation is with that corporation) who shall perform or directly supervise the performance of all architectural services of the corporation, or by Board Rule §1705 which requires that an architectural firm designate one or more supervising professional architects (full time active employee of the firm whose primary occupation is with that firm) who will shall perform or directly supervise the performance of all architectural services of the firm.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Applications for initial or reciprocal candidates are received and processed on an on-going basis. The Board has granted staff the authority to process and issue licenses for “clean” applications, that is, applications where there is no prior disciplinary conduct or action in another jurisdictions. At each meeting, the Board is provided with a listing of all licenses issued by staff under these guidelines to ratify.

For applications received which contain notice of prior disciplinary conduct or action, staff reaches out to the individual to ensure that all appropriate documentation has been received and the issue is fully understood. A summary with all supporting documentation, along with a recommendation based on disciplinary guidelines that exist in our Rules is provided to the Complaint Review Committee for review and consideration. Once a determination is made by the CRC, staff follows up as directed by the Committee.

In an effort to streamline the licensure process, the Board has just launched a new online application system that has business instructions to guide an applicant along the appropriate path toward completion of the application based on responses provided on the forms.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Board is fully funded by self-generated revenue.

H. Identify any programs, internal or external to your agency, which provide identical or similar services or functions to the target population. Describe the similarities and differences.

The National Council of Architectural Registration Boards (NCARB) provides a service to candidates and architects whereby it compiles and houses the documentation required of an applicant seeking licensure and validates that the documentation meets our requirements for licensure. This service is helpful to the candidate and architect as they do not have to gather and maintain official school transcripts, experience or official examination records. Once a candidate has achieved licensure, NCARB issues a “certificate” which acknowledges that the architect has met a national standard for education, experience and examination.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

LSBAE is a member of NCARB and as such is given the opportunity to engage in discussions surrounding the national standards for the NCARB certificate requirements. Our board is viewed as a national leader within the organization for our licensure practices.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program, please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2017;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures made through this program.

L. Provide information on any grants awarded by the program.

N/A

M. What statutory changes could be made to assist this program in performing its functions? Explain.

As previously mentioned, there are sections in the statute that no longer apply as the Board is no longer the administrator of the examination. There are housekeeping changes that could be made to better clarify the current process.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

To safeguard life, health, and property and promote the general welfare of the public, the legislature has recognized the need for regulating and licensing those individuals and firms that design buildings intended for human occupancy or habitation as their principal purpose. Accordingly, the legislature has enacted laws (R.S. 37:141 et seq.) and the Board has adopted rules which require that all individuals and firms practicing architecture register with the Board, obtain and then renew their licenses (individuals) and certificates of authority (firms) annually, and be subject to regulation and discipline by the Board.

The Board may discipline a registrant for violating the licensing law or the Board Rules. See R.S. 37:153. The sanctions available are set forth in the Architect Licensing Law, and the Board has adopted disciplinary guidelines. See R.S. 37:153, R.S. 37:154, and Board Rules §§ 1905 and 1907.

The Board had adopted comprehensive rules concerning its handling of consumer/public complaints against registrants. See Board Rule § 1903. On the staff, the Deputy Director of the Board has primary responsibility for enforcement of the Licensing Law and investigation of complaints, and the Complaint Review Committee of the Board (three board members) is also actively involved in the investigation and resolution of complaints against registrants.

If discipline is imposed, the Deputy Director does follow-up to ensure that compliance is obtained.

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Enforcement

Location/Division: 9625 Fenway Avenue, Suite B
Baton Rouge, LA 70809

Contact Name: Kathy Hillegas

Actual Expenditures, FY 2017:

Number of Actual FTEs as of June 30, 2017: .75

B. What is the objective of this program or function? Describe the major activities performed under this program.

The enforcement program exists as a mechanism for the Board to ensure that individuals practicing architecture in Louisiana are following the statutes and regulations established to protect the health, safety and welfare of the public.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Below is data that reflects the disposition of cases opened for the period 2014 – 2017. In 2016, staff in the office turned over completely. The new staff is currently working toward development better measures that will show the effectiveness and efficiency of our enforcement program.

	Opened Cases	Consent Orders
2014	22	4
2015	???	3
2016	10	0
2017	14	2

It is worth noting that in 2016 and 2017, the staff underwent a complete turnover. During this time, the enforcement function was paused and staff was restructured in order to bring on a staff member who could focus on enforcement activities. That individual was hire in November 2017.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The enforcement portion of the Board’s work was primarily handled by Board members and staff until the mid-1980’s when a part time investigator was hired to take on the case load. This change resulted in a more fair and objective review by the CRC and the Board.

- E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

Licensed Individuals/firms when they violate RS 37:144.....,

Unlicensed individuals holding themselves out as practicing architecture in Louisiana

- F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

There is designated staff whose duties are to investigate complaints received from the public or other sources and make an assessment as to whether there has been a violation of the statute or regulation.

In conducting the investigation, staff will reach out to both the complainant and the respondent (or firm) in question to obtain all necessary information to make an informed determination. If it is found that a violation did occur, this information is forwarded to the Complaint Review Committee (CRC) for consideration and recommendation for disposition.

It is the responsibility of staff to serve as the conduit between the Board and the CRC and the complainant and respondent.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Board is funded by self-generated revenue which is used to fund the enforcement program.

- H. Identify any programs, internal or external to your agency, which provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no other programs, internal or external to the Board which provide identical or similar services or functions to the target population.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

N/A

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The Board will work with the Fire Marshal's Office from time to time to obtain information on projects that an architect may have submitted for approval. In addition, there is collaboration between the Board and LAPELS from time to time on cases that involve both architects and engineers.

- K. If contracted expenditures are made through this program, please provide:**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2017;
 - the number of contracts accounting for those expenditures;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

The Board contracts with Legal Counsel. A portion of his time and services are allotted to support enforcement efforts. In FY17, I would estimate that approximately ½ of his time was spent on enforcement efforts. That would equate to approximately \$26,000.

L. Provide information on any grants awarded by the program.

There are no grants awarded by the enforcement program.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

P. For each regulatory program, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.

**State Board of Architectural Examiners
Exhibit 9: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2016 and 2017**

	Fiscal Year 2016	Fiscal Year 2017
Total number of regulated persons	(number)	(number)
Total number of regulated entities	(number)	(number)
Total number of entities inspected	0	0
Total number of complaints received from the public	9	12
Total number of complaints initiated by agency	11	20
Number of complaints pending from prior years	6	2
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit	3	4
Number of complaints resolved	14	12
Average number of days for complaint resolution	190	178
Complaints resulting in disciplinary action:	1	5
administrative penalty	1	5
reprimand	1	5
probation	0	0
suspension	0	0
revocation	0	0
other	0	0

Table 9 Exhibit 9 Information on Complaints Against Persons or Entities

VIII. Statutory Authority and Recent Legislation

- A. **Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Records Law, the Open Meetings Law, the Administrative Procedure Act, or the Code of Governmental Ethics. Provide information on Attorney General opinions from FY 2014–2017, or earlier significant Attorney General opinions, that affect your agency’s operations.**

**State Board of Architectural Examiners
Exhibit 10: Statutes / Attorney General Opinions**

Statutes

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Architect Licensing Law, R.S. 37:141 et seq.	Provides authority to the Board to adopt and amend rules and regulations as are reasonably necessary for the proper performance of its duties; for carrying out the purposes of the Architect Licensing Law; for the regulation of proceedings before it; for the regulation of the practice of architecture; to make expenditures for any purpose reasonably necessary for the proper performance of its duties; to hire counsel for advice and representation; to establish, fund, and operate the Louisiana Architecture Education and Research Fund; to license and regulate the practice of architects; to issue certificates of authority and regulate the practice of architectural firms; to discipline architects and others who violate the laws, and to ensure enforcement of the Architect Licensing Law.
La. R.S. 38:2311	To conduct elections to the Louisiana Architects Selection Board
La. R.S. 12:1086 et seq.	To issue licenses, regulate, and discipline professional architectural corporations
La. R.S. 12:1171 et seq.	With the State Board of Registration for Professional Engineers and Land Surveyors, to issue licenses, regulate, and discipline architectural-engineering corporations to the extent they engage in the practice of architecture

Table 10 Exhibit 10 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
AG Opinion 18-0083	Provides as to the statutory requirement for a social security number (R.S. 37:23.A) when an applicant for an architectural license does not have such a number
AG Opinion 11-0048	Provides as to the authority of an engineer to practice architecture, and the authority of an architect to practice engineering
AG Opinion 10-0304	Provides as to the authority of the Board to transfer surplus funds to an architecture school or to assist students in paying the Intern Development Program Application fee

Table 11 Exhibit 10 Attorney General Opinions

- B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency.**

(Agency Name)

Exhibit 11: Through the 2018 Regular Session

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
Act 357 of 2018	Hewitt, Barrow	Provides that the State Fire Marshall shall allow electronic access to the Board and to the Louisiana Professional Engineering and Land Surveying Board for the examination and reproduction of plans, drawings, and specifications submitted to it.
Act 251 of 2016	Falconer	Enacted R.S. 37:144(G), authorizing the Board to establish, operate, and fund the Louisiana Architecture Education and Research Fund.
Act 255 of 2016	Falconer	Amended R.S. 37:149, authorizing the Board to charge a fee, not to exceed \$300, to any architectural firm seeking to obtain a certificate of authority from the Board.
Act 255 of 2016	Falconer	Amended R.S. 37:150, authorizing the Board to charge a renewal fee, not to exceed \$300, to any architectural firm seeking to renew its certificate of authority from the Board. It also authorized the Board to charge a delinquency fee, not to exceed \$300, to any architectural firm which failed to timely renew its certificate of authority.

Table 12 Exhibit 11 Legislation Enacted through the 2018 Regular Session

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
There was no legislation that did not pass that would impact our agency		

Table 13 Exhibit 11 Legislation Not Passed through the 2018 Regular Session

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that could be addressed through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue. Instead, this section is intended to give a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. This section contains the following three components.

A. Brief Description of Issue

There is an exemption in R.S. 37, Chapter 3 which grants civil engineers the authority to practice architecture in Louisiana. This could be considered by some as a restraint of trade, taking work away from architects, and more importantly potentially jeopardizing the health, safety and welfare of the public as civil engineers are not trained in all aspects of building design as an architect is.

B. Discussion

Many in the architectural community are concerned with an exemption in LA R.S. 37, Chapter 3 which grants civil engineers the authority to practice architecture in Louisiana. This exemption was established in our statute during the late 1940's when there was an architectural-engineering program at Tulane. At that time, Tulane offered the only architecture program approved by the Board. The exemption came as a result of a program that included educational components for architecture and engineering. That program no longer exists, and there are now four different schools in Louisiana offering NAAB accredited degrees in architecture.

In 2011, AG Opinion 11-0048 was issued. It states that a licensed engineer is authorized to practice in all engineering disciplines in which the engineer may be competent and qualified by education or experience, and that their practice is not limited to the discipline in which the engineer is listed with the Louisiana Professional Engineering and Land Surveying Board (LAPELS).

It is our understanding that the Louisiana Professional Engineering and Land Surveying Board does not issue engineering licenses by discipline and that an engineer can now self-declare competency in a specific discipline by education or experience. By virtue of this opinion, this now affords all licensed engineers in Louisiana the opportunity to self-declare competency in civil engineering and thus, the ability practice architecture.

Architects are trained to consider all aspects of a project and must demonstrate competency in 96 key areas related to the design and construction of a building. Civil engineers typically work to design and construct large-scale projects, including airports, water supply systems, and public infrastructure. They may work on a variety of different projects, such as roads, buildings, bridges, and water systems and are more likely to design, manage and supervise large-scale building projects, such as cities and public works projects.

As a result of the exemption in the Architect Licensing Law for civil engineers, the 2011 AG Opinion and the fact that LAPELS does not issue engineering licenses by discipline, a large number of architectural projects in Louisiana are being designed by engineers, not architects. All of this restricts and impedes the ability of the Board to regulate the practice of architecture in Louisiana.

C. Possible Solutions and Impact

One possible solution to this issue is to remove the exemption from our statute. Based on our research, Louisiana and California are the only two states that have an exemption in their laws allowing civil engineers to practice architecture.

Removal of this exemption, however, will likely be difficult to achieve as there are many more engineers practicing in the state and logic suggests that they would likely oppose any change as restricting their ability to practice. Research would have to be performed to understand how many civil engineers are practicing architecture, and if so, if there are issues with the projects as they are designed and constructed.

It would be presumptuous and premature to presume that this may be the only solution until we better understand the issues related to how many civil engineers are practicing architecture, the types of projects they are performing, and any other issues related to architectural design by a civil engineer.

The Board currently does not have statutory authority over the civil engineers practicing architecture and therefore is not able to enforce the licensure law.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

**State Board of Architectural Examiners
Exhibit 12: Contacts**

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
AIA Louisiana	521 America Street Baton Rouge, LA 70802	225/387-5579	lynrobertson@aiala.com
LSU School of Architecture	136 Atkinson Hall Baton Rouge, LA 70803	225/578-6885	Ghandour1@lsu.edu
University of Louisiana Lafayette – School of Architecture	421 East Lewis Street Lafayette, LA 70503	337/482-1341	Tcs3147@louisiana.edu

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Louisiana Tech University	FJ Taylor Visual Arts Center/Hale Hall PO Box 3175 Ruston, LA 71272	318/257-3909	puljak@latech.edu
Tulane University School of Architecture	6823 St. Charles Avenue New Orleans, LA 70118	504/865-5392	ialday@tulane.edu

Table 14 Exhibit 12 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
National Council of Architectural Registration Boards	1801 K Street NW, Suite 700K Washington, DC 20006	202/783-6500	ncarver@ncarb.org
AIA Louisiana	521 America Street Baton Rouge, LA 70802	225/387-5579	lynnrobertson@aiala.com

Table 15 Exhibit 12 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned attorney at the Attorney General's office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Office of the Governor / Boards and Commissions / Director / Ellen Palmintier	P.O. Box 94004 Baton Rouge, LA 70804- 9004	(225) 342-0919	boards@la.gov
Office of the State Fire Marshall	8181 Independence Blvd Baton Rouge, LA 70806	(225) 925-4911	joe.delaune@la.gov
Louisiana Professional Engineering and Land Surveying Board	9642 Brookline Drive, Suite 121 Baton Rouge, LA 70809	(225) 925-6291	donna@lapels.com

Table 16 Exhibit 12 Liaisons at Other State Agencies

XI. Additional Information

- A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

State Board of Architectural Examiners
Exhibit 13: Complaints Against the Agency — Fiscal Years 2016 and 2017

	Fiscal Year 2016	Fiscal Year 2017
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped / found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	0

Table 17 Exhibit 13 Complaints Against the Agency

- B. Fill in the following chart detailing how your agency's fee structure compares to the following neighboring states: Mississippi, Texas, Oklahoma, Alabama, Georgia, and Arkansas.

State Board of Architectural Examiners
Exhibit 14: Fee Comparison

Fee Description	LA	Amount in MS	Amount in TX	Amount in OK	Amount in AL	Amount in GA	Amount in AR
Exam Application Fee	N/A	\$60	\$100	\$50	\$10	\$50	N/A
Exam Retake Fee	N/A	N/A	N/A	\$50	N/A	N/A	N/A
Individual License Application Fee	N/A	N/A	N/A	\$100	N/A	N/A	\$250
Readmission Application Fee	N/A	N/A	N/A	\$100	N/A	N/A	N/A
Individual In State Initial License	\$75	\$275/2 yrs	\$155	\$325/2 yrs	\$10	\$50	\$250

Fee Description	Amount in LA	Amount in MS	Amount in TX	Amount in OK	Amount in AL	Amount in GA	Amount in AR
Individual In State License Renewal	\$75	\$275/2 yrs	\$108	\$325/2 yrs	\$135	\$90/2 yrs	\$100/up to 12 months \$200/13-24 months \$300/25-36 months
Individual In State Delinquent Licensee Fee	\$105	\$5/month	\$160.50/1-90 days late \$213/> 90 days late	\$25	\$75	\$100	\$50/1 month \$100/2 months \$150/3 months \$250/4-12 months \$300/13 months \$350/14 months \$400/15 months \$500/16-24 months \$550/25 months \$600/26 months \$650/27 months \$750/28-36 months
Individual Out of State Initial License	\$150	\$450/2yrs	\$180	\$325/2yrs	\$150	\$50	\$250
Individual Reciprocal Application Fee	N/A	N/A	\$150	\$100	N/A	N/A	\$20
Individual Reciprocal License Fee	\$300	\$450/2 yrs	\$200	\$325/2yrs	\$150	\$50	\$20
Individual Out of State License Renewal	\$150	\$350/2 yrs	\$200	\$325/2yrs	\$135	\$90/2 yrs	\$100/up to 12 months \$200/13-24 months \$300/25-36 months
Individual Out of State Delinquent License Fee	\$180	\$5/month	\$300/1-90 days late \$400/>90 days late	\$25	\$75	\$100	\$50/1 month \$100/2 months \$150/3 months \$250/4-12 months \$300/13 months \$350/14 months \$400/15 months \$500/16-24 months \$550/25 months \$600/26 months \$650/27 months \$750/28-36 months
Reinstatement Application Fee	N/A	N/A	N/A	N/A	N/A	\$300	N/A
Reinstatement Fee	N/A	\$600	\$610/Reciprocal \$685/In-State \$775/Out-of-State	\$200	\$460	\$150	N/A
Emeritus In-State	\$5	N/A	\$10	Fees Waived	N/A	N/A	\$250
Emeritus In-State Renewal	\$5	N/A	\$15/1-90 days \$20/>90 days	Fees Waived	N/A	N/A	\$20
Emeritus Out-of-State	\$5	N/A	\$10	Fees Waived	N/A	N/A	\$250 (Application Fee)

Fee Description	Amount in LA	Amount in MS	Amount in TX	Amount in OK	Amount in AL	Amount in GA	Amount in AR
Emeritus Out-of-State Renewal	\$5	N/A	\$15/1-90 days \$20/>90 days	Fees Waived	N/A	N/A	\$20
Inactive Renewal	N/A	N/A	\$28/In-State \$125/Out-of-State	N/A	N/A	N/A	N/A
Inactive Renewal 1-90 Days Late	N/A	N/A	\$40.50/In-State \$53/Out-of-State	N/A	N/A	N/A	N/A
Inactive Renewal > 90 days	N/A	N/A	\$187.50/In-State \$250/Out-of-State	N/A	N/A	N/A	N/A
Change in Status	N/A	N/A	\$65/In-State \$95/Out-of-State	N/A	N/A	N/A	N/A
Initial In-State Firm License Fee	\$75	N/A	\$45	\$325/2yrs	\$75	N/A	N/A
In-State Firm Renewal Fee	\$75	N/A	\$45	\$325/2yrs	N/A	N/A	N/A
In-State Firm Delinquent Fee	\$75	N/A	\$67.50/1-90 days late \$90/>90 days late	\$25	N/A	N/A	N/A
Out-of-State Initial Firm License Fee	\$150	N/A	\$45	\$325/2yrs	N/A	N/A	N/A
Out-of-State Firm Renewal Fee	\$150	N/A	\$45	\$325/2yrs	N/A	N/A	N/A
Out-of-State Firm Delinquent Fee	\$150	N/A	\$67.50/1-90 days late \$90/>90 days late	\$25	N/A	N/A	N/A

Table 18 Exhibit 14 Fee Comparison

C. Compare the licensing requirements of the following states to that of your agency: Mississippi, Texas, Oklahoma, Alabama, Georgia, and Arkansas. Please include any degree requirements, any apprenticeship hour requirements, examination requirements, and continuing education requirements.

State	Education	Experience	Exam	Reciprocal
LA	NAAB Accredited Degree	Completion of AXP - 3640 training hours in specific areas	Completion of ARE	NCARB Certificate Required
MS	NAAB Accredited Degree	Completion of AXP - 3640 training hours in specific areas	Completion of ARE	NCARB Cert Required OR applicant can show 3 continuous years of engagement in architectural work if they have not completed AXP
TX	NAAB Accredited; CACB Accredited Degree; EESA evaluation	Completion of AXP - 3640 training hours in specific areas	Completion of ARE	Direct application accepted
OK	NAAB Accredited, or CACB Accredited, EESA Evaluation High School plus 10 years of training an 3 additional years of experience Four-year pre-professional degree in architecture - must document four years of training, plus 3 additional years of experience, bachelors degree - six years of training plus three additional years of experience	AXP Completion - candidates must also show an addition 1,840 hours of experience for a total of 5,600 hours		Direct application accepted
AL	NAAB Accredited Degree	Completion of AXP - 3640 training hours in specific areas	ARE	NCARB Certificate
GA	NAAB Accredited, CACB	Completion of AXP - 3640 training hours in specific areas	ARE	NCARB Cert Required
AR	NAAB Accredited, EESA Degree	Completion of AXP - 3640 training hours in specific areas	Completion of ARE	NCARB Cert Required

D. Fill in the chart below detailing the diversity of those individuals licensed by your agency. See Exhibit 15 Example.

State Board of Architectural Examiners

Exhibit 15: Diversity Statistics The Board does not collect data on race or ethnicity of its applicants. We were able to prepare information related to gender statistics which are shown in the table below.

Year	Total Licensees	Total Male	% Male	Total Female	% Female	Total Unknown	% Unknown
2014	3328	1703	51.17%	217	6.52%	1408	42.31%
2015	3411	1849	54.21%	247	7.24%	1315	38.55%
2016	3458	1966	56.85%	267	7.72%	1225	35.43%
2017	3553	2090	58.82%	299	8.42%	1164	32.76%
2018	3538	2208	62.41%	336	9.50%	994	28.09%

Table 19 Exhibit 15 Diversity Statistics

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

Our Board recognizes that there is room for improvement, and it is constantly striving to improve. Nonetheless, we would be remiss if we did not state that our board is already recognized nationally by other architectural licensing boards as a leader and as one of the top architectural licensing boards in the country. In 2013-2014, one of our Board members served as President of NCARB, and he was awarded the prestigious President's Medal by such organization for his service and his significant contributions to that organization. Currently, another Board member is serving on the NCARB Board of Directors, as well as our Executive Director. The Board has a rich history of volunteer service with NCARB which goes back over the past several decades. Other Board members are currently serving on the Regional Leadership Committee, the Model Law Task Force, the Credentials Committee, the Policy Advisory Review Committee, some of the most important NCARB committees and Task Forces. Our former Executive Director (Teeny Simmons) and our current Executive Director were each also awarded the President's Medal by NCARB for their outstanding contributions to architectural licensing. All of our architectural board members (five of the seven members of our Board) have achieved success in their architectural practices, and many have won a number of awards recognizing their excellence.

Our Board strives to be the top architectural licensing board in the country. If this goal has not yet been achieved, and certainly there are many other outstanding architectural licensing boards and improvements can be made, our Board nonetheless sincerely believes that the services it provides are second to none.

ATTACHMENTS

Create a separate file and label each attachment (e.g., Attachment 1, Agency Statute) and include a list of items submitted.

Attachments Relating to Key Functions, Powers, and Duties

1. Agency's enabling statute.

Attachments Relating to Policymaking Structure

2. Agency's most recent rules. If lengthy, please provide citations.

Attachments Relating to Funding

3. Annual financial reports from FY 2014–2017 (Incorporated in Legislative Audit Reports).
4. Operating budgets from FY 2014–2017.

Attachments Relating to Agency Performance Evaluation

5. Agency's current strategic plan, if applicable.
6. Legislative Audit Report FY2014-2017.

LSBAE STRATEGY MAP



<p>GOAL</p>	<p>OUTREACH <i>LSBAE’s outreach efforts will lead to better understanding of laws and rules surrounding licensure requirements and the practice of architecture.</i></p>	<p>OBJECTIVES</p>	<p>Re-package licensing laws, rules and regulations in a user-friendly format to create a useful education tool for legislators, licensees, licensure candidates and the public.</p>
			<p>Develop an outreach program to promote LSBAE as a resource to schools, licensees, licensure candidates, and industry partners.</p>
			<p>Focus on underrepresented constituencies to increase diversity of the profession to a level commensurate with state demographics.</p>
			<p>Demonstrate inclusiveness and transparency by inviting AIA representatives, licensing advisors and licensees to licensing celebrations, LSBAE meetings and other opportunities for engagement.</p>
<p>GOAL</p>	<p>CELEBRATING LICENSURE <i>By celebrating licensure, LSBAE strives to ensure open communication with the profession and those aspiring to the profession.</i></p>	<p>OBJECTIVES</p>	<p>Launch and promote the Architecture and Education Research Fund program.</p>
			<p>Initiate early interaction with students and licensure candidates through speaking engagements in pro-practice classes, supporting AIAS Freedom by Design initiatives, and continued engagement with recent graduates in AXP.</p>
			<p>Develop and launch a plan to hold regular celebratory events with new licensees.</p>
<p>GOAL</p>	<p>ENFORCEMENT <i>Through a strong enforcement effort, LSBAE will ensure adherence to the Architects Practice Act and protect the health, safety and welfare of the citizens of Louisiana.</i></p>	<p>OBJECTIVES</p>	<p>Advance compliance with Louisiana architecture laws, rules and regulations through concrete actions to educate licensees.</p>
			<p>Increase understanding of laws, rules and regulations through the use of case studies and FAQs.</p>
			<p>Adopt streamlined systems and processes to increase the capacity and efficiency of the LSBAE leading to timely decisions by the Board.</p>
			<p>Share data on disciplinary actions with NCARB, licensees, licensure candidates and legislators.</p>
<p>GOAL</p>	<p>NCARB <i>Participation in NCARB allows LSBAE to maintain strong relationships at the national level and stay abreast of changes in the regulation of architects</i></p>	<p>OBJECTIVES</p>	<p>Lead Member Board interaction with NCARB by beta testing new ideas and promoting early adoption of Council initiatives.</p>
			<p>Encourage and support members serving in NCARB leadership roles.</p>
			<p>Actively engage in two-way data sharing/reporting with NCARB.</p>
			<p>Serve as a role model to other Member Boards by sharing best practices.</p>
<p>FOUNDATION</p>	<p>VALUES</p> <p>Mission The mission of LSBAE is to safeguard life, health and property and to promote the public welfare through the regulation of the practice of architecture, the development and application of standards and programs for licensure and credentialing of architects</p>		

Commerce Committee

Legislative instruments and other matter referred to this committee shall encompass the following subject matter:

- Banking and the regulation thereof
- Commerce and industry generally
- Communication by telephone, telegraph, radio, television or other media
- Corporations
- Credit unions
- Merchandising
- Navigation
- Protection of trade and commerce against unlawful restraints and monopolies
- Registration and licensing of vessels and small boats
- Regulation, licensing and standards of professions, businesses and occupations
- Regulation of common carrier by water
- Savings and loan and homestead associations
- Small loan companies
- Tourism



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Connick, Patrick	Member	District 8	R
Fields, Cleo	Member	District 14	D
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Harris, Jimmy	Interim Member	District 4	D
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Commerce Committee

Committee Jurisdiction

To this committee shall be referred, in accordance with the rules, all legislative instruments, messages, petitions, memorials and other matters relating to the following subjects: Commerce generally; Banking and the regulation thereof; Communication by telephone, telegraph, radio and television; Registering and licensing of vessels and small boats; Navigation and laws relating thereto; Regulation of common carriers by water; Consumer protection; Laws relating to merchandising; Regulation, licensing, or certification of occupations and professions generally, except those fields which are health related; Interest rates; Savings and loan and homestead associations; Small loan companies; Regulation and licensing of businesses and occupations; Protection of trade and commerce against unlawful restraints and monopolies; Corporations; and Tourism.

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Bourriaque, Ryan	Interim Member	District 47	R	
Wright, Mark	Interim Member	District 77	R	
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Click Staff names to send 

Committee Rules & Documents




Committee Rules 

Roll Call Votes  & Minutes 

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Open Meetings Law

R.S. 42:11 – R.S. 42:28*

***Formerly R.S.42:4.1-42:13
Renumbered by the Louisiana Law Institute
Pursuant to Act 861 of the 2010 Regular Session**

Overview

The following document summarizes the general principles and guidelines concerning [Louisiana’s Open Meetings Law](#). This document is presented in a “frequently asked questions” (FAQ) format. While the document is fairly detailed, remember that every situation is unique and that each situation deserves careful individual review.

To facilitate your use of this document, numerous links will direct your attention to related areas within the document and to other documents posted on the Louisiana Legislative Auditor’s website and on external websites. For example, under the index section, you may go directly to any area of the FAQ by clicking the question you wish to view. Within the FAQ, several links will direct you to other areas of the FAQ and to relevant external documents. If you click on the individual question number, you will link to the index in order to select another question to view.

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I. General

Q.1. What is the Louisiana Open Meetings Law, and where is it found?

R.S. [42:12](#) – [42:28](#)

A.1. The Open Meetings Law, found in R.S. 42:12 – 42:28, regulates [meetings](#) of [public bodies](#).

The Open Meetings Law is meant to ensure that decisions by the government are made in an open forum. The Open Meetings Law operates in conjunction with Louisiana’s Public Records Law to insure compliance with [Article XII, Section 3](#) of the Louisiana Constitution’s mandate that **“No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.”** The Open Meetings Law is designed to ensure state integrity and to increase the public’s trust and awareness of its governing officials.

The Legislature through [R.S. 42:11](#) has designated the official short title as the “Open Meetings Law.” R.S. 42:11 states:

Q.2. To whom does the Open Meetings Law apply? R.S. [42:14](#) R.S. [42:17](#)

A.2. Louisiana’s Open Meetings Law applies to the meetings of any “[public body](#)” unless an express provision in R.S. [42:16](#), R.S. [42:17](#), or R.S. [42:18](#) allows the meeting to be closed.

Open Meetings Law does not apply to judicial proceedings.

Q.3. What is a public body? R.S. [42:13](#)

A.3. A “public body” is a village, town, and city governing authority; parish governing authority; boards, such as school, port, or levee boards; any other state, parish, municipal, or special district boards, commissions, or authorities, as well as any of their political subdivisions if the body possesses policy making, advisory, or administrative functions. Any committee or subcommittee of any of these bodies is also a public body.

Specifically, any municipal or parish government council (i.e., police jury or board of alderman), state board or commission, or board of a political subdivision that has a policy making, administrative, or advisory function is subject to the Open Meetings Law. The law also applies to any official committee of the public body that has been delegated any of these functions by the public body, or any unofficial committee or gathering of the body that consists of a quorum of the body.

[AG Op. 10-0155](#) cites the LA Supreme Court's four factor test for determining an entity's status as public or private: (1) whether the entity was created by the legislature, (2) whether its powers were specifically defined by the legislature, (3) whether the property of the entity belongs to the public, and (4) whether the entity's functions are exclusively of a public character and performed solely for the public benefit [*State v. Smith*, 357 So.2d 505 (La.1978)]. For a court to determine that an entity is public, all four factors must be present.

Q.4 When is a private non-profit entity a public body for the purposes of the Open Meetings Law?

A.4 Generally, a private, non-profit entity is not subject to the Open Meetings Law. However, there are instances, in certain limited circumstances, when a private non-profit entity is a public body for purposes of the Open Meetings Law. Non-profit, private entities created by or on behalf of political subdivisions may be subject to the Open Meetings Law pursuant to La. R.S. 12:202.1.

Other private, non-profit entities may be subject to the Open Meetings Law based on the nature and character of their activities. The Attorney General, in [AG Op. No. 13-0043](#), states:

"Jurisprudence has made it clear that the mere fact that an entity is a private non-profit does not mean that it can never be a public body for purposes of the Open Meetings Law, nor does the fact that an entity receives public money mean that it is a public body for purposes of the Open Meetings Law".

The factors considered when determining whether a private non-profit entity is subject to the Open Meetings Law are as follows:

(1) whether the entity performs a government function or performs a function which, by law, is entrusted to other public bodies; (2) whether the entity is funded by public money; and (3) whether the entity exercises policy-making, advisory, and administrative functions."

The determination of whether a private, non-profit entity is a public body for the purpose of the Open Meetings Law is a fact specific question that must be answered on a case-by-case basis. See also, [AG Op. No. 14-0169](#)

Q.5 How should the Open Meetings Law be interpreted? R.S. [42:12](#)

A.5. According to R.S. [42:12\(A\)](#), the Open Meetings Law should be construed liberally. This means that if there is a question as to interpretation of a provision the entity should provide as much access/openness as possible. The Open Meetings Law operates with a general premise that all meetings of public bodies should be open

to the public. The burden, therefore, is on the individual seeking to engage in closed meetings to prove that an exception applies allowing the closing of the meeting.

Q.6. What is a meeting?

R.S. 42:13

- A.6.** A meeting is a convening of a quorum of a public body to deliberate or act on a matter that the public body has supervision, control, jurisdiction, or advisory power over. A meeting is also a convening of a quorum of a public body by the public body or a public official to receive information regarding a matter that the public body has supervision, control, jurisdiction, or advisory power over.

The Open Meetings Law does not apply to chance meetings or social gatherings of members of a public body at which there is no vote or other action taken, including formal or informal polling of the members.

If a gathering consists of a quorum of the body or a meeting of a committee of the body to conduct any business of the body, the gathering should be presumed to be a meeting and, thus, subject to the requirements of the Open Meetings Law.

Q.7. What is a Quorum?

R.S. 42:13(A)(4)

- A.7.** The default definition of a quorum is a simple majority of the total membership of a public body. For example, for town council that has five (5) aldermen, three (3) members would constitute a quorum necessary to conduct business at a meeting. This default definition applies only in the absence of a statutorily defined quorum for the public body, which may be a greater or lesser percentage of the body. The Attorney General (AG) has stated in AG Op. No. 00-0144 that a public body cannot in its by-laws define a quorum as less than a majority of the total members. Such a by-law definition would abrogate the clearly stated definition in R.S. 42:13(A)(4). Absent a statutorily defined quorum for the body, the body's quorum must be a simple majority.

Vacant positions must be counted in determining a quorum and will not reduce the number of members required to be present to conduct business.

AG. Op. No. 15-0172.

No official action may be undertaken by the body in the absence of a quorum of the body. A prohibited action, for example, could include debate on an item in the absence of a quorum, coupled with a vote without debate on the item in an open meeting. Members of the body, however, may engage in informal discussion of any matter in the absence of a quorum.

Q.8. What is a Walking Quorum?

A.8. For purposes of the Open Meetings Law, a “**walking quorum**” is a meeting of a public body in which some members leave the meeting and different members enter the meeting, precluding the physical presence of an actual quorum, but resulting in an actual quorum over the course of the discussion.

[AG Op. No. 12-0177](#), [AG Op. No. 17-0026](#) and [AG Op. No. 19-0128](#)

Gatherings at which there is not a quorum present are not meetings under the Open Meetings Law, as presence of a quorum for the gathering is required for the gathering to constitute a meeting. According to *Brown v. East Baton Rouge Parish School Board*, 405 So.2d 1147 (La. App. 1 Cir. 1981) and [AG Op. No. 04-0004](#), walking quorums, in which members of the body come and go, or in which absent members are contacted during the meeting so as to prevent a physical quorum of the body, are not allowed and violate prohibitions against circumventing the intent of Louisiana’s Open Meetings Law.

A walking quorum can also occur via email or other electronic means where there are conversations with a quorum of the public body through multiple smaller conversations of less than a quorum. The AG has stated that such walking quorums are “unlawful because while no conversation occurred with an actual quorum physically present at a single location, a quorum effectively participates in the discussion of the issue” without the public having the benefit of observing the discussion. [AG Op. No. 19-0128](#).

Polling of a quorum of a public body is not permissible under the Open Meetings Law as the public should not be deprived of the opportunity to observe the deliberations of a public body in deciding upon a course of actions.

“A member who polls a majority of the members of a public body on a matter which may later be considered by the public body as a whole may violate the Open Meetings Law if the poll is used to circumvent the purpose and intent of the Open Meetings Law. Knowing how a majority of the public body will vote on a matter prior to the actual vote at a properly noticed public meeting can mean that a measure passes with little debate or that a measure is never brought up for debate.” [AG Op. No. 14-0065](#)

Q.9. What are the requirements of an Open Meeting? R.S. [42:14](#) – [42:23](#)

A.9. Meetings of public bodies are required to:

- have notice of the meeting at least 24 hours before the meeting via placement of a copy of the notice at the place of the meeting or at the body’s official office;

- allow for some means of public comment; [R.S. 42:14\(D\)](#) requires each public body (except school boards) conducting a meeting that is subject to the notice requirement of [R.S. 42:19\(A\)](#), to allow a public comment period prior to action on an agenda item upon which a vote is to be taken.* The governing body may adopt reasonable rules and restrictions regarding this comment period.
- allow for recording of the meeting by the audience;
- record minutes of the proceedings; and
- have “open” meetings – that is, observable to the public with an opportunity for public participation. Public bodies may not close their meetings to the public absent narrowly defined exceptions.

A copy of the Open Meetings Law must also be posted at the location of the meeting.

***School boards are required to allow public comment before taking any vote. The comment period shall be for each agenda item and shall precede each agenda item. [R.S. 42:15\(A\)](#).**

Q.10. Is the public allowed to participate in Open Meetings? R.S. [42:14](#) - [42:18](#)

A.10. Yes.

- The legal purpose of open meetings is to allow individuals to observe and participate in the deliberations of public bodies. Meetings of public bodies must be open to the public unless closed pursuant to a statutory exception, such as set forth in R.S. [42:16](#) – [42:18](#), which authorizes closed executive sessions. Public bodies must provide an opportunity for public comment prior to action on the agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding the comment period.
- [R.S. 42:14](#), requires each public body, except school boards, conducting a meeting that is subject to the notice requirement of [R.S. 42:19\(A\)](#), to allow a public comment period prior to action on an agenda item upon which a vote is to be taken.
- A similar obligation is imposed for school boards, except that public comment must occur prior to taking any vote and must occur before each topic and not at the beginning of the meeting. R.S. [42:15](#).

Q.11. Are public bodies required to give notice before they meet? R.S. 42:19

A.11. Yes. All public bodies, except the Legislature and its committees, shall give written public notice of any meeting.

If the meeting is a regular meeting established by law, resolution, or ordinance, the written public notice must be given (1) at the beginning of each calendar year and; (2) no later than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, before any regular, special, or re-scheduled meeting.

A copy of the notice must be placed at the place of the meeting or at the official office of the body, or published in the official journal of the public body no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the scheduled time of the meeting.

If the public body has a website, it shall post notice of its meetings via the internet on the website for no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, immediately preceding the meeting.

Q.12. How should public bodies publish their notices for meetings?

A.12. For public bodies that are required to have regular meetings, the schedule for those meetings must be published at the beginning of each calendar year in the official journal.

In addition, all public bodies must publish notice of each meeting no later than twenty-four (24) hours, exclusive of Saturdays, Sundays, and legal holidays, before any regular, special, or re-scheduled meeting. The 24 hour notice before each meeting must be (1) placed at the place of the meeting *or* (2) at the official office of the body, *or* (3) published in the official journal of the public body.

If the public body has a website, it shall post notice of its meetings via the internet on the website for no less than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, immediately preceding the meeting. This website notice is in addition to the 24 hour notice requirement.

Note: Agenda items concerning taxes have special notice requirements. See [Q.37](#).

Q.13. What must be included in the meeting notice? R.S. 42:19

A.13. All notices must include the date, time, and place of the meeting(s). Additionally, the required written public notice for any individual meeting requires that an agenda be attached. If an executive session is to be held regarding strategy sessions or

negotiations for collective bargaining or litigation, the following must also be attached to the notice:

- Statement identifying the court, case number, and parties relative to any pending litigation to be considered at the meeting; and
- Statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made that is to be considered at the meeting.

The agenda must be reasonably clear to provide the public sufficient notice of what subjects will be discussed, according to the Attorney General as stated in [AG Op. No. 07-0181](#).

An exception exists for the requirements of notice in [extraordinary emergencies](#), but public bodies are still required to give notice of the meeting as they deem appropriate and as the circumstances permit.

R.S. [42:17\(D\)](#) provides an exception to notice requirements of R.S. [42:19](#) for meetings of private citizens' advisory groups or private citizens' advisory committees established by a public body, so long as the members do not receive compensation and serve only in an advisory capacity. Textbook advisory committees of DOE or BESE are not privy to this exception.

[Q.14.](#) How are items listed on the agenda? [R.S. 42:19](#)

A.14. Each item listed on the agenda shall be listed separately and described with reasonable specificity.

[Q.15.](#) Can an agenda be changed prior to the meeting? [R.S. 42:19](#)

A.15. R.S. 42:19(A)(1)(b)(ii)(aa) states that the agenda shall not be changed less than 24 hours, exclusive of Saturdays, Sundays, and legal holidays, prior to the scheduled time of the meeting.

[Q.16.](#) What are the procedures to add to or delete items from an agenda? [R.S. 42:19](#)

A.16. Public bodies may adopt procedures for governing their meetings and providing how members may place items on the agenda, provided that such procedures comply with the timelines set forth in the notice provisions of the Open Meetings Law and applicable statutory or charter provisions for the introduction and passage of instruments (i.e. ordinances and resolutions).

To add items to an agenda at the meeting itself, the Open Meetings Law requires

unanimous approval of the members present to add an item to the agenda. In no case may a public body, by ordinance, charter provision or policy, lessen this requirement to a majority vote. [AG Op. No. 15-0122](#).

Any motion for a vote to add an item to the agenda shall include with reasonable specificity the subject matter of the additional agenda item and the purpose for adding the item to the agenda. Public comment on the motion must be allowed prior to any vote to add an item to the agenda.

R.S. 42:19, which sets forth the requirements for notice of meetings, states at (A)(1)(b)(ii) that the notice shall include the agenda. Furthermore, any matter proposed that is not on the agenda shall be identified with reasonable specificity in the motion to take up the matter not on the agenda, including the purpose for the addition to the agenda. The matter must also be entered into the minutes of the meeting. Prior to any vote by the public body on the motion to take up a matter not on the agenda, there must be an opportunity for public comment on the motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of R.S. 42:12 through 23.

Unless required by ordinance, charter provision or adopted policy to the contrary, public entities may remove, table, or withdraw agenda items by a majority vote of those members present.

Q.17. What is the procedure for public bodies to take up items on the agenda?

R.S. 42:19

A.17. R.S. 42:19 provides that before the public body may take any action on an item, the presiding officer or designee shall read aloud the description of the item.

R.S. 42:19(A)(1)(b)(ii)(dd) provides that governing authorities of parishes with populations of two hundred thousand or more or municipalities with a population of one hundred thousand or more that have more than fifty items on their consent agenda may take up each item without reading the description of each item aloud. The governing authority shall, however, allow a public comment period prior to any action on any item listed on a consent agenda. R.S. 42:13(A)(1) defines “consent agenda” as “a grouping of procedural or routine agenda items that can be approved with general discussion.”

Q.18. What is an extraordinary emergency?

R.S. 42:17 R.S. 42:18

A.18. Extraordinary emergencies, for the purpose of the Open Meetings Law, are limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

According to the AG, the classic definition of extraordinary emergency includes work stoppages and strikes. [AG Op. No. 08-0129](#).

A meeting at the first available work day after Christmas to avoid a possible court challenge for non-payment of tenure award was a case of extraordinary emergency. *Eastwold v. Garsaud*, 427 So.2d 48 (La. App. 4th Cir. 1983).

Q.19. How is written public notice given?

R.S. 42:19

A.19. The Open Meetings Law contains an illustrative list of methods or acceptable means for providing written public notice. The following methods are acceptable for giving written public notice:

- Posting copies of notice at the principal office [See [Q.20.](#)] of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held; or
- Publication of the notice in the official journal [See [Q.20.](#)] of the public body no less than twenty-four hours, exclusive of Saturdays, Sundays, or legal holidays, before the scheduled time of the meeting; or
- Posting on the website: If the public body has a website, additionally by providing notice via the Internet on the website of the public body for no less than twenty-four hours, exclusive of Saturdays, Sundays, or legal holidays, immediately preceding the scheduled time of the meeting. The failure to timely post notice via the Internet pursuant to this Subparagraph or the inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

Public notice of day to day sessions of the Legislature is governed by the Louisiana Constitution, rules of procedure of the Senate and House of Representatives, and the Joint Rules.

The law requires the public entity to mail a copy of the notice to any member of the news media who requests notice of public meetings. The member of the news media shall be given notice of all meetings in the same manner as is given to members of the public body.

Q.20. How are a public body's principal office and official journal determined?

R.S. 43:140

A.20. The public body generally determines its principal office. The official journal of the public body is determined by the body -- subject to the requirements found in

R.S. 43:140, *et seq.* R.S. 43:141 and R.S. 43:142 provide that police juries, city and parish councils, municipal corporations, and school boards in all the parishes except Orleans, at their first meeting in June of each year, shall select a newspaper with the following qualifications as official journal for their respective parishes, towns, or cities for a term of one year:

- (1) Published in an office physically located in the parish in which the body is located for a period of five years preceding the selection;**
- (2) Not missed during that period as many as three consecutive issues unless caused by fire, flood, strike, or natural disaster;**
- (3) Maintained a general paid circulation in the parish in which the body is located for five consecutive years prior to the selection; and**
- (4) Entered in a U.S. Post Office in that parish under a periodical permit in that parish for a period of five consecutive years prior to the selection.**

Where there is no newspaper published in an office physically located within the parish that meets the requirements of R.S. 43:140(3), a newspaper in an adjoining parish may be designated as the official journal. [R.S. 43:146](#)

The newspaper selected shall be known as the official journal of the parish, town, city or school board, and it shall publish all minutes, ordinances, resolutions, budgets and other official proceedings of the police jury, town or city councils, or the school board. [R.S. 43:143](#) Municipal corporations shall select an official journal published in an office physically located within their municipal boundaries if a newspaper as defined in [R.S. 43:140\(3\)](#) is published therein. If no qualified newspaper is published within the municipal boundaries, a newspaper published in the parish of the municipal corporation that meets the requirements of a newspaper as defined in R.S. 43:140(3) shall be selected. [R.S. 43:145](#) In case of vacancy the governing body shall select an official journal for the unexpired term. [R.S. 43:149](#)

Q.21. Are public bodies required to keep minutes?

R.S. [42:20](#)

A.21. Yes, public bodies are required to keep written minutes of all of their open meetings.

These minutes must include the following:

- The date, time, and place of the meeting;
- The members of the public body recorded as either present or absent;

- The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken; and
- Any other information that the public body requests be included or reflected in the minutes.

The AG stated in [AG Op. No. 11-0275](#) that minutes need not be verbatim transcripts of the meeting and that summaries satisfy the requirement.

All minutes are public documents and subject to public records requests unless specifically exempted.

According to Title 43 of the Louisiana Revised Statutes the various political subdivisions of the state are required to publish the minutes of their proceedings in the official journal of the body.

R.S. 42:17(D) provides an exception to the minutes requirements of R.S. [42:20](#) for meetings of private citizens' advisory groups or private citizens' advisory committees established by a public body, so long as the members do not receive compensation and serve only in an advisory capacity. Textbook advisory committees of DOE or BESE are not privy to this exception.

R.S. 42:20(B)(2) provides that if the public body has a website, the public body shall post on its website a copy of the minutes made available pursuant to Paragraph (1) of this Subsection and shall maintain the copy of those minutes on the website for at least three months after the posting. If the public body is required to publish its minutes in an official journal, the public body shall post its minutes on its website as required by this Paragraph within ten days after publication in the official journal. If the public body is not required to publish its minutes in an official journal, the public body shall post its minutes on its website as required by this Paragraph within a reasonable time after the meeting. The inability of the public to access the public body's website due to any type of technological failure shall not be a violation of the provisions of this Chapter.

Q.22. Are public bodies required to vote in any particular manner? R.S. [42:14](#)

A.22. Yes, members must vote *viva voce*. This requirement has been determined by the AG to require the physical presence of the member and prohibits submission of votes in writing by absent members, [AG Op. No. 07-0040](#), or through vote via telephone, [AG Op. No. 14-0011](#). Further, members are not allowed proxies unless specifically afforded this right by specific statute ([AG Op. No. 92-0352](#) and [AG Op. No. 10-0055](#)) and may not undertake voting by secret ballot.

The *viva voce* requirement can be satisfied through use of electronic machines that display how individuals vote. [AG Op. No. 14-0140](#).

[AG Op. No. 11-0070](#) provides: “This office has previously opined that the ‘viva voce’ language in R.S. 42:14 requires a vote with a ‘live voice,’ and that the person voting must be physically present. See [AG Op. No. 07-0040](#) and [AG Op. No. 99-0385](#). Thus, the members of a public body cannot validly authorize an action via a written vote, even if done unanimously.”

The *viva voce* requirement also precludes voting by a show of hands alone.

[AG Op. No. 19-0022](#)

Q.23. Must public bodies allow the recording of their meetings? R.S. [42:23](#)

A.23. Yes, the proceedings of all or any part of a public meeting may be video or tape recorded, filmed, or broadcast live. The public body shall, however, establish standards for the use of lighting, recording, or broadcasting equipment to insure proper decorum in a public meeting. The AG has stated in [AG Op. No. 08-0211](#) that public bodies are required to allow recording even if they provide recording themselves, but may regulate where the media may be located to facilitate order and safety.

R.S. 42:23(A) provides that any non-elected board or commission that has the authority to levy a tax shall video or audio record, film, or broadcast live all proceedings in its public meetings.

R.S. 33:9099.2, however, exempts meetings of the governing authority of any crime prevention and security district, improvement district, or other district created by or pursuant to Chapter 29 of Title 33 of the Revised Statutes, from the provisions of R.S. 42:19.1 (additional notice requirements for taxing authorities) and 42:23(A), which requires non-elected boards or commissions with authority to levy taxes to video or audio record, film, or broadcast live all proceedings of their public meetings.

Q.24. May a public body meet on a legal holiday? R.S. [42:19](#)

A.24. Nothing prohibits a public body from meeting on any day of the week (including legal holidays), but the public body must continue to adhere to all requirements of the Open Meetings Law.

While a public body may not be prohibited from conducting business on legal holidays, doing so should be avoided as a matter of principle. Meetings on legal holidays may be construed as attempts to circumvent requirements of the Open Meetings Law, unless there is a valid reason for conducting the meeting on the legal holiday, such as an emergency situation that requires immediate action.

R.S. 42:19 excludes Saturdays, Sundays, and legal holidays from the calculation of the twenty-four hour periods for posting and amending of meeting notices.

Q.25. Are there any exceptions to the Open Meeting Requirements?

R.S.42:17.1

A.25. Yes. A public body may conduct and its members may attend and participate in a meeting via electronic means (telephone or video conference) provided *all* of the following occur:

- (1) The governor has declared a state of emergency or disaster involving a geographic area within the jurisdiction of the public body and the nature of the emergency or disaster would cause a meeting of the public body conducted pursuant to the open meetings law to be detrimental to the health, safety, or welfare of the public.
- (2) The presiding officer of the public body certifies on the notice of the meeting that the agenda of the meeting is limited to one or more of the following items:
 - (a) A matter directly related to the public body's response to the disaster or emergency and which is critical to the health, safety, or welfare of the public.
 - (b) A matter that, if they are delayed, will cause curtailment of vital public services or severe economic dislocation and hardship.
 - (c) A matter that is critical to continuation of the business of the public body and that is not able to be postponed due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.
 - (d) Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the body present at the meeting approve the consideration of the matters by a two-thirds vote.**
- (3) No later than 24 hours prior to a meeting conducted under new law the public body shall provide for all of the following:
 - (a) The notice and agenda for the meeting shall be posted on the website of the public body, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

(b) Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the website of the public body, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

The telephone or video conference meeting under this exception must be conducted as follows:

- (1) The public body shall provide a mechanism to receive public comment electronically both prior to and during the meeting.
- (2) The public body shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.
- (3) The presiding officer of the public body shall ensure that each person participating in the meeting is properly identified.
- (4) The presiding officer shall ensure that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

See [Act 302 of the 2020 Regular Session](#).

**** Added by [Act 42 of the 2020 2nd Extraordinary Session](#).**

Q.26. Is there a sample certification for a meeting conducted under the R.S. 42:17.1 emergency exception?

A.26. Sample language that a public entity may use for this written certification is as follows:

Certification of Meeting Conducted Pursuant to La. R.S. 42:17.1

In accordance with R.S. 42:17.1 this notice shall serve as certification of the [public entity's] inability to otherwise operate in accordance with the Louisiana Open Meetings Law due to such a meeting being detrimental to the health, safety, and/or welfare of the public as a result of the public health emergency, as declared by Governor _____ on[date] by [governor's emergency proclamation number].

The [public entity] will provide for attendance at its essential government meeting on [date] via [video or telephone] conference. It is essential that the [public entity] continue to operate to address [matters directly related to its response to the disaster or emergency and/or matters that if delayed will cause a curtailment of vital public services or severe economic dislocation and hardship and/or matters that are critical to the continuation of its business and that are not able to be postponed due

to legal requirements and/or other matters that presiding officer has determined are critical or time-sensitive].

Considering the foregoing, and in accordance with R.S. 42:17:1 and [governor's emergency proclamation number], the [public entity's] meeting on [date] at [time] will be held via [video or telephone] conference and in a manner that will allow for observation and input by members of the public, as set forth below:

The meeting may be observed at [meeting access information]. Members of the public may submit public comment on an agenda item [describe method such as use of chat box during meeting, or by sending an email to [email address] or leaving a voicemail at [phone number] no later than [time] on [date]]. All public comments will be properly identified and acknowledged during the meeting.

Certified this ___ day of ___, 20 ___.

Signature of Agency Head/
Chief Executive Officer

II. Executive Session

Q.27. When may public bodies have “closed” executive sessions? R.S. 42:16

A.27. Public bodies may have “closed” executive sessions only as provided by statute. R.S. [42:16](#), [42:17](#), and [42:18](#) provide the instances for which a public body may enter into executive session and limit the matters that may be discussed within an executive session.

In order for a public body to enter into an [executive session](#), a vote of 2/3 of members present at an open meeting, for which proper notice was given pursuant to R.S. [42:19](#), is necessary* -- along with an accompanying statement of the reason for entering into the executive session. The vote of each member on the motion to enter into executive session along with the reason for entering the executive session must be recorded and entered into the minutes.

R.S. 42:19(A)(1)(b)(iii) requires that a notice of intent to move into Executive Session under the provisions of R.S. 42:17(A)(2) be attached to the written public notice of the meeting. The notice shall contain a statement identifying any court, case number, or parties relative to any pending litigation to be considered at the meeting, and a statement identifying the parties involved and reasonably identifying the subject matter of any prospective litigation for which formal written demand has been made.

Public bodies are authorized to enter into executive sessions to discuss the character, professional competence, or physical or mental health of a person. However, the public body must provide written notice to the individual at least twenty-four hours, exclusive of weekends and legal holidays, prior to the meeting. Further, the public body may not enter into executive session for the purposes of

this discussion, if the individual requests that the matter be discussed in an open meeting. Finally, this exception does not apply to any discussion related to the appointment (or reappointment) of an individual to a public body or the award of a public contract.

*R.S. 42:19(A)(1)(cc) provides that “upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.” Therefore, if a public body wishes to take up an item for which executive session is authorized but which was not published on the agenda, the public body must first have a unanimous vote to add the item to the agenda. Then the public body must have a 2/3 vote to go into executive session on that item.

Q.28. What are valid reasons for entering into executive session?

R.S. [42:17*](#) – [42:18](#)

A.28. Valid reasons for entering into executive session include:

- Discussion of character, professional competence, or physical or mental health of a person*;

*This reason does not apply to appointments of a person to a public body or to discussions of the award of a public contract -- except as provided in [R.S.39:1593\(C\)\(2\)\(c\)](#) [See now R.S. [39:1595\(B\)\(7\)](#)]. R.S. [42:17\(A\)\(1\)](#). Written notice must be given to the individual at least twenty-four hours, exclusive of weekends and legal holidays, prior to the meeting, and an executive session may not be held if the individual requests this discussion occur in an open meeting.

- Strategy sessions or negotiations with respect to collective bargaining, prospective [litigation](#) after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body;
- Discussion regarding the report, development, or course of action for security personnel, plans, or devices, including discussions concerning cybersecurity plans, financial security procedures, and assessment and implementation of any such plans or procedures*;
- Investigative proceedings regarding allegations of misconduct;
- Cases of extraordinary emergency, limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude;
- Any meeting of the [State Mineral Board](#) at which records or matters entitled to confidential status by existing laws are required to be considered or

discussed by the board with its staff or with any employee or other individual, firm, or corporation;

- Discussions between a city or parish [school board](#) and individual students or the parents or tutors of those students, or both;
- Presentations and discussions at meetings of civil service boards of test questions, answers, and papers produced and exhibited by the office of the state examiner, municipal fire and police civil service, pursuant to R.S. [33:2492](#) or [33:2552](#);
- Portion of any meeting of the Second Injury Board during which records or matters regarding the settlement of a worker's compensation claim are required to be considered or discussed by the board with its staff in order to grant prior written approval as required by R.S. [23:1378\(A\)\(8\)](#); and
- Hospital Service Districts (HSDs) are authorized to enter into executive session in order to discuss matters declared to be part of the marketing strategies and strategic plans of the HSD under the Enhanced Ability to Compete Act, see [R.S. 46:1073](#).
- Any other matters that are or that will be provided for by the Legislature.

* **Amended by Act 66 of the 2021 Regular Session (effective June 4, 2021).**

R.S. [42:18](#) allows for additional reasons for executive session by the houses of the Legislature and its committees.

Q.29. What are invalid reasons for entering into executive session?

A.29. A public body may not go into executive session for any reason that is not a specifically authorized exception, as set for in [Q.26](#). The executive session must be strictly and solely for that exception. General matters or matters tangential to the specifically authorized exception may not be discussed in executive session. Additionally, no votes may take place in executive session.

Q.30. What are prerequisites for a closed session to discuss an individual's character and fitness? R.S. [42: 17\(A\)\(1\)](#)

A.30. Absent extraordinary circumstances, the individual that is the subject of discussion must be given at least 24 hours written notice, exclusive of Saturdays, Sundays, or legal holidays, prior to the scheduled time contained in the notice of the meeting at which such executive session is to take place. The individual can require that the discussion occur in an open meeting. This discussion cannot be of the appointment



of the individual to a public body or the awarding of a public contract, except as otherwise provided for in [R.S. 39:1593\(C\)\(2\)\(c\)](#)*.

Act 864 of 2014 Regular Session reorganized the Procurement Code and appears to have carried forward the provisions of R.S. 39:1593(C)(2)(c) in [R.S. 39:1595\(B\)\(7\)](#).

Q.31. What is considered litigation for the purpose of closing a meeting?

R.S. [42:19](#)

A.31. A body is not allowed to close a meeting to discuss the possibility of litigation. It may discuss in closed session current litigation that is on-going and already filed only if discussion in open meeting would be detrimental to the body's position in the litigation. A body must also ensure that the proper information concerning the case number, statement of the matter, identity of the court and parties, is included on the agenda and public notice prior to the meeting in which the closed session will occur.

Q.32. What are the requirements for the State Mineral Board to close its meetings?

A.32. The State Mineral Board may have closed sessions under any of the other statutorily provided exceptions, and may also close its meetings at which records or matters entitled to confidential status by existing laws are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom the records or matters are confidential. The records must be disclosed to and accepted by the board subject to a privilege for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms. An exception for the records must be provided for in Chapter I of Title 44 of the Louisiana Revised Statutes or other statutes to which the board is subject.

Q.33. What are the requirements for a school board to close its meeting to discuss a student?

A.33. Students must be within the jurisdiction of the respective school board. The discussion must be regarding problems of students or their parents or tutors, and must be open if the parent, tutor, or student requests that the discussion be held in open meeting.

III. Violations of Open Meetings Law

Q.34. What happens if a public body violates the Open Meetings Law?

R.S. [42:24](#)

A.34. Any action taken in violation of the Open Meetings Law shall be voidable by a court of competent jurisdiction. However, any suit to void any action must be

commenced within sixty days of the action and sufficiently pled to state a cause of action under the Open Meetings Law. See *Greemon v City of Bossier City*, 65 So.3d 1263 (La. 2011).

Actions taken at a meeting that were in violation of Open Meeting Law due to lack of notice at least 24 hours before meeting, were cured by subsequent ratification of the action taken at subsequent valid meeting. *Marien v. Rapides Parish Police Jury*, 717 So.2d 1187 (La. App. 3rd Cir. 1998).

Q.35. Who must enforce the Open Meetings Law?

R.S. 42:25

A.35. The AG is required to enforce the Open Meetings Law throughout the state, and district attorneys are charged with enforcement within the judicial districts within which they serve. Any individual who has been denied any right under the Open Meetings Law or that believes that his or her rights have been violated may institute enforcement proceedings.

Q.36. What relief may be granted for violations?

R.S. 42:26

A.36. A party who prevails in an enforcement proceeding may be granted any or all of the following relief:

- A writ of mandamus – Court order to compel a public official or body to perform mandatory or purely ministerial duties correctly;
- Injunctive relief – Temporarily compel the public body to act or stop acting, pending a final resolution on the issue;
- Declaratory judgment – a binding adjudication that establishes the rights and other legal relations of the parties without providing for or ordering enforcement;
- Judgment rendering the action void as provided in R.S. 42:24; and
- Judgment awarding civil penalties as provided in R.S. 42:28.

A party who prevails in an enforcement proceeding shall be awarded reasonable attorney fees and other costs of litigation. If the party prevails in part, the court may award reasonable attorney fees or an appropriate proportion thereof. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, the court may award reasonable attorney fees to the prevailing party.

Q.37. Where may one initiate enforcement proceedings? R.S. 42:27

A.37. Enforcement proceedings shall be instituted in the district court for the parish in which the meeting took place or will take place.

Q.38. What is the maximum amount that can be assessed as a civil penalty for Open Meetings Law violations? R.S. 42:28

A.38. A maximum of \$500 per violation can be assessed against an individual who knowingly and willfully participates in a meeting conducted in violation of the Open Meetings Law. The member shall be personally liable for the payment of the penalty.

IV. Special Notice to Propose Taxes

Q.39. What are the notice provisions regarding public meetings to propose, increase, renew or continue taxes?

**R.S. 42:19.1
R.S. 47:1705(B)(2)**

A.39. **R.S. 42:19.1** provides notice requirements in addition to those in R.S. 42:19, which are prerequisites for the proposal, increase, renewal, or continuation of a tax, or for the calling of an election for such purposes by political subdivisions.

R.S. 42:19.1(A)(1) requires that public notice of the date, time, and place of any meeting at which a political subdivision intends to propose a new ad valorem property tax or sales and use tax, or increase, or renew any existing ad valorem property tax or sales and use tax, or authorize the calling of an election for submitting such a question to the voters of the political subdivision shall be published in the official journal of the political subdivision and announced to public during the course of a public meeting of the political subdivision no more than Sixty (60) days nor less than twenty (20) days before such public meeting. If the scheduled meeting is cancelled or postponed, a new public notice of the subsequent meeting is required under R.S. 42:19.1(A)(2)(a) to be published in the official journal of the political subdivision no less than ten (10) days before the subsequent meeting.

R.S. 42:19.1(A)(1), requires that written notice of the meeting must be hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision who is required to approve such measures previously adopted by another governing authority (i.e. police jury approval of tax related decisions of certain parish boards and commissions) and to each state senator and representative in whose district all or a portion of the political subdivision is located, no more than sixty (60) days nor less than twenty (20) days before the

scheduled meeting at which action will be taken on the ad valorem property tax or sales and use tax.

Further, once a meeting is held in accordance with the provisions of R.S. 42:19.1(A)(1), no additional notice is required under R.S. 42:19.1 for subsequent meetings of the political subdivision at which the only action reduces the rate or term of the tax in the measure and thereby reduces the total amount of tax that would be collected under the measure, or substantially reduces the cost to the political subdivision of any bond or debt obligation to be incurred by the political subdivision (i.e. refinancing of bonds at lower rate).

If the consideration of the action is postponed or considered without action or vote, any subsequent meeting to consider action of the tax would be subject to the ten day notice provisions of R.S. 42:19.1(A)(2)(a) unless the date, time, and place of a subsequent meeting for consideration is announced to the public during the course of the meeting at which action is postponed or considered without action or vote.

[R.S. 33:9099.2](#), exempts meetings of the governing authority of any crime prevention and security district, improvement district, or other district created by or pursuant to Chapter 29 of Title 33 of the Revised Statutes, from the provisions of R.S. 42:19.1 (additional notice requirements for taxing authorities) and R.S. 42:23(A), which requires non-elected boards or commissions with authority to levy taxes to video or audio record, film, or broadcast live all proceedings of their public meetings.

Note: The provisions of R.S. 42:19.1 are separate from the notice requirement for “**Roll Forward**” actions under the provisions of R.S. 47:1705(B)(2)(c)&(d).

V. Miscellaneous

Q.40. What are the provisions regarding a public employer entering a collective bargaining agreement? **R.S. [44:67.1](#)**

A.40. R.S. 44:67.1 states that no public employer shall accept or ratify a collective bargaining agreement until it has been made available to the public via the Internet website of the public employer for at least 5 business days. The public employer shall issue a written public notice in the manner provided in R.S. 42:19(A)(2) informing the public of how the agreement may be accessed and the date, time, and place of the meeting at which the agreement will be considered by the public employer for acceptance or ratification.

Q.41. What is the notice requirement regarding a public hearing on municipal zoning regulations? R.S. 33:4724

A.41. R.S. 33:4724 requires publication at least 3 times in the official journal or a paper of general circulation regarding a public hearing on zoning regulations. The provision also requires that there be at least 10 days between the first publication and the hearing.

Additional requirements apply to notice to land owners affected by the zoning regulation.

Q.42. How is a special meeting called by a Lawrason Act municipality? R.S. 33:405(C)

A.42. A special meeting may be called either by the mayor or a majority of the board of aldermen/council of a Lawrason Act municipality. The special meeting shall comply with the Open Meetings Law, specifically R.S. 42:19, regarding notice and agenda.

In addition to compliance with the provisions of the Open Meetings Law, notice of the special meeting shall be provided in the manner as established by the board/council through ordinance.

The notice calling the special meeting shall identify the subject matter to be considered, and the agenda for the special meeting shall be limited to those matters identified in the notice.

Additional items may be taken up in the special meeting, but only upon a unanimous vote of the board/council, following an announcement of the purpose of the additional item and affording anyone in attendance opportunity to speak on the additional item.

VI. Attorney General Opinions

AG Op. No. 20-0150 The AG opines that a Parish Teacher Association that does not constitute a committee of the School Board or serve in any advisory capacity to the School Board and reports only to the Superintendent and Assistant Superintendent is not a public body for the purposes of the Open Meetings Law, notwithstanding its initial creation by the School Board.

AG Op. No. 20-0103 The AG reaffirms that a Parish Executive Committee for a political party is not a public body for the purposes of the Open Meetings Law. The Parish Governing Authority is required to provide access to the Courthouse to a Parish Executive Committee for its initial meeting following an election pursuant



to R.S. 18:444(C)(1); however, the Parish Governing Authority is not required to provide a meeting place free of charge for subsequent meetings.

AG Op. No. 20-0098 The AG states that nothing in the Open Meetings Law prohibits members of a public body from attending open meetings of another public body as citizens. The AG notes that whether a quorum of members of a public body attending an open meeting of another public body is a violation of the Open Meetings Law is a fact specific question. That is, the mere fact that a quorum is present at any particular location does not constitute a violation of the Open Meetings Law; the quorum acting, deliberating or receiving information on matters over which the public body has supervision, control, jurisdiction or advisory power would.

AG Op. No. 19-0128. The AG discusses the Open Meetings Law regarding permissible and prohibited communications between board members outside of a public meeting.

AG Op. No. 19-0145 – Under the provisions of R.S. 42:17(D) a working group created by a public body that is composed of uncompensated citizens and serves only to advise the public body is subject to the Open Meetings Law but is exempted from the provisions of R.S. 42:19 (notice requirements) and 42:20 (written minutes).

AG Op. No. 19-0022 – The Louisiana Open Meetings Law mandates that all votes be made *viva voce* (Latin for “by word of mouth; orally”) and recorded in the minutes or written proceedings of the meeting. All votes made by a member of a public body must be made orally or by mouth. As such, voting by a show of hands alone is in violation of this requirement. (The *viva voce* requirement can be satisfied through use of electronic machines that display how individuals vote.

AG Op. No. 17-0026 - A public body is not permitted to circumvent the open meetings law by deliberating informally to make decisions. Such deliberations must be open to the public. Therefore, the review committee created by the City of Mandeville consisting of the Planning Director and design consultants which meet to (1) consider architectural reviews of applications for building permits and (2) consider applications for changes to buildings in the city’s historic district is a committee created by the public body which must comply with the Open Meetings Law.

AG Op. No. 16-0170 – Committees of public bodies must adhere to the provisions of the Open Meetings Law, just as the public bodies themselves must do.

AG Op. No. 16-0167 – As the publication and notice requirements of Article VII, §23(C) and R.S. 47:1705 were met prior to holding its public hearing for a roll-forward millage, the school board’s subsequent re-vote with public comment approving the resolution to adopt the roll-forward millage at a subsequent meeting was valid. The subsequent vote with public comment cured any defects from the vote on the resolution at a prior meeting at which public comment was not provided in violation of the Open Meetings Law.

AG Op. No. 16-0093 – AG discusses the issues surrounding whether a nominating committees and other similar bodies are a “public body” within the meaning of the Open Meetings Law.

AG Op. No. 16-0075 – An ordinance not on the agenda and not an emergency must be placed on the agenda unanimously by the governing authority prior to it being voted on. La. R.S. 42:19(A)(1)(b)(iii)(cc))

AG Op. No. 15-0122 – A Lawrason Act municipality may adopt a procedure for governing its meetings that allows individual council members to place items on the agenda, provided such a request complies with the timelines set forth in the ordinance and the notice provisions of the Open Meetings Law. Further, as the Open Meetings Law requires unanimous approval of the members present to add an item to the agenda, in no case may a municipality, by ordinance, lessen this requirement to a majority vote. Finally, the Open Meetings Laws does not require unanimous approval of all members present to withdraw an item from the agenda.

AG Op. No. 15-0080 - The AG discussed the issues whether a Volunteer Fire Department is a public entity and whether it must comply with state laws including, but not limited to, the Open Meetings Law, Public Records Law, Public Bid Law, Local Government Budget Act, etc.

AG Op. No. 14-0172 - The AG discusses the issues whether it is proper to label an agenda item: “*Discuss any other business properly brought before this committee*”

AG Op. No. 14-0169 – The AG discusses the issues surrounding whether a particular private non-profit entity might be classified as a public entity, and whether a particular private non-profit qualifies as a public body for purposes of the Open Meetings Law or Public Records Law.

AG Op. No. 14-0065 – The AG discusses the restrictions against the polling of a majority of members of a public body in regards to the Open Meetings Law.

AG Op. No. 13-0221 – The AG discusses who is responsible for preparing the agenda for a town meeting and the requirements for public comment periods.

[AG Op. No. 13-0043](#) - Jurisprudence has made it clear that the mere fact that an entity is a private non-profit entity does not mean that it can never be a public body for purposes of the Open Meetings Law, nor does the fact that an entity receives public money mean that it is a public body for purposes of the Open Meetings Law

[AG Op. No. 12-0177](#) – The AG discusses application of Open Meetings Law to electronic communications between members of a public body.

[AG Op. No. 12-0206](#) – Housing Authority Board cannot exclude an individual placed on a No-Trespass List from attending its public meetings held on property subject to the No-Trespass List, without first obtaining an injunction, sanction or other judicial legal relief. Finally, there is nothing within the Open Meetings Law that provides authority for a public body to require any attendees of an open meeting to provide advanced notice of intent to attend the meeting.

[AG Op. No. 12-0078](#) – The AG discusses the requirements for a public body to convene an Executive Session under the provisions of R.S. 42:17(A)(2).

[AG Op. No. 10-0271](#) – The AG discusses the procedure for amending the posted agenda and the remedies available for a violation of the Open Meetings Law.

[AG Op. No. 09-0037](#) - It is proper for “financial matters” to be placed on the Sabine Parish School Board's consent agenda, if such matters are routine or non-controversial. If a member of the public body determines that any item on the consent agenda requires discussion, then the item must be treated as a typical agenda item, allowing for debate and a separate vote.



Public Records Law

R.S. [44:1](#) - [44:41](#).

Overview

The following document is a summary of the general principles and guidelines concerning [Louisiana's Public Records Law](#). This document is presented in a frequently asked questions (FAQ) format. Remember that because every situation is unique, each deserves careful individual review.

To facilitate your use of this document, numerous links within the document will direct your attention to areas within the document and to other related documents posted on the Louisiana Legislative Auditor's website and on external websites. For example, clicking the question in the index section will take you directly to any area of the FAQ you wish to view. Within the FAQ, several links will direct you to other areas of the FAQ and to relevant external documents. If you click on the individual question number, a link will return to the index to allow you to select another question to view.

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[Recent AG Opinions](#)

I. Scope

Q.1. What is the Public Records Law?

R.S. [44:1](#), *et seq.*

- A.1.** The Public Records Law is found in La. R.S. [44:1](#), *et seq.*, which provides for the maintenance and disclosure of public records.

The Public Records Law is meant to ensure that public documents are preserved and open to view by the public. The Public Records Law, which operates in conjunction with Louisiana’s Open Meetings Law, is the enabling legislation to ensure the mandate in [Article XII, Section 3](#) of the Louisiana Constitution that states, “no person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.” The Public Records Law is designed to ensure unfettered access to documents and to implement the inherent right of the public to be reasonably informed as to what public records contain and the manner, basis, and reasons upon which governmental affairs are conducted, while at the same time balancing the right of the public against the necessity for the custodian of public records to act in the public interest by protecting and preserving public records against unreasonable dangers of loss or damage, or acts detrimental to the integrity of public records. *Title Research Corp. v. Rausch*, 450 So.2d 933, (La. 1984).

There is no conflict between the Federal Privacy Act (5 U.S.C.A. Section 552a) and Louisiana’s Public Records Act because the two bodies of law cannot apply to the same entities. [AG Op. No. 07-0251](#).

Q.2. What are Public Records?

R.S. [44:1](#).

- A.2.** Public Records are defined in R.S. [44:1](#)(A)(2)(a) to include all of the following, including copies, duplicates, photographs (including microfilm), or other reproductions:

- Books
- Records
- Writings
- Accounts
- Letters and letter books
- Maps
- Drawings
- Photographs
- Cards
- Tapes
- Recordings
- Memoranda

- Papers
- Documentary Materials (regardless of physical form or characteristics, and including information contained in electronic data processing equipment)

*** This list is illustrative and not exclusive.**

The documents must have been used, in use, or prepared, possessed, or retained for use in the following:

- Conduct, transaction, or performance of any:
 - Business
 - Transaction
 - Work
 - Duty, or
 - Function

- Conducted, transacted, or performed:
 - By or under the authority of the constitution or laws of the state
 - By or under the authority of any:
 - Ordinance, regulation, mandate, or order of any public body
 - Concerning the receipt or payment of any money received or paid by or under the authority of the constitution or laws of the state:
 - Records regarding public funds are public records; therefore, right to inspection of non-public foundations exists -- provided that inspection is limited to records regarding the public funds. *State ex rel. Guste v. Nicholls College Foundation*, 592 So.2d 419 (La. App. 1 Cir. 1991).

R.S. 44:1(A)(2)(c) declares that any blueprint or floor plan of the interior of a public school building or facility is not a “public record”.



Act 169 of the 2021 Regular Session (Effective June 11, 2021) enacts R.S. 44:3.6, which provides that blueprints, floor plans, and renderings of the interior of an airport facility or of a facility on airport property or of airport infrastructure shall be confidential. The law provides that these documents, except in certain circumstances, shall not be subject to public inspection, examination, copying, or reproduction.

Documents that may otherwise be Public Records are exempted from inclusion if the Louisiana Constitution provides an exemption, such as the right to privacy afforded under [Article I, Section 5](#). Documents may also be statutorily exempted in Title 44 Chapter 1 of the Louisiana Revised Statutes.

R.S. [44:6](#) mandates that the completed reports of the Legislative Auditor shall be public records and shall be available at the office of the Legislative Auditor three days after the completion of the reports.

R.S. [44:8](#) declares that the Louisiana Office Building Corporation is a quasi-public corporation; that all papers, documents, contracts, legal agreements, correspondence, minutes of meetings, and any other records of the corporation are matters of public record; and all books and records of the corporation are subject to audit and review by the Legislative Auditor to the same extent as those of all other state departments or agencies.

R.S. [44:11](#) provides for the confidentiality of certain portions of a public employee's personnel records. These items include:

- The home telephone number of a public employee, if the number is a private or unlisted number, or the employee has requested that such the number be confidential;
- The home address of the public employee, if the employee requests that it be confidential;
- The name and account number of any financial institution to which the public employee's wages or salary are directly deposited;
- Public employee's social security number; and
- Public employee's medical records, claim forms, insurance applications, benefit payment requests, and other health related records of the employee and their dependents.

Additionally, the following have also been held by the courts and the Attorney General to be exempt from disclosure under the Public Records Law:

- Tax info, including withholding information of the Public Employee;
- Performance Evaluations; and
- Date of Birth of the Public Employee.

R.S. [44:12.1](#) requires that the name, related qualifications, relevant employment history or experience of each applicant for a public position of authority or a public position with policymaking duties shall be available for public inspection, examination, copying, or reproduction as provided for in Chapter 2 of Title 44.

Further R.S. [44:12.1\(B\)\(1\)](#) prohibits a public body or agent acting on behalf of a public body from using **only** oral contacts and interviews of applicants considered when filling vacancies in public positions of authority or public positions with policymaking duties, or use of any other means to circumvent the provisions of this section.

Applications for alcohol permits are public records; but the names, addresses, ownership interests, social security numbers, and information on criminal background inquiry must be redacted before disclosure of remaining application information to third parties. [AG Op. No. 05-0412](#).

Q.3. What is a Public Body?

R.S. [44:1](#).

A.3. A Public Body is defined in R.S. [44:1\(A\)](#) (1) as any of the following, including any committee, subcommittee, advisory board, or task force of the following:

- Branch
- Department
- Office
- Agency
- Board
- Commission
- District
- Governing Authority
- Political Subdivision
- Instrumentality of State, Parish, or municipal government, or
- Public or quasi-public nonprofit corporations designated as an entity to perform a governmental or proprietary function.

Note: Affiliates of housing authorities are subject to public records law (R.S. 40:487 and R.S. 44:1(A)(1)).

The nominating committee and appointing authority for public bodies are subject to the Open meetings Law and Public Records Law. [AG Op. No. 16-0093](#); [AG Op. No. 08-0148](#) and [AG Op. No. 06-0311](#).

Drug courts, as quasi-public nonprofit corporations, are public bodies for the purpose of Louisiana's Public Records Law and subject to the Audit Law. [AG Op. No. 06-0138](#).

Advisory committees of local governing authorities are subject to the Open Meetings Law and Public Records Law. [AG Op. No. 08-0211A](#); [AG Op. No. 08-0143](#); [AG Op. 07-0261](#); [AG Op. No. 05-0424](#).

For additional discussion of application of the Public Records Law to private entities carrying out public functions, please see the LLA's Whitepaper:

[The Public Record Law & Private Entities Engaging in Public Functions.](#)

Q.4. What is a custodian?

R.S. [44:1](#).

- A.4.** A custodian is defined in R.S. [44:1](#)(A)(3) as the public official or head of any public body having custody of a public record or a representative specifically authorized to respond to requests to inspect any such public records.

The identity of the custodian of a town’s records is the mayor; however, the mayor may designate the town clerk, the town attorney, or the director of finance to respond to public records requests.

C.B. Forgotson Act

[R.S. 44:33.1](#), also known as the C.B. Forgotson Act, requires that public bodies shall make the contact information of the custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted, including placing this contact information on the internet.

Q.5. How should the Public Records Law be interpreted?

- A.5.** Louisiana’s Public Records Law should be interpreted liberally, with any doubt resolved in favor of the right of access. *First Commerce Title Co., Inc. v. Martin*, 887 So.2d 716 (La. App. 2 Cir. 2004).

In other words, in cases where there is any doubt as to the public’s right to view a document, the courts will decide on the side of the document being open to public review.

Q.6. What documents are specifically exempted from being classified as public records under the Public Records Law?

- A.6.** R.S. [44:4.1](#) mandates that only exceptions provided for in Chapter 1 of Title 44 and within the Constitution of Louisiana are valid, and that all other exceptions, exemptions, and limitations pertaining to public records not provided for under Chapter 1 of Title 44 or the Louisiana Constitution **shall have no effect**.

R.S. [44:4.1](#) then lists exemptions from other titles and chapters of the Revised Statutes and State Codes that are continued into effect by incorporation into Chapter 1 of Title 44. **Please check the extensive list in R.S. [44:4.1\(B\)](#)**

Unless R.S. [44:1](#), et seq. expressly exempts a record, or unless there is a recognized constitutional right, such as the right to privacy found under [Art I, Section 5](#) of the Louisiana Constitution, that requires exclusion of a record, all public records are generally subject to inspection and copying.

Examples of exempted documents include:

- The work papers of the Legislative Auditor,
- Documents containing trade secrets or proprietary information,
- Documents pertaining to the security procedures, investigative techniques, or containing internal security information of a body,
 - Security camera video tapes are not exempted and are public records subject to inspection by the public; however, video of executive session may be excluded. [AG Op No 05-0166](#).

- Accident reports, or information in accident reports, as provided in R.S. 32:398,
- Social Security Numbers of teachers,
- Blueprints or floor plans of the interior of public school buildings or facilities,
- **Blueprints, floor plans, or renderings of the interior of airports, facilities on airport property, or airport infrastructure***
- Private and unlisted phone numbers,
- Protected health information as defined in R.S. 29:762(10),
- Investigative records (R.S. 44:3) held by attorney general, police, district attorney, etc. pertaining to pending criminal litigation, and
 - This includes videos pertaining to the investigation, which should remain confidential until final adjudication or settlement. [AG Op. No. 08-0218](#).
 - This includes video or audio recordings generated by law enforcement officer body-worn cameras that are found by the custodian to violate an individual's reasonable expectation of privacy
 - Includes the Council on Peace Officer Standards and Training and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.
 - Includes affidavits of probable cause executed by law enforcement officers in support of arrest warrant applications. [AG Op. No. 19-0169](#)

However, see *McKay v. State, Div. of Admin.*, 2013-1265 (La. App. 1 Cir. 3/21/14), which holds that R.S. 44:3(A)(1) applies to investigative documents in the hands of the Attorney General, not to public records held by other agencies that the Attorney General intends to use in its investigation. The court rejected AG opinions to the contrary.

- Names of minors must be redacted from police records when presented to third parties.
 - Names of minor delinquents may be released to victims but not to third parties due to Children’s Code and application under R.S. [44:4.1](#). [AG Op. No. 06-0007](#).

*Added by **Act 169 of the 2021 Regular Session** (Effective June 11, 2021)

Statutory exceptions to the Public Records Law

A complete list of the statutory exceptions to the Public Records Law can be found in R.S. [44:1](#), [44:2](#), [44:3](#), [44:3.1](#), [44:3.2](#), [44:3.3](#), [44:3.4](#), [44:3.5](#), [44:4](#), [44:4.1](#), [44:5](#), [44:6](#), [44:7](#), [44:10](#), [44:11](#), [44:12](#), [44:13](#), [44:15](#), [44:16](#), [44:17](#), [44:18](#), [44:19](#), [44:20](#), [44:21](#), [44:22](#), and [44:23.1](#).

Notable exceptions:

- [R.S. 40:1379.3\(A\)\(3\)](#), which makes it a crime for anyone to knowingly publicize or release for publication the information regarding concealed handgun permit holders, except when specific exceptions are present.
- [R.S. 44:11\(E\)](#) relates to the confidentiality of information in personnel records of certain public employees. The home address of a member of the Firefighters' Retirement System shall not be confidential if that information is requested by a member of the Louisiana Legislature, an agency or employer reporting information to the system, or a recognized association of system members.
- [R.S. 44:4.1\(B\)\(26\)](#) and [R.S. 40:1379.1.1](#) provide with respect to concealed handgun permits issued by sheriffs.
- Security surveillance video of the capitol area and grounds. [R.S. 44:4\(50\)](#)
- Questionnaires completed by members of a petit jury venire. [R.S. 44:4\(49\)](#)
- Commercially sensitive information in the custody or control of a public power authority. [R.S. 44:3.3](#)
- Any tax information in the possession of the Board of Tax Appeals that is required by law to be held confidential or privileged or to any internal correspondence among the members and staff of the Board of Tax Appeals pertaining to discussion of a case being adjudicated by the board. [R.S. 44:4\(48\)](#)
- To allow the secretary of state or any employee or official of the Department of State to disclose electronic mail addresses or short message service numbers to an agency, official, or employee of state government or of a political subdivision of



the state in the course of interaction with the Department of State. However, they may be used only for the governmental purposes for which the information was submitted or captured, and they shall not be disclosed. [R.S. 12:1702](#)


- The exception in [R.S. 12:1702](#) is incorporated by reference into the Public Records Law through [R.S. 44:4.1\(B\)\(5\)](#).
- Certain video or audio recordings generated by law enforcement body-worn cameras are exempt from the Public Records Law. [R.S. 44:3\(I\)](#)
- Certain records (licensee fitness and examination questions) of the State Licensing Board for Contractors are exempt from the provisions of the Public Records Law. [R.S. 44:4\(51\)](#) and (52)
- Confidentiality of Records disclosed to or by the Commissioner of Insurance during the course of an insurance receivership are confidential. [R.S. 44:4.1\(B\)\(11\)](#)
- Several exemptions exempt papers of the insurance commissioner related to insurance fraud and unfair trade practices, the anti-fraud plan of insurers and health maintenance organizations, work papers related to self-insurance funds; privileged communications related to police power of municipalities and parishes for code enforcement officers including animal control; reports from agency head under governmental ethics; and records of the coroner's office related to health intervention. [R.S. 12:2.1 and 2.2](#), "The Business Identity Theft Prevention Act," which includes an exception for electronic mail addresses or short message service numbers submitted to secretary of state. [R.S. 44:4.1\(B\)\(37\)](#).
- School crisis management and response plans. [R.S. 44:3.1\(B\)](#)
- Writings, records or reports of cyber incidents or payment of cyber ransoms submitted to the Louisiana Fusion Center pursuant to [R.S. 51:2114](#) shall not be considered public records for sixty days from the date of submission to the commission. After the sixty days, the records would then be subject to the provisions of the Public Records Law, if no other exemption applies.

Further information that constitutes critical infrastructure information as defined in 6 U.S.C. §671, regardless of whether the information has been shared with any federal governmental agency, shall not be considered public records. [R.S. 44:4.1\(D\)](#)


- Cybersecurity plans, financial security procedures, or the assessment or implementation of such plans and procedures required under [R.S. 39:372\(D\)](#) for State Executive Branch agencies, boards, and commissions. [R.S. 44:4\(59\)*](#)




* Enacted by **Act 66 of the 2021 Regular Session** (Effective June 4, 2021) Final designation of paragraph (#) is subject to authority of Law Institute.

- 
- Registration information provided to the Secretary of State by providers that manage a public body's information technology structure, security, or end-user systems. R.S. 51:2113(E)*
 - The exception in R.S. 51:2113(E) is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(35).

* Enacted by **Act 231 of the 2021 Regular Session** (Effective June 11, 2021)

- 
- The following records enumerated under R.S. 51:2370.16* related to the Granting Unserved Municipalities Broadband Opportunities (GUMBO) program:
 - Providers' trade secret and proprietary information, including coverage data, maps, and shapefiles;
 - Information regarding unserved coverage areas not yet awarded or announced; and
 - Applications pending evaluation.
 - The exception in R.S. 51:2370.16 is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(25).

* Enacted by **Act 477 of the 2021 Regular Session** (Effective July 1, 2021)

- 
- The following information concerning Unclaimed Property:
 - The specific monetary value and name of a company that remits assets held in the State Treasury pursuant to the Unclaimed Property Act of 1997, except as provided in R.S. 9:161. R.S. 44:4(59)*
 - The following identification information submitted by a claimant of property held in the State Treasury pursuant to the Unclaimed Property Act of 1997, except as provided in R.S. 9:161: R.S. 44:4(60)*
 - Name;
 - Address;
 - Telephone Number;
 - Email Address;
 - Social Security Number;
 - Driver's License Number; or
 - Copy of a license or other form of identification.

* Enacted by **Act 222 of the 2021 Regular Session** (Effective August 1, 2021) Final designation of paragraph (#) is subject to authority of Law Institute.



- Records, files, documents and communications, and any information contained therein, that are made, generated, received, or maintained by or in connection with a peace officer and public safety personnel peer support program or session conducted by a trained peer support member, or relating to the personal information of approved peer support members by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. R.S. 44:4(59) *

* Enacted by [Act 283 of the 2021 Regular Session](#) (Effective August 1, 2021) Final designation of paragraph (#) is subject to authority of Law Institute.



- Camera footage from self-contained classroom or special education settings recorded pursuant to R.S. 17:1948. R.S. 17:1948(D)(1)*
 - ❑ The exception in R.S. 17:1948 is incorporated by reference into the Public Records Law through R.S. 44:4.1(B)(9).

* Enacted by [Act 456 of the 2021 Regular Session](#) (Effective June 23, 2021)

Q.7. How does the Constitutional Right of Privacy apply to Public Records?

A.7 The constitutional right of privacy in Louisiana arises from [Article I, Section 5](#) of the Louisiana State Constitution, which states, “every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or **invasions of privacy.**” The court has consistently held that the right to privacy in Louisiana can be described as the right to be left alone and to be free from unnecessary public scrutiny. *DeSalvo v. State*, 624 So.2d 897 (La. 1993). The right, however, like other personal rights, may be lost in many ways -- by express or implied waiver or consent, or by a course of conduct that prevents assertion. *Parish Nat. Bank v. Lane*, 397 So.2d 1282 (La. 1981). The right of privacy is also limited by society’s right to be informed about legitimate subjects of public interest. *Id.*

The right to privacy applies only when one has a **reasonable expectation** of privacy in the matter sought to be protected. *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 696 So.2d 562 (La. 1997). In order for the expected privacy to be reasonable and thus constitutionally protected, the expectation must not only be an actual or subjective expectation of privacy, but also of a type that society at large is prepared to recognize as being reasonable. *State v. Ragsdale*, 381 So.2d 492 (La. 1980).

Louisiana Supreme Court holdings on whether or not a balancing test should determine if a public record should be exempted from inspection on privacy grounds have been inconsistent. In *Capital City Press* (1997) the court held that a balancing test was inappropriate, ruling that applications for assistant director positions for the metropolitan airport were public records and subject to inspection

and not protected by a constitutional right to privacy. Ten years later, the court held in *Copeland v. Copeland*, 966 So.2d 1040 (La. 2007) that a balancing test was appropriate, balancing the public's interest in right to inspect public records and the individual's interest in right to privacy, ruling that divorce records were public records and subject to inspection upon necessary redaction of information for the protection of the children.

In *Trahan v. Larivee*, 365 So.2d 294 (La. App. 3rd Cir. 1979) the court held that privacy provisions exempted from inspection the performance evaluation of a public employee. However in *Hilbun v. State, ex rel. Division of Administration*, 745 So.2d 1189 (La. App. 1st Cir. 1999), the court held that the investigative report concerning the alleged improprieties of a state employee, which contained statements from co-employees, was not entitled to protection under the right of privacy.

The court in *Capital City Press* held that absent statutory authorization, if the Legislature has spoken on an issue (e.g., employee records) and has not chosen to exempt a specific type of record (e.g., employee applications), then the court will not read into the constitution a right of privacy for those records and will hold that the individual has no objective expectation of privacy in regard to those records. Given this difference in the court's view of an appropriate test, and the apparent difference in the level of acceptance in recognizing a constitutional right of privacy, each case should be treated individually, considering all the facts and circumstances of the situation. The court (although applying varying tests) appears to favor disclosure over individual privacy rights, seemingly under the *Lane* ruling that privacy rights can be waived expressly, implicitly, or through a course of conduct.

For additional information on public records and privacy in the workplace, please see the LLA's Whitepaper [here](#).

Q.8. Are records involved in legislative investigations subject to public records requests? [R.S. 44:2](#)

A.8. No, R.S. 44:2 exempts records, writings, accounts, letters, letter books, photographs or copies of books, in the custody or control of the legislature, either house or any committee or officer, and that concern or hold relative to any case, cause, charge, or investigation being conducted through the legislature, or either house or any committee, until after the case, cause, charge or investigation has been fully disposed of.

Q.9. Are there any exceptions for proprietary or trade secret information submitted to the Department of Economic Development? [R.S. 44:3.2\(C\)](#)

A.9. Yes, R.S. 44:3.2(C), states that the Public Records Law shall not be construed to require the disclosure of proprietary or trade secret information that has been

submitted to the Department of Economic Development for economic development purposes.

Q.10. Are the work papers of the Legislative Auditor subject to inspection or reproduction under the Public Records Law? R.S. [44:4\(6\)](#)

A.10. No. The public records law shall not apply to: “Any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof, in the custody or control of the legislative auditor, or the actual working papers of the internal auditor of a municipality **until the audit is complete.**” R.S. [44:4\(6\)](#)

- [AG Op. No. 08-0055A](#) states that the **working papers of the Legislative Auditor remain exempt from the Public Records Law even after completion of the audit.**

The legislative history of R.S. [44:4\(6\)](#) as well as [AG Op. No. 08-0055A](#) clarify that the language at the end of R.S. [44:4\(6\)](#) exempting the work papers only until the audit is complete applies to only the working papers of the internal auditor of a municipality. Prior language of [44:4\(6\)](#) required that the work papers of the Legislative Auditor remain exempt, and the legislative history suggests that the legislature intended the temporal limitation to apply solely to the inclusion of an exemption for the work papers of municipal internal auditors. Further, reading the statute in conjunction with R.S. [44:6](#) (which mandates that the completed reports of the Legislative Auditor shall be public records and shall be available at the office of the Legislative Auditor three days after the completion of the reports) makes clear that the Legislature never intended that the work papers of the Legislative Auditor lose the exemption status given in R.S. [44:4\(6\)](#)

Q.11. Are there exemptions for the books and records of the Governor? R.S. [44:5](#).

A.11. Prior to Act 145 of the 2015 Regular Session, R.S. [44:5](#) exempted the books, records, writings, accounts, letters, letter books, photographs or copies thereof, ordinarily kept in the custody or control of the Governor in the usual course of the duties and business of his/her office, or to those having been used, being in use, or prepared, possessed, or retained for use by or on behalf of the Governor in the usual course of the duties and business of his office.

As of January 11, 2016, R.S. [44:5](#), as amended in 2015, declares the records of the Office of the Governor to be public records subject to the provisions of the Public Records Law for all in-coming governors. Further records of the Office of the Governor related to fiscal or budgetary matters, including but not limited to records of communications between the Legislative Auditor’s office and the Office of the Governor related to fiscal or budgetary matters, shall be public records.

Intraoffice communications between the Governor and his internal staff may be privileged from disclosure. The Office of the Governor is defined for the purposes of R.S. 44:5 to only include the Governor, his Chief of Staff, Deputy Chief of Staff, and Executive Counsel. Internal staff is defined to include the Governor's Chief of Staff, Deputy Chief of Staff, Executive Counsel, and Director of Policy, but shall not include any employee of any other agency, department, or office.

Additionally records regarding the schedules and transportation of the Governor and his/her family which may contain security details may be held confidential for up to seven days following the scheduled event. The Governor is also permitted to keep a record concerning a meeting or event that he/she attends and transportation related information privileged for up to seven days after the occurrence of the meeting or event.

II. General Provisions

Q.12. What rights does an individual have to examine public records?

A.12. [Article XII, Section 3](#) of the Louisiana Constitution's mandate that "No person shall be denied the right to observe the deliberations of public bodies and **examine public documents**, except in cases established by law" provides the origin for an individual's right to examine public records. Further, R.S. [44:31](#) states that it is the responsibility and duty of the appointive or elective office of a custodian and his or her employees to provide access to public records.

Q.13. Who is entitled to make a public records request? R.S. [44:31](#).

A.13. Except as otherwise provided for by law, any person of the age of majority may inspect, copy, or reproduce any public record, and **any** person may obtain a copy or reproduction of any public record.

R.S. [44:31.1](#) limits the definition of person to exclude individuals in custody after sentencing following a felony conviction who has exhausted his appellate remedies if the request is not limited to grounds upon which the individual could file for post-conviction relief under Code of Criminal Procedure Article [930.3](#).

The limitation of R.S. 44:31.1 does not extend to the attorney representing the incarcerated felon. *Boren v. Taylor*, 16-2078 (La. 6/29/17) 223So.3d 1130.

The number or length of records that an individual may request is unlimited, except that the record must be available. The individual's right is not impaired by use of the records to publish or distribute the information in a manner critical to the public body. **AG Op. No. 93-0482**, [AG Op. No. 09-0298](#).

Q.14. Who carries the burden of proving that a record is not subject to inspection? [R.S. 44:31.](#)

A.14. The burden of proving that a public record is not subject to inspection, copying, or reproduction **rests with the custodian.**

Q.15. What must be included in a request for public records?

A.15. The request need not include specific name or type of document requested; it is sufficient that requester gives reasonable description of information sought. *Nungesser v. Brown* 664 So.2d 132, (La. App. 1 Cir. 1995). * reversed on other grounds.

The request may be made in person during regular business hours or requested by letter. *Elliot v. District Attorney of Baton Rouge*, 664 So.2d 122 (La. App. 1 Cir. 1995).

For in person requests, the custodian may ask for and examine proof of identification, such as the requestor's driver's license, but may not retain a redacted copy of the license. If the requestor voluntarily submits a copy of their proof of identification as part of an electronic public records request, the custodian may retain the submitted copy. The custodian may request contact information, in order to contact the requestor if the requested documents are not currently available; however, the custodian may not require providing of contact information as a condition for responding to a public records request.

[AG Op. No. 17-0056A](#)

Q.16. To whom should a request for public documents be made?

A.16. All requests for public documents should be directed to the custodian of the particular public record.

Q.17. What are the duties of the custodian? [R.S. 44:31](#), [44:32](#), [44:33](#).

A.17. [R.S. 44:31](#) states that it is the responsibility and duty of the appointive or elective office of a custodian and his/her employees to provide access to public records. [R.S. 44:32](#) requires that the custodian present any public record to any person of the age of majority who so requests. Further, the custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person.

A custodian may make inquiries as to whether an individual falls within the exclusions of [R.S. 44:31.1](#) concerning requests from individuals in custody for a felony conviction who have exhausted their appellate remedies. The custodian can inquire as to whether the requestor is in custody for a felony

conviction, has exhausted his appellate remedies, and whether the request is limited to grounds for post-conviction relief under [CCRP 930.3](#).

The custodian shall extend to the requestor all reasonable comfort and facility for the full exercise of the right granted under Chapter 2 of Title 44, provided that nothing prevents the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined.

If any record contains material that is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

For all public records, it is the duty of the custodian of the public records to provide copies to persons requesting.

The custodian is required to use reasonable means to notify the public that information submitted to the public body may become a public record pursuant to the Public Records Law. [R.S. 44:33.1\(B\)](#).

No fee may be charged to any person to examine or review any public records, except as provided for under R.S. [44:32\(C\)](#), and no fee may be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.

If a record is requested and the custodian raises a question regarding whether or not the requested record is a public record, the custodian must within three (3) days, exclusive of Saturdays, Sundays, and legal public holidays, of receipt of the request, notify in writing the person making the request of the custodian's determination and reasons therefor. The written notification shall contain a reference to the basis under the law that the custodian has determined exempts the record, or any part of the record, from inspection, copying, or reproduction.

Under R.S. [44:33](#) a custodian must segregate any requested public record from the other records under his/her custody so that the public can reasonably view the requested record.

If segregating the record would be unreasonably burdensome or expensive, or if the record requested is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, the official shall so state in writing and shall state the location of the requested record.

See [AG Op. No. 09-0298](#) for a discussion of the duties of the custodian.

The custodian, under the language of R.S. 44:32(B), has discretion on whether to separate or redact nonpublic material from an otherwise public record prior to

examination by a requestor, unless the custodian is legally prohibited from disclosing the nonpublic information. [AG Op. No. 17-0056A](#)

C.B. Forgotson Act

R.S. 44:33.1, also known as the C.B. Forgotson Act, requires that public bodies shall make the contact information of the custodian available to the public in a manner that will allow a member of the public to quickly determine the appropriate person to whom a public records request should be submitted, including placing this contact information on the internet.

Q.18. What requirements may a custodian place upon a requestor of public records? R.S. [44:32](#).

A.18. A custodian may require a person to sign a register but shall not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any person requesting public records.

For in person requests, the custodian may ask for and examine proof of identification, such as the requestor's driver's license, but may not retain a redacted copy of the license. If the requestor voluntarily submits a copy of their proof of identification as part of an electronic public records request, the custodian may retain the submitted copy. The custodian may request contact information, in order to contact the requestor if the requested documents are not currently available; however, the custodian may not require providing of contact information as a condition for responding to a public records request.

[AG Op. No. 17-0056A](#)

A custodian of public records, not of a state agency, may establish and collect reasonable fees for making copies of public records.

The custodian of public records of a state agency shall charge fees for copies according to the uniform fee schedule adopted by the commissioner of administration as provided by R.S. [39:241](#).

The custodian of any public records **may** furnish copies without charge or at a reduced charge to indigent citizens of the state.

Custodians of public records of state agencies **may** also furnish free copies or at reduced charge for individuals whose use of the copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

The custodian may require that examination of public documents occur during regular office and working hours or may authorize examination at other times, with

any additional costs for staffing paid out of funds paid in advance by the person examining the public records outside of regular office and working hours.

Q.19. When must a custodian present the requested record for examination or production?

R.S. 44:33.

A.19. The custodian shall immediately present to a requestor any public record that is immediately available and not in use. If the record is not immediately available, i.e., is in active use at the time of the application requesting it, the custodian shall promptly certify the unavailability of the record to the requestor in writing, and in this certificate fix a day and hour within three (3) days, exclusive of Saturdays, Sundays, or legal holidays, for the exercise of the requestor's right to examine or receive a copy of the record.

Q.20. What if the record is not currently in the possession of the custodian?

R.S. 44:34.

A.20. R.S. 44:34 requires that the custodian of a requested public record that is currently not in the custody or control of the custodian promptly certify in writing to the requestor the absence of the record, citing the reason for the absence of the record from the custodian's custody or control, the current location of the record, the person who has current custody or control of the record, and the exact time at which the record was taken from the custodian's custody or control, to the best of his/her knowledge and belief. The custodian shall also include in the certificate ample and detailed answers to inquiries of the applicant that may facilitate the exercise of the right granted by Chapter 2 of Title 44.

Q.21. Who is the custodian of a public record used by two or more different agencies?

A.21. A public record may have more than one custodian when that record is used by more than one public agency. In *Shane v. Parish of Jefferson, et al*, 2014-2225 (La. 12/8/15), 209 So.3d 726, the Louisiana Supreme Court interpreted the definition of "custodian" in La. R.S. 44:1, which provides "the public official or head of any public body having custody or control of a public record" to mean that "custody" under the statute "may be a mere physical possession" for purposes of determining a custodian of a public record. The Court found this conclusion supported by the fact that the definition of "public records" is not limited to originals, but includes "all copies, duplicates, photographs, including microfilm, or other reproductions." La. R.S. 44:1(A)(2)(a). The Court reasoned that public records custodian includes not only the original custodian, but also subsequent public officials who have obtained custody of the record. This reasoning is consistent with the legislative goal that all doubts regarding public records requests be resolved in favor of the public's expansive and unrestricted right to access.

Q.22. May the requestor specify a format for provision of the record?

A.22. The third circuit court held that a Requestor was entitled to have records of city employee's e-mail account be electronically reproduced on compact disc (CD), digital video disc (DVD), or flash drive pursuant to a Public Records Act request, despite claim that permitting electronic reproduction would allow members of the public to undetectably alter the copies they received, where requester provided the medium at his own cost, no law existed restricting the reproduction of records in digital format, and records reproduced on hard copy had potential to be altered as well. *Johnson v. City of Pineville*, App. 3 Cir.2009, 9 So.3d 313, 2008-1234 (La. App. 3 Cir. 4/8/09).

Q.23. What rights does an individual have if denied his or her right to inspect a public record? R.S. [44:35](#).

A.23. R.S. 44:35 provides that a person who has been denied the right to inspect, copy, reproduce, or obtain a copy or reproduction of a record either by a determination of the custodian or by the passage of five days, exclusive of Saturdays, Sundays, and legal public holidays, from the date of his in-person, written, or electronic request without receiving a determination in writing by the custodian or an estimate of the time reasonably necessary for collection, segregation, redaction, examination, or review of a records request, may institute proceedings for the issuance of a writ of mandamus (court order compelling the custodian to act), injunctive, or declaratory relief, as well as payment of attorney's fees, costs, and damages as provided for under [44:35](#). The proceedings must be filed in the district court for the parish in which the office of the custodian is located.

If a person seeking the right to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record prevails at court, he or she shall be awarded reasonable attorney fees and other costs of litigation. If the person prevails in part, the court has discretion to award reasonable attorney fees or an appropriate portion thereof.

Q.24. What is the penalty for violation of the Public Records Law? R.S. [44:37](#).

A.24. Any person having custody or control of a public record, who violates any of the provisions of Chapter One of Title 44, or any person not having custody or control who by any conspiracy, understanding, or cooperation with any other person, hinders or attempts to hinder the inspection of any public records declared by that chapter to be subject to inspection, shall **upon first conviction** be fined not less than one hundred dollars ($\geq \$100$), and not more than one thousand dollars ($\leq \$1,000$), **or** shall be imprisoned for not less than one month, nor more than six months (**1 – 6 months**).

Subsequent convictions shall be fined not less than two hundred fifty dollars ($\geq \$250$) and not more than two thousand dollars ($\leq \$2000$), or imprisoned for not less than two months, nor more than six months (**2-6 months**), **or both**.

R.S. [14:132](#) makes it a criminal offense for the intentional removal, mutilation, destruction, alteration, falsification, or concealment of any record, document, or other thing:

Filed or deposited, by authority of law, in any public office or with any public officer; or

Defined as a public record pursuant to R.S. [44:1](#), *et seq.* and required to be preserved in any public office or by any person or public officer pursuant to R.S. [44:36](#).

R.S. [14:133](#) makes it a crime to file a false public record. The statute defines the filing of false public records as:

“The filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, of any of the following”

- Any forged document
- Any wrongfully altered document
- Any document containing a false statement or false representation of a material fact.

The penalty clause found in R.S. [14:133](#)(C) applies to both the “filing” and “maintaining” of false public records. **AG Op No 04-0248**.

[R.S. 15:1352](#) adds injuring public records and filing or maintaining false public records to the Louisiana Racketeering Act which applies additional criminal penalties.

Q.25. What damages may be awarded in a suit filed pursuant to R.S. [44:35](#)?

A.25. If the court finds that the custodian

- arbitrarily and capriciously withheld the requested record, or
- unreasonably or arbitrarily failed to respond to the request as required by R.S. [44:32](#).

The court may award the requestor:

- Any actual damages (proven by the requestor to have resulted from the actions of the custodian)
- Civil penalties **not to exceed one hundred dollars per day**, exclusive of Saturdays, Sundays, and legal public holidays for each day of the custodian's failure to give notification.

- ❖ Awarded only when the custodian fails to respond. See *Aswell v. Divisions of Administration, State of Louisiana*, 2015-1851 (La.App. 1 Cir. 06/03/16), 196 So.3d 90, 96

If the requestor prevails in his/ her suit against the custodian, then he/she shall be awarded reasonable attorney’s fees and other costs of litigation.

R.S. [44:35](#)(D)

Q.26. Who is liable for damages or payment of attorney’s fees and costs of litigation under a suit for denial of rights under the Public Records Law?

R.S. [44:35](#)(E)(2)

- A.26.** The custodian is **personally liable** for the payment of any damages awarded, and is liable **in solido** with the public body for the payment of the requestor’s attorney fees and other costs of litigation.

The custodian is **not personally liable** for attorney fees and costs of litigation if he/she **withheld or denied** production of the requested record or records **on the advice of the legal counsel representing the public body in which the office of such custodian is located.**

In the event the custodian retains private legal counsel for his/her defense or for bringing suit against the requestor in connection with the request for records, the court may award attorney fees to the custodian.

Q.27. Who may bring suit under R.S. [44:35](#)?

- A.27.** Only the person who requests to inspect or copy a public record and is denied that right has a right of action. *Vourvoulis v. Movassaghi*, 906 So.2d 461 (La. App. 1st Cir. 2005).

The language of R.S. [44:35](#) provides that “**any person**” may institute proceedings, so even individuals who make requests in their “**official capacity**” may bring suit if denied right to inspect or copy public records. *Nungesser v. Brown*, 664 So.2d 132 (La. App. 1st Cir. 1995). * reversed on other grounds.

Q.28. Who has a duty to preserve public records?

R.S. [44:36](#)*

- A.28.** All persons and public bodies having custody or control of any public record, other than conveyance, probate, mortgage, or other permanent records required by existing law to be kept for all time, shall exercise diligence and care in preserving public record for the period or periods of time specified for such public records **by law** for public records or in formal records retention schedules developed and



approved by the state archivist and director of the division of archives, records management, and history of the Department of State.

R.S. [44:39](#) and [44:40](#) allow for electronic conversion of all public documents. The policies and procedures for this conversion and retention of original documents and digital backups are established by the Department of State Archives. [AG Op. No. 05-0408](#); See also [AG Op. No. 08-0140](#).

For additional information on retention of public records, please review the LLA’s FAQ on [Records Retention](#).

* Amended by [Act 213 of the 2021 Regular Session](#) (Effective June 11, 2021)

Q.29. How long must public records be preserved? R.S. [44:36](#)*

A.29. The records retention period depends primarily on the nature of the record.

[R.S. 44:36](#) requires that all persons or public bodies that have custody or control of any public record, other than those such as conveyance, mortgage, and other similar permanent records that are required to be preserved forever by law, must maintain the record **for the period specified by law.**

If the law does not prescribe a particular period of time for the record to be retained, the public records must be preserved and maintained for a period of at least three years from the date on which the public record was made, **except when an agency as defined in R.S. 44:402, has an approved retention schedule pursuant to R.S. 44:36(B).**

The Secretary of State’s Office cautions against disposal of records as Federal guidelines may require extended periods of preservation, thus making imperative the creation of a formal retention schedule.

R.S. 44:36(B) provides that all agencies as defined in R.S. 44:402 shall keep all records for the time specified in records retention schedules developed and approved by the State Archivist and Director of the Division of Archives, Records Management, and History of the Department of State, pursuant to the provisions of R.S. 44:411.

- [R.S. 44:402\(5\)](#) defines “Agency” as:

...state, parish and municipal office, department, division, board, bureau, commission, authority, or other separate unit of state, parish, or municipal government created or established by the constitution, law, resolution, proclamation, or ordinance.



R.S. [44:411](#) requires these entities to develop and submit a records retention schedule (a listing of their agency's records with the retention requirements to meet their administrative, legal and financial needs) for review and approval by the State Archives.

For additional information on retention of public records, please review the LLA's FAQ on [Records Retention](#).

* Amended by [Act 213 of the 2021 Regular Session](#) (Effective June 11, 2021)

Q.30. How is a formal retention schedule created?

A.30. Agencies (State or local) should contact the Secretary of State's Office or visit www.sos.la.gov to establish a formal retention schedule regarding the entity's individual records.

For additional information on retention of public records, please review the LLA's FAQ on [Records Retention](#).

Q.31. Do local inspectors general and ethics review boards have any extra confidentiality protection?

A.31. Yes, R.S. [33:9613\(A\)\(3\)](#) and [33:9613\(A\)\(4\)](#), [33:9614\(B\)](#) and [\(C\)](#), provide that any material, records, data and information compiled by an office of inspector general in an investigation, examination, audit, inspection, or performance review is confidential and privileged and not subject to public records law until the investigation, examination, audit, inspection, or performance review is complete.

[R.S. 33:9614\(E\)](#), relative to the Legislative Auditor, provides that the LLA shall have the authority to examine, audit, inspect or copy all records compiled, prepared or obtained by the ethics entity, ethics review board or office of the inspector general, including but not limited to all books, accounts, papers, documents, records, files, instruments, films, tapes, or any other forms of recordation, including but not limited to computers and recording devices, whether confidential, privileged, or otherwise. However, the LLA shall comply with all restriction imposed by law on documents, data, or information deemed confidential and privileged by law and furnished to the legislative auditor.

Q.32. Does the Public Records Law apply to private entities?

A.32. In some case, the Public Records Law may apply to private entities. The Louisiana Supreme Court recently extended the Public Records Law to private entities engaged in public functions. *New Orleans Bulldog Society v. Louisiana Society for the Prevention of Cruelty to Animals*, 16-1809 (La. 5/3/17); 222So.3d 679. The Court held that the contractual agreement between the LASPCA, a private, non-

profit corporation, and the City of New Orleans, wherein the LASPCA provided mandated city services regarding animal control, made the LASPCA an instrumentality of the City. As an instrumentality of the government, the Court found that the LASPCA was a quasi-public entity subject to the Public Records Law. The functionality test created by the Court is fact specific and distinguishes between a private entity providing services to a public entity and those engaged in performing public functions on behalf of the public entity. For more information on this case please see the LLA’s White Paper [\[Click here\]](#)

Q.33. What resources on Public Records Law are available online?

A.33. Several resources are available online.

The LLA’s FAQ on Records Retention can be viewed [here](#).

The *Attorney General’s Office* has a summary that can be viewed [here](#).

[R.S. 44:31.2](#) requires the Attorney General to create a Public Records awareness program for the education of the general public, public bodies and custodians regarding the provisions of the Public Records Law.

The *Public Affairs Research Council of Louisiana’s (PARC) website on Public Records* information can be seen [here](#).

PARC also has a webpage on “Citizens’ Rights under Louisiana’s Sunshine Laws” which can be viewed [here](#).

Tulane’s Environmental Law Clinic has a brief summary [here](#).

Recent AG Opinions:

AG Op. No. 21-0052 - Discusses the requirements of R.S. 44:39 concerning the digitization of records.

AG Op. No. 19-0006 – R.S. 44:36 requires public bodies to preserve and maintain original records for the period of time specified in the formal retention schedule. If no formal retention period exists, the original must be preserved for a period of at least three years from the date on which the record was made.

AG Op. No. 17-0084 - Generally information concerning a public body’s pharmacy benefit plan, such as prescription numbers, drug codes, drug names, total prices for medications, and total tax figures, are subject to production under the Public Records Law. If the information contains any identifying information of an employee or information protected under the Constitutional Right of Privacy (Article I, §5) or other privacy laws, the protected information must be first redacted prior to production. AG Op. No. 17-0084



AG Op. No. 17-0056A - For in person requests, the custodian may ask for and examine proof of identification, such as the requestor's driver's license, but may not retain a redacted copy of the license. If the requestor voluntarily submits a copy of their proof of identification as part of an electronic public records request, the custodian may retain the submitted copy.

The custodian may request contact information, in order to contact the requestor if the requested documents are not currently available; however, the custodian may not require providing of contact information as a condition for responding to a public records request.

The custodian, under the language of R.S. 44:32(B), has discretion on whether to separate or redact nonpublic material from an otherwise public record prior to examination by a requestor, unless the custodian is legally prohibited from disclosing the nonpublic information.

AG Op. No. 17-0044 – A person who makes a valid public records request to inspect documents and at the time of inspection uses a personal hand-held scanner to copy said public records is not obligated to pay a fee for each page copied.

AG Op. No. 16-0061 – Payroll records of municipal employees, including hours worked, leave accumulated, and time taken through leave procedures, are public records and subject to inspection, as long as proper redactions are made to protect personal, private information.

AG Op. No. 15-0056 – If the assessment rolls of an assessor are maintained in a manner which permits a copy to be easily made onto a disc, the assessor must provide an electronic copy of the records in response to a public records request and may assess a reasonable fee, notwithstanding the fact that the assessor also maintains the information electronically in a searchable database on its website.

The Public Records Law is not designed to recoup costs incurred by a public entity in preparing records requested and a “reasonable fee” allowed under the law does not include the original costs of generation of the information or the actual value of the information. A “reasonable fee” includes, at a minimum, the actual costs for making the copies.

An individual may also submit a public records request to a clerk of court or a sheriff in order to obtain copies of information currently in their possession which was provided to them from the assessor, which were received and maintained in the ordinary course and scope of business by the sheriff or clerk of court, and which is not otherwise confidential in nature, in lieu of seeking copies from the assessor.

AG Op. No. 15-0085 – A Type 3 charter school must disclose the name of an admissions exam used in the course of evaluating students for admission in response to a public records request. The school may however deny requests for access to the contents of the exam, as the contents of the exam are excepted from public review under the Public Records Law.

AG Op. No. 15-0086 - The Advocacy Center is a non-profit entity performing a governmental function and receiving public funds. As such, it is considered a quasi-public body subject to the Public Records Law (La. R.S. 44:1 *et seq.*), but only to the extent that its records and/or documents are connected to the receipt or expenditure of public funds.

AG Op. No. 15-0080 - A 501(c)3 Volunteer Fire Department (VFD) is generally not a public entity. A VFD performing a governmental function and receiving public funds is considered a public body subject to the Louisiana Public Records Law (La. R.S. 44:1 *et seq.*), but only to the extent that its records are connected to the receipt or expenditure of public funds. Further, a VFD is considered a quasi-public entity subject to the Audit Law (La. R.S. 24:511 *et seq.*), if it meets at least one of the elements enumerated in La. R.S. 24:513(A)(1)(b)(i)-(v). However, a VFD is not subject to the Public Bid Law (La. R.S. 38:2211 *et seq.*), Open Meetings Law (La. R.S. 42:1 *et seq.*), or the Local Government Budget Act (La. R.S. 39:1301 *et seq.*).

AG Op. No. 14-0204 - The dates and times that law enforcement personnel cross the Greater New Orleans Expressway's Causeway toll bridge are protected from disclosure under the Public Records Law pursuant to La. R.S. 44:4(30).

AG Op. No. 14-0170 - Inmate intake records donated to the Louisiana State Penitentiary Foundation by the Louisiana State Penitentiary, which have expired beyond their required retention and which have been confirmed by the custodian as constituting information of a general nature as described by La. R.S. 15:574.12(G), may be used and exhibited at the Louisiana State Penitentiary Museum, subject to any limitations set forth in the act of donation.

AG Op. No. 14-0169 - East Side Water System, Inc., a non-profit corporation, is not subject to Louisiana's Open Meetings Law or Public Records Law. However, members of East Side Water System, Inc. have the right to be given notice of meetings and attend such meetings, as set forth by La. R.S. 12:229, the Articles of Incorporation and By-laws and have the right to review records of the corporation, as authorized by La. R.S. 12:223.

AG Op. No. 14-0163 - Addresses various questions which have arisen in the City of Mandeville upon receipt of a public records request for documents created or received by elected officials and a member of an advisory board on privately owned electronic devices

AG Op. No. 14-0074 - In general, materials submitted by candidates who wish to be considered for employment with Lycée Français de la Nouvelle-Orléans, a public charter school, are public records subject to inspection under the Public Records Act. The names of the individuals awarded public position are likewise subject to public inspection. Other items at issue related to the evaluation of candidates considered for public employment may be subject to a constitutionally protected privacy interest.

AG Op. No. 14-0048 - In light of the formal record retention policy of the Louisiana State Board of Social Work Examiners (Board), the Board has an obligation to retain a former Impaired Professional Program (IPP) participant's file permanently. Documents contained within a former IPP participant's file may be exempt from disclosure pursuant to La. R.S. 44:4(26) of the Public Records Act. Further, preservation of a former IPP participant's file does not, in and of itself, violate the American Disability Act.

AG Op. No. 14-0010 - Digital map and data requested by private companies with apparent intent to use information for marketing and profit are public records and should be made available to requestors. The custodian may charge a reasonable fee for a copy of the records.

AG Op. No. 13-0141 - Personal e-mails sent on a public e-mail account are not "public records" subject to production under the Public Records Act when the records have no relation to the function of the public body, there is no evidence of illegal activity, and there has been no finding of the public body that disciplinary action is appropriate based on the records at issue.

AG Op. No. 12-0177 - The AG notes that if an e-mail of a public body communicating electronically falls within the definition of a "public record" under La. R.S. 44:1 (A)(2)(a), and no specific exception is applicable, the e-mail would be subject to inspection upon a request under the Public Records Act.

AG Op. No. 12-0044 - To the extent that public records do not contain confidential or privileged information, the custodian is not only permitted, but is obligated to produce the public records to members of the public. The AG notes that this obligation rests with the custodian of such records but does not require that the custodian be physically present when records are produced to a requestor.

AG Op. No. 12-0005 - Discusses exceptions from public records requests of certain police department information.

AG Op. No. 12-0002 - The creation of a registry of permanent partial disabled employees will not automatically create an ADA violation for those employees listed. Further, an employee's right to privacy is likely affected by the creation of such a registry.

AG Op. No. 11-0236 - In general, sign-in sheets created at Town Hall Meetings are not "public records" as defined by the Public Records Act when there is no indication that the information on the sign-in sheet is gathered by a council member in the performance of his or her official duties.

AG Op. No. 11-0210 - When the Assessor does not possess records in the particular format requested, the Public Records Act does not require the Assessor to obtain the information in the format demanded by the requestor. If the Assessor provides access to an electronic version of the records requested, he should not be required to incur additional costs to make the record available in an alternative electronic format.

AG Op. No. 10-0272 – E-mails of a purely personal nature sent on a public e-mail account with no relation to public business are not public records subject to disclosure under R.S. 44.1(A)(2)(a).

AG Op. No. 10-0233 - Electronic communication during a public meeting between members of a public body and constituents, staff and/or another member of a public body is not, in and of itself, a violation of the Open Meetings Law. However, the analysis of a potential Open Meetings Law violation is much different when considering electronic communication between a quorum of members of a public body during a public meeting.

AG Op. No. 10-0218 – The AG opines that water usage figures from the records of a public water district are a public record subject to inspection under the public records act.

APA Guide—Notice of Intent to Rule

The rulemaking review process from Notice of Intent to Rule can take anywhere from 3 to 12 months [R.S. 49:968(H)(1)].

If the 12-month timeframe has been exceeded, the agency must start the process over, and obtain approval from the Legislative Fiscal Office.

All occupational licensing boards (as defined in R.S. 37:43) require additional review/approval.

Listed below are the actions and timeframes for the rulemaking process:

- LEGISLATIVE FISCAL OFFICE—Submit Fiscal and Economic Impact Statement for approval. [§953(A)(3)(b)]
- SUBMIT NOTICE OF INTENT WITH APPROVED FISCAL STATEMENT TO STATE REGISTER—Also submit to House Speaker, Senate President, House and Senate Oversight Committees. [§953(A)(1)(b)(i)]
- NOTICE OF INTENT PUBLISHED IN LOUISIANA REGISTER—Publication date is the 20th of each month. [§954(B)(1)]
- PERIOD FOR REQUESTING PUBLIC HEARING—Within 20 days after Notice of Intent is published. [§953(A)(2)(a)]
- PUBLIC HEARING—35-40 days after Notice of Intent is published. [§953.A(2)(b)(i)]
- SUMMARY REPORT SUBMITTAL TO OVERSIGHT COMMITTEES—After possible hearing date and responses to public comments have been made. [§968(D)(1-5)]
- POSSIBLE LEGISLATIVE OVERSIGHT COMMITTEE HEARING—Between 5 to 30 days from submittal of Summary Report. [§968(D)(2)(a)]
- IF AGENCY RECEIVES FAVORABLE OVERSIGHT REVIEW—Agency adopts Rule. [§968(H)(1)]
- IF AGENCY RECEIVES UNFAVORABLE OVERSIGHT REVIEW, THE COMMITTEE SENDS NEGATIVE REPORT TO GOVERNOR—No later than four days after committee makes its determination. Agency and Office of State Register also receive a copy of the committee report. [§968(F)(2)]
- GOVERNOR APPROVES OR DISAPPROVES OVERSIGHT'S NEGATIVE REPORT—Governor has 10 days to agree or disagree with oversight's report. [§968(G)]
- AGENCY PROCEEDS WITH ADOPTION—After positive Oversight Review and/or Governor's Disapproval of a negative review, the agency can officially adopt the approved proposal to be printed as a Rule. [§968(H)(1)].
- FINAL RULE PUBLISHED IN LOUISIANA REGISTER—No earlier than 90 days and no later than one year after Notice of Intent was published in Louisiana Register [§968(H)(1)]. A Rule can be effective upon publication or a later date. [§954]
- GUBERNATORIAL SUSPENSION OR VETO—The Governor may veto or suspend the Rule within 30 days of Agency Adoption. [§970]
- JUDICIAL REVIEW OF VALIDITY OR APPLICABILITY—
- A declaratory judgment from the district court of the parish of the Agency may declare a rule invalid or inapplicable if it finds that violates constitutional provision or exceeds statutory authority of the agency or was adopted without APA substantial compliance. [§963]
- The proceedings for a determination based upon noncompliance with the APA must be commenced within 2 years from the date upon which the rule became effective. [§954(A)]
- LEGISLATIVE VETO, AMENDMENT, OR SUSPENSION—The legislature, by Concurrent Resolution may suspend, amend, or repeal any rule. (No time limitations) [§969]

APA Guide—Emergency Rule

An Emergency Rule is a temporary rule that can be effective upon adoption, continuing for 180 days. [§953.1]

- **AGENCY ADOPTS EMERGENCY RULE**—An Emergency Rule can be effective upon adoption or 60 days thereafter. [§953.1(A)(3)]
- **LEGISLATIVE OR GUBNATORIAL NULLIFICATION**—Action taken by legislature (presiding officers and/or Oversight Committees) or governor must be done within 60 days of adoption. Upon receipt of the report by the agency, the Rule shall be nullified and without effect. [§953.1(D)(1)-(3) and §953.1(E)-(F)]
- **DETERMINATION OF VALIDITY**—A judge may declare the rule invalid if it finds that there is not sufficient evidence that the Rule must be adopted on an Emergency basis. The Emergency Rules remains in effect until such judgment is rendered. [§953.1(C)]

LOUISIANA R.S. 37
CHAPTER 3. ARCHITECTS

§141. Policy and definitions

- A. In order to safeguard life, health, and property and to promote the public welfare, the practice of architecture in this state is reserved to those persons who have the proper qualifications and have been registered by the board.
- B. As used in this Chapter:
- (1) "Architect" means a person who is technically and legally qualified to practice architecture.
 - (2) "Board" means the State Board of Architectural Examiners.
 - (3) The "practice of architecture" is the rendering or offering of the services specified in this Paragraph in connection with the design, construction, enlargement, or alteration of a building, a group of buildings, or the space within and surrounding buildings which have human occupancy or habitation as their principal purpose. Such services shall include the following: planning; providing preliminary studies, designs, drawings, specifications, and other technical submissions; administration of construction contracts; and the coordination of any element of technical submissions prepared by others, including but not limited to engineers and landscape architects, as appropriate. The practice of architecture shall not include the practice of engineering as defined in R.S. 37:682; however, a registered architect may perform such engineering work as is incidental to the practice of architecture.
- C. The definition of the practice of architecture set forth in Paragraph B(3) of this Section may include, but shall not be construed as precluding nonlicensed persons from performing the following services: project development; feasibility studies; planning; energy consumption analysis; and interior design.

Amended by Acts 1958, No. 524, §1; Acts 1964, No. 21, §1; Acts 1972, No. 69, §1; Acts 1983, No. 472, §1; Acts 1988, No. 583, §1; Acts 1995, No. 618, §1.

§142. Board appointed by governor; removal

- A.(1) The State Board of Architectural Examiners is hereby created within the office of the governor and shall consist of seven members, five of whom shall be architects selected by the governor as provided for in Subsection B, one selected by the governor as provided for in Subsection C, and one selected by the governor as provided for in Subsection D. All nominees and appointees shall be domiciled in the state of Louisiana. The five architect members shall be appointed, one each, from the five districts provided for in Paragraph (2) of this Subsection. The governor has the right to remove any or all members of the board for inefficiency or neglect of duty.
- (2) The districts shall be composed as follows:
- (a) District 1: Orleans, Plaquemines, and St. Bernard.

- (b) District 2: Assumption, Jefferson, Lafourche, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne, and Washington.
 - (c) District 3: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, St. Martin, Tangipahoa, West Baton Rouge, and West Feliciana.
 - (d) District 4: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Evangeline, Grant, Iberia, Jefferson Davis, Lafayette, Natchitoches, Pointe Coupee, Rapides, Sabine, St. Landry, St. Mary, Vermilion, and Vernon.
 - (e) District 5: Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll, and Winn.
- B. (1) The five architect members shall be and shall remain domiciled in this state and in the district from which he is nominated and appointed. Each shall be a licensed architect and shall have practiced architecture for at least seven years. Each architect member shall be appointed by the governor from a list of three nominees elected from each of the five districts. The board shall not adopt any rule or regulation which imposes further eligibility requirements for membership on the board.
- (2) In order to determine the list of nominees for the architect members, there shall be a statewide election to elect three nominees from each district. Any licensed architect who wishes to be a candidate and have his name placed on the ballot shall send a letter by certified mail to the director of the board indicating his intent to be a candidate. The letter shall be accompanied by a curriculum vitae and shall certify that, if elected, the architect will serve.
- (3) The election for nominees shall be by mail ballot, and only one architect shall be a candidate for nomination from the same architectural firm, corporation, agency, partnership, or other entity. After the election, the three candidates from each district who received the highest numbers of votes shall have their names submitted to the governor as nominees. All licensed architects residing in this state shall be eligible to vote in the election.
- (4) The initial and subsequent elections shall be to fill vacancies as they occur. The elections shall be completed by the board within ninety days of the effective vacancy.
- C. The governor shall appoint one member of the board who shall be an architect who for seven years prior to appointment has been employed full time in architectural education, or who for seven years prior to appointment, has been an administrator of building design, construction, or design standards for government at the local, state, or national level.
- D. The governor shall appoint one member of the board who shall be a citizen of the United States who is not actively engaged in or retired from the professions of architecture, engineering, interior design, or landscape architecture, or the occupation of a contractor, or the design or construction of buildings.

Amended by Acts 1970, No. 99, §1; Acts 1972, No. 69, §1; Acts 2001, No. 8, §12, eff. July 1, 2001; Acts 2001, No. 231, §1.

§143. Term of office

- A. Each member shall serve six years, or until his successor is duly appointed, except the initial educational or regulatory member appointed pursuant to R.S. 37:142(C) shall serve a term of four years and the initial public member appointed pursuant to R.S. 37:142(D) shall serve a term of five years.
- B. The board shall advise the governor of the expiration of the term of the board members. All vacancies shall be filled in the same manner as prescribed for new members in R.S. 37:142.

Amended by Acts 1972, No. 69, §1; Acts 2001, No. 231, §1.

§144. Powers, authority, and domicile of board

- A. Four members of the board constitute a quorum for the purpose of holding examinations, granting certificates, and transacting other business within the scope of this Chapter.
- B. The certificate of the board shall entitle the holder to practice as an architect in Louisiana.
- C. The board shall have the power to adopt and amend such rules and regulations as are reasonably necessary for the proper performance of its duties, for carrying out the purposes of this Chapter, for continuing education, for the regulation of the proceedings before it, and for the regulation of the practice of architecture under the laws of this state.
- D. The procedure for the adoption, amendment, and repeal of any rule or regulation shall be in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and the rules and regulations which may be adopted by the board shall be available for public inspection at the office of the State Board of Architectural Examiners.
- E. The board may employ clerical, or other assistants as are necessary for the proper performance of its work; may make expenditures from its funds for any purpose which is reasonably necessary for the proper performance of its duties under this Chapter; and may, if necessary, or upon advice of the attorney general, hire counsel for advice, for the representation of the board against violators of this Chapter and for the defense of any action brought against the board or its members or staff.
- F. The domicile of the board shall be Baton Rouge, Louisiana.
- G. (1) The board may allocate up to ten percent of all license renewal and delinquent fees each fiscal year to a fund to be named the Louisiana Architecture Education and Research Fund. The purpose of the fund is to better prepare students for internships and future careers as architects by authorizing the board to make awards to universities in this state accredited by and in good standing with the National Architectural Accrediting Board (NAAB).
 - (2) The fund shall be used exclusively for one or more of the following in order to improve architectural education and the licensure of student interns in this state:
 - (a) Integration of practice and education in the professional NAAB degree curriculum.
 - (b) Implementation of a path to licensure resulting in an architectural license at the time of graduation from a NAAB-accredited professional degree program.

- (c) Facilitation of enrollment and completion of training requirements for the Intern Development Program (IDP) as administered by the National Council of Architectural Registration Boards (NCARB).
 - (d) Assistance of students and interns in preparation for the taking of the Architectural Registration Exam (ARE).
 - (e) Methods for raising awareness of the responsibilities of architects and of the ways that public health, safety, and welfare are impacted by architects.
- (3) An accredited university architectural program shall submit an annual proposal and budget, including any information deemed necessary by the board, to be considered for any award from the board.
 - (4) The board shall submit an annual report to the appropriate legislative oversight committee regarding its allocation of monies from the fund for the preceding fiscal year.

Amended by Acts 1958, No. 524, §1; Acts 1964, No. 21, §1; Acts 1972, No. 69, §1; Acts 1981, No. 920, §1; Acts 1983, No. 472, §1; Acts 1995, No. 238, §1; Acts 2001, No. 231, §1; Acts 2016, No. 251, §1, eff. May 26, 2016.

§145. Architects; requirements for; certificate; continuing education

- A. No person shall practice architecture in this state or use the title "architect", or any term derived therefrom, or display or use any title, sign, advertisement, or other device to indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect, unless such person shall have secured from the board a certificate of registration and license in the manner hereinafter provided, and shall thereafter comply with the provisions of the laws of the state of Louisiana governing the registration and licensing of architects.
- B. Persons licensed by the board to practice architecture may, by rule of the board, be required to earn annually up to twelve hours of board-approved continuing education pertaining to building design in connection with public health, safety, or welfare.

Acts 1983, No. 472, §1; Acts 1995, No. 238, §1; Acts 1997, No. 365, §1.

§146. Examination before board; qualifications

- A. Unless previously registered and currently licensed on September 1, 1972, no person shall practice architecture until he has passed an examination approved by the board.
- B. For the purpose of qualifying for the examination, the applicant shall present satisfactory evidence to the board that he:
 - (1) Is of good moral character.
 - (2) Has paid his debt to society if he has ever been convicted of a felony.
 - (3) Holds a professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board.
 - (4) Is enrolled in the Intern Development Program administered by the National Council of Architectural Registration Boards.
- C. Any applicant not the holder of a first professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board may take the examination if he has done all of the following:

- (1) Has made formal application for examination to the board prior to April 1, 1984; and
- (2) Has completed all of the education equivalency requirements for qualifying for the examination as delineated in the National Council of Architectural Registration Boards' "Circular of Information Number One"; and
- (3) Has furnished evidence to the board that he has had practical architectural work experience, requirements for which are delineated by the National Council of Architectural Registration Boards or the board.

D. The board may adopt rules and regulations in accordance with the Administrative Procedure Act governing the approval, selection, administration, participation, and completion of the examination and the Intern Development Program.

Amended by Acts 1964, No. 21, §1; Acts 1972, No. 69, §1. Acts 1983, No. 472, §1; Acts 1988, No. 583, §1; Acts 2008, No. 133, §1, eff. June 6, 2008.

§146.1. Licensing; architecture

To obtain an initial license to practice architecture in Louisiana, an applicant shall present satisfactory evidence to the board of practical experience of training or experience in the field of architecture. The experience shall be demonstrated only by one of the following:

- (1) Satisfactory completion of the training requirements delineated by the National Council of Architectural Registration Boards in the Intern Development Program.
- (2) A certificate record certified by the National Council of Architectural Registration Boards that the applicant is currently registered to practice architecture in another state.

Acts 2008, No. 133, §1, eff. June 6, 2008.

§147. Rules governing examinations

- A. The board will make all necessary rules and regulations governing the time, place, and method of conducting examinations and the grading of them, and prescribe the types of examinations to be given. The examination shall consist of technical and professional subjects that the board may prescribe.
- B. Copies of board examinations and answers of applicants shall be maintained for one year. The board examinations and the answers of applicants shall be exempt from disclosure pursuant to the Public Records Law as provided for in R.S. 44:1 et seq.

Acts 1983, No. 472, §1; Acts 1992, No. 274, §1.

§148. Examinations; persons exempt

- A. Upon application and the payment of a fee equivalent to that required for written examination and certificate and upon certification issued by the National Council of Architectural Registration Boards, the board may issue a certificate of registration and license to practice the profession of architecture in this state to any person who has passed a standard National Council of Architectural Registration Boards' examination if such examination is equivalent to that prescribed by the board.
- B. The board may review the examination referred to in this section to determine and decide whether the examination is equivalent to that prescribed by the board.

- C. The board may also require that the applicant under this section submit other proper evidence of his ability to engage in the practice of architecture and evidence of his continued honorable professional conduct after passing the examination before the National Council of Architectural Registration Boards.

Amended by Acts 1964, No. 21, §1; Acts 1972, No. 69, §1; Acts 1983, No. 472, §1.

§149. Fees

The applicant shall pay the actual cost of the examination. Upon passing all divisions of the examination, a fee to be determined by the board, not to exceed two hundred dollars, shall be charged for issuing a license. A registration fee to be determined by the board, not to exceed five hundred dollars, shall be charged to an individual domiciled outside Louisiana seeking to be registered in Louisiana. A fee to be determined by the board, not to exceed three hundred dollars, shall be charged to any corporation, professional architectural corporation as defined in R.S. 12:1086, architectural-engineering corporation as defined in R.S. 12:1171, or partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity seeking to obtain a certificate of authority to practice architecture in Louisiana, unless such entity is exempted from the fee by the board. The board may not increase the fee for issuing a license or a certificate of authority by more than thirty dollars during any three-year period, and the board may not increase the registration fee charged to an individual domiciled outside of Louisiana seeking to be registered in Louisiana by more than fifty dollars during any three-year period.

Amended by Acts 1952, No. 195, §1; Acts 1972, No. 69, §1; Acts 1978, No. 197, §1; Acts 1988, No. 583, §1; Acts 2001, No. 55, §1; Acts 2016, No. 255, §1, eff. May 26, 2016.

§150. Renewal of license; renewal fees

- A. Every licensed architect domiciled in this state who desires to continue his license in force shall annually pay during the month of December a fee to be determined by the board, not to exceed two hundred dollars. Upon payment of the renewal fee, the secretary of the board shall issue him a renewal certificate for the year due.
- B. Every licensed architect domiciled outside Louisiana who desires to continue his license in force in Louisiana shall annually pay during the month of December a renewal registration fee to be determined by the board, not to exceed five hundred dollars. Upon payment of the renewal fee, the secretary of the board shall issue him a renewal certificate for the year due.
- C. The failure to renew his license in proper time shall not deprive the architect of the right of renewal thereafter. The delinquent fee to be paid upon the renewal of a license by an architect domiciled in Louisiana at any time after the month of December in the year when such renewal fee first became due shall be determined by the board, not to exceed two hundred dollars. This delinquent fee shall be in addition to the renewal registration fee set forth in Subsection A of this Section.
- D. The delinquent fee to be paid upon the renewal of a license by an architect domiciled outside Louisiana at any time after the month of December in the year when such renewal fee first became due shall be determined by the board, not to exceed five hundred dollars.

This delinquent fee shall be in addition to the renewal registration fee set forth in Subsection B of this Section.

- E. Every corporation, professional architectural corporation as defined in R.S. 12:1086, architectural-engineering corporation as defined in R.S. 12:1171, or any partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity seeking to renew its certificate of authority in Louisiana shall, unless exempted by the board, annually pay a renewal fee to be determined by the board, not to exceed three hundred dollars, during the month of June. The board shall issue a renewal certificate of authority for the year upon receipt of the renewal fee payment.
- F. (1) The delinquency fee to be paid by any corporation, professional architectural corporation as defined in R.S. 12:1086, any architectural-engineering corporation as defined in R.S. 12:1171, or any partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity, when the renewal fee set forth in Subsection E of this Section is paid at any time after June in the year the fee first became due, shall be determined by the board, not to exceed three hundred dollars.
(2) The payment of any delinquency fee shall be paid in addition to the annual renewal fee.
- G. The board may not increase the renewal fees or the delinquency fees set forth in this Section by more than thirty dollars during any three-year period.

Amended by Acts 1952, No. 195, §1; Acts 1972, No. 69, §1; Acts 1978, No. 197, §1; Acts 1988, No. 583, §1; Acts 2001, No. 55, §1; Acts 2016, No. 255, §1, eff. May 26, 2016.

§151. Roster of architects to be published annually

The board shall publish annually a roster of registered architects with their addresses. This published roster shall be received as evidence in court that the names it contains are duly registered architects of this state as of a specific date on the roster.

Amended by Acts 1958, No. 524, §1; Acts 1972, No. 69, §1.

§152. Use of title "architect"; seal or stamp

- A. (1) The name of the architect followed by the title "architect" shall appear on every publication, announcement, and letterhead used by a person practicing architecture in connection with his practice.
(2) Every registered architect shall have a seal or stamp. This shall contain his name, the words "Registered Architect, State of Louisiana," and the architect's license number. All contract drawings and specifications issued by the architect for use in this state shall be stamped or sealed. The removal of an architect's seal or stamp, and/or use of an architect's plans, unless otherwise provided by law or by written approval of the architect, shall be a violation of this Chapter and shall be subject to the penalties delineated in R.S. 37:154(B).
- B. Except in the cases contemplated by R.S. 38:2317, no architect shall affix his seal or stamp or permit it to be affixed to any specification, drawing, or other related document which was not prepared either by him or under his responsible supervision. In those cases contemplated by R.S. 38:2317, the design professional reviewing state-owned

plans, designs, specifications, or other construction documents shall remove the stamp or seal of the original architect and shall affix his stamp or seal to those documents that he has reviewed and approved for reuse. The design professional affixing his stamp or seal to documents approved for reuse shall assume all responsibilities for the documents which bear his stamp or seal. No architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.

Amended by Acts 1964, No. 21, §1; Acts 1972, No. 69, §1. Acts 1983, No. 472, §1; Acts 1986, No. 1012, §1.

§153. Board; disciplinary actions; revocation; suspension; probation; reprimand; admonishment; fine

- A. The board may participate in a proceeding to revoke, rescind, or suspend the certificate of, place on probation, reprimand, admonish, or fine in an amount not to exceed five thousand dollars per violation, any registrant or certificate holder found by the board to have committed any of the following acts:
- (1) Engaging in any fraud, deceit, gross incompetence, dishonesty, misrepresentation, misconduct, or gross negligence in the practice of architecture.
 - (2) Affixing his seal, stamp, or name to any specification, drawing or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document.
 - (3) Using his seal or stamp or engaging in any other act constituting the practice of architecture at a time when his certificate of registration is suspended or revoked, or at a time when his current renewal has not been obtained in accordance with the law.
 - (4) Conviction of a felony, in which case a certified copy of the record of conviction shall be conclusive evidence of such conviction.
 - (5) Wilfully misleading or defrauding any person employing him as an architect.
 - (6) Violating the provisions of this Chapter or any lawful rule or regulation adopted by the board pursuant to law.
 - (7) Practicing any fraud, deceit, material misstatement, or perjury in applying for a certificate of licensure or registration or in taking any examination or in applying for any renewal certificate provided for in this Chapter.
 - (8) Being convicted of a crime or entering a plea of guilty or nolo contendere to any criminal charge an element of which is fraud or which arises out of such individual's practice of architecture, in which case a certified copy of a record of conviction shall be conclusive evidence of such conviction.
 - (9) The refusal of the licensing authority of another state, territory, or district of the United States to issue or renew a license, permit, or certificate to practice architecture, or the revocation or suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority, on the grounds other than non-payment of a registration fee; provided that the reason for the action taken by the other licensing authority was recognized by the Louisiana board as a ground for the disciplinary action taken.
 - (10) Providing false testimony before the board.

- (11) Failing to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of this Chapter.
- (12) Using any advertising or solicitation which is false or misleading.
- B. Each day that a violation under Subsection A occurs shall be considered a separate violation.
- C. The board may suspend, refuse to renew, or revoke a certificate of, place on probation, reprimand, admonish, or fine in an amount not to exceed five thousand dollars, any foreign or domestic corporation if one or more of its officers, directors, employees, agents, or representatives has violated any of the above provisions.
- D. In addition to any other action, the board may assess all reasonable costs incurred in connection with a disciplinary proceeding, including investigator fees, stenographer fees and attorney fees, and court costs as a condition of probation or reinstatement of any certificate or registration suspended or revoked pursuant to this Section.
- E. The disciplinary action assessed shall be published in the annual Roster of Architects and may be released to other professional organizations relating to architecture or to the news media.
- F. Proceedings under this Section shall be begun by any person filing a written complaint with the board against the registrant or certificate holder in the form of a sworn affidavit. The board, upon its own motion, may investigate the actions of any registrant or certificate holder and file a complaint against him.
- G. If in the opinion of the board, a hearing is warranted, a time and place for the hearing of the charges shall be fixed by the board. A copy of the complaint shall be sent by the board to the registrant or certificate holder against whom a complaint has been filed at his last known address by registered or certified mail at least thirty days prior to the hearing together with a notice of the time and place of the meeting of the board at which the complaint shall be heard. Notwithstanding the provisions of this Subsection the board may summarily suspend a license if it finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, as authorized by R.S. 49:961(C). Any summary suspension shall be for a maximum period of thirty days.
- H. At the hearing the registrant or certificate holder against whom a complaint has been filed shall have the right to cross-examine witnesses against him, to produce witnesses in his defense, and to appear personally or by counsel.
- I. If the accused person or business entity fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.
- J. No disciplinary action shall be taken hereunder unless a quorum of the board is present at the hearing.
- K. If the board determines to suspend the certificate of licensure or registration of any registrant or certificate holder, it shall fix the duration of the period of the suspension. If the board determines to issue a fine against the registrant or certificate holder, it shall fix the amount of such fine.

- L. The executive director of the board shall give written notice of its action by registered or certified mail to the registrant or certificate holder against whom the complaint was filed at his last known address.
- M. The board may require the production of books, papers, or other documents and may issue subpoenas to compel the attendance of witnesses to testify and to produce any relevant books, papers, or other documents in their possession before the board in any proceeding concerning any violation. The subpoenas shall be served by the sheriff of the parish where the witness resides or may be found. If any person refuses to obey any subpoena so issued, or refuses to testify or to produce any books, papers, or other documents required to be produced, the board may present its petition to the district court of the parish in which that person was served with the subpoena setting forth the facts. The court shall then issue a rule to that person requiring him to obey the subpoena or show cause why he fails to obey it. Unless that person shall show sufficient cause for failing to obey the subpoena, the court shall direct him to obey the subpoena and, upon his refusal to comply, he shall be adjudged in contempt of court and punished therefor, as the court may direct.
- N. Any registrant or certificate holder who has been subjected to disciplinary action by the board shall have the right to appeal to the district court of the parish in which the hearing was held. The appeal shall be governed by the Administrative Procedure Act R.S. 49:950 et seq.
- O. The board shall have the power to issue a new certificate of registration or license, change a revocation to a suspension, or shorten a period of suspension, or otherwise amend any disciplinary action taken hereunder upon satisfactory evidence that proper reasons for such action exist. Any person whose certificate of registration or license has been suspended shall have his certificate of registration or license automatically reinstated by the board at the end of his period of suspension upon payment of the renewal fee. No delinquent fee shall be charged for reinstatement of certificate of registration or license under the provisions of this Chapter.

Acts 1983, No. 472, §1; Acts 1991, No. 418, §1.

§154. Violations and penalties

- A. Any person, corporation, company, partnership, firm, business entity, or individual, who shall practice, or offer to practice, architecture in this state without being certified in accordance with the provisions of this Chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant or certificate holder of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person, applicant, registrant, or certificate holder who shall violate any of the provisions of this Chapter, shall be guilty of a misdemeanor. An individual who violates any part of this Chapter shall, upon conviction, be sentenced to pay a fine of not less than three hundred dollars, nor more than fifteen hundred dollars, or be imprisoned for a period not

to exceed three months, or both. Any person, other than an individual, who violates any provision of this Chapter shall, upon conviction, be sentenced to pay a fine of not less than fifteen hundred dollars, nor more than five thousand dollars. Each day the violation occurs shall constitute a separate offense.

- B. It shall be the duty of the attorney general, all district attorneys, and all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this Chapter and to prosecute any persons violating the provisions of this Chapter. The attorney general, or his assistant, shall act as legal advisor to the board if requested by the board and render such legal assistance as may be deemed necessary by the board in carrying out the provisions of this Chapter; however, this shall not relieve the local prosecuting officers of any duty to prosecute a violation of this Chapter.
- C. (1) (a) The board shall ensure enforcement of the provisions of this Chapter. The board may investigate any complaint relating to a violation of this Chapter and, depending upon the result of its investigation, the board may, after notice and hearing and by a majority vote of its entire membership authorized to participate in the proceeding, issue an order prohibiting the person from committing a violation of this Chapter or fine any such person for any violations of this Chapter, or both. The fine shall not exceed one thousand five hundred dollars per violation in the case of an individual or five thousand dollars per violation in the case of a person other than an individual.
- (b) The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served, on or mailed by certified mail, to the last known address of such person at least thirty days before the date fixed for hearing.
- (c) At the hearing, the accused shall have the right to appear in person, or by counsel, or both, to cross examine witnesses in his or its defense, and to produce evidence and witnesses in his or its defense.
- (d) If the accused person or business entity fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.
- (2) Any person who violates any order of the board issued under this Chapter shall be subject to a civil penalty not in excess of fifteen hundred dollars per violation, in the case of an individual, or five thousand dollars per violation, in the case of a person other than an individual. If the penalty imposed is not paid within sixty days after the order becomes final, then the order shall constitute a judgment and shall be filed and execution issued upon in the same manner as a judgment of a court of record. Any civil penalty imposed by the board under this Section may, at its discretion, be suspended in whole or in part.
- (3) All funds derived from fines as provided in this Subsection shall be deposited in the state general fund.
- (4) Any person aggrieved by any action of the board in assessing a fine under this Subsection may appeal such action pursuant to the Administrative Procedure Act.
- D. In the alternative, after completion of any investigation by the board concerning a violation of this Chapter by a nonregistrant, the board may present its findings to the

district attorney in whose district the violation occurred and shall aid in any criminal prosecution for a violation, or the board may, if it deems necessary, initiate any civil proceeding for a violation of this Chapter directly and in its own name in any district court. This action may be instituted by any member, officer, attorney, or agent of the board.

- E. In addition to any other fine or penalty imposed under this Chapter, the board may assess all reasonable costs incurred in connection with a disciplinary proceeding, including investigator fees, stenographer fees, and attorney fees, and court costs against any person found to have violated any order of the board.

Acts 1983, No. 472, §1; Acts 1991, No. 418, §1; Acts 1997, No. 363, §1.

§155. Exemptions

- A. The provisions of this Chapter, except as provided in this Section, requiring persons to be registered and licensed and forbidding the practice of architecture by unlicensed persons shall not apply to:

- (1) Officers and employees of the United States in the execution of their official duties in the practice of architecture for the federal government.
- (2) Civil engineers licensed in accordance with the terms of R.S. 37:681 through 703 or acts amendatory thereto, if such engineers do not use the designation "architect" or any term derived therefrom.
- (3) Registered architects of other states when associated with any registered architect of this state who will seal or stamp and bear professional responsibility for all specifications and other construction documents pertaining to work in this state.
- (4) Persons acting as designers for:
 - (a) Single family residences.
 - (b) Buildings or projects that are to be constructed for personal use, provided such buildings are not intended, or adaptable for public employment, assembly, or other occupancy by the public.
 - (c) Renovations or alterations of any size building which do not affect the structural integrity, or life safety, exclusive of building finishes and furnishings, or which have been preapproved by the state fire marshal where life safety is affected and does not exceed one hundred and twenty-five thousand dollars. "Life safety" as used in this Subsection shall be governed by the interpretation of the state fire marshal in accordance with the authority of R.S. 40:1561 et seq.
 - (d) New buildings and buildings with changes in occupancy classifications which do not exceed the gross floor areas in Subsection (f) of this Section.
 - (e) Building additions that do not cause the gross floor areas to exceed those in Subsection (f) of this Section.
 - (f) (i) Occupancy Classifications and Gross Floor Area Sq. Ft.

Storage	6250
Factory and Industrial	5000
Mercantile	4000
Residential	4000

Education	2500
Institutional	2500
High Hazard	1500
Assembly	2650
Business	4000
Utility and Maintenance	5000

(ii) Occupancy classifications and gross floor areas are as defined in the current editions of the codes which comprise the state uniform construction code and which are identified in R.S. 40:1730.28.

(5) Routine maintenance projects that do not exceed the contract limit for public bidding as defined in R.S. 38:2212(A)(1)(d).

B. No exempt person under Paragraph (A)(1), (2), or (3) of this Section shall do any of the following:

- (1) Practice any fraud, deceit, dishonesty, gross negligence, misrepresentation, gross incompetence, or misconduct in the practice of architecture.
- (2) Wilfully mislead or defraud any person employing him.
- (3) Violate the laws of the United States or any state.
- (4) Provide false testimony before the board.
- (5) Affix his seal, stamp, or name to any specification, drawing or other related document which was not prepared by him or under his responsible supervision and control, or permit his seal, stamp, or name to be affixed to any such document.
- (6) Fail to provide, within thirty calendar days of mailing of notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of this Chapter.
- (7) Use any advertising or solicitation which is false or misleading.
- (8) Otherwise violate any provision of this Chapter.

C. The procedures set forth in R.S. 37:154(C) shall apply to actual or alleged conduct enumerated in Subsection B of this Section, and the board may investigate a complaint alleging such conduct, issue an order to any person prohibiting such conduct after a hearing held in accordance with R.S. 37:154(C), and impose a civil penalty in accordance with R.S. 37:154(C) to any person who violates an order of the board. In the alternative, the board may present its findings to the district attorney in whose district the violation has occurred in accordance with R.S. 37:154(D).

Acts 1983, No. 472, §1; Acts 1989, No. 653, §1; Acts 1991, No. 418, §1; Acts 1995, No. 238, §1; Acts 1997, No. 365, §1; Acts 2011, No. 18, §1, eff. June 7, 2011.

§156. Suits by board; injunction

The board shall have the right to go into court in the jurisdiction in which the provisions of this Chapter are being violated and, upon affidavit or other proof, secure a temporary restraining order, preliminary injunction, or permanent injunction restraining and prohibiting any violation of this Chapter and the performance of any work then being done or about to be commenced in violation of this Chapter. Any person found guilty of violating any provision of this Chapter in any such proceeding shall pay to the board a civil penalty in an amount

determined by the court which may include the board's attorneys fees, costs, investigation, and other expenses, but in no event shall the fine be less than the sum of one thousand dollars.

Acts 1983, No. 472, §1; Acts 1988, No. 583, §1.

§157. Annual report

The board shall make an annual report to the governor of its transactions, with any recommendations for the advancement and betterment of the profession.

Acts 1983, No. 472, §1.

§158. Firm practice; licensure; promulgation of rules and regulation

- A. All domestic firms and foreign firms qualifying to do business in the state of Louisiana, which practice or offer to practice architecture in the state of Louisiana are subject to regulation and supervision by the board, and the board, in implementation of this Section, may issue rules and regulations further governing the conduct and activities of such firms.
- B. Within thirty days after the issuance by the secretary of state of a certificate of incorporation of a Louisiana corporation formed pursuant to the Louisiana Business Corporation Law, R.S. 12:1 et seq., the Louisiana Nonprofit Corporation Law, R.S. 12:201 et seq., or the Louisiana Architectural-Engineering Corporation Law, R.S. 12:1171 et seq., or the issuance by the secretary of state of a certificate of organization of a Louisiana limited liability company formed pursuant to the Louisiana Limited Liability Company Law, R.S. 12:1301 et seq., or the qualification of a foreign corporation or foreign limited liability company in the state of Louisiana which practices or offers to practice architecture in the state of Louisiana, the firm shall file an application for licensure with the board on a form provided by the board.
- C. Within sixty days after the firm files with the board the application required above, the board, in the event the firm is otherwise in compliance with the provisions of this Chapter and the rules and regulations issued by the board governing firms, shall issue a license. Any firm having been so licensed by the board shall have the authority to contract to deliver such architectural services, and therefore shall be subject to disciplinary action as provided in this Chapter.

Acts 2012, No. 514, §1, eff. June 5, 2012.

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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 1. General Provisions

Editor's Note: The Louisiana State Board of Architectural Examiners has a new web address that replaces the one referenced within these rules. The new web address is www.lsbac.com.

§101. Authority

A. Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners adopted the following.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 10:737 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:558 (April 2003).

§103. Rule Making Process

A. The Louisiana State Board of Architectural Examiners operates pursuant to these rules, adopted under the authority of R.S. 1950, Title 37, Chapter 3 as amended.

B. For purposes of these rules, the term *architect* means a person who is technically and legally qualified to practice architecture in Louisiana including a professional architectural corporation certified by the board pursuant to the provisions of R.S. 12:1086 et seq., an architectural-engineering corporation certified by the board pursuant to the provisions of R.S. 12:1171 et seq., and a limited liability company certified by the board pursuant to the provisions of R.S. 12:1301 et seq. The term *board* means the Louisiana State Board of Architectural Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:737 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 20:995 (September 1994), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:558 (April 2003).

Chapter 3. Organization

§301. Executive Director

A. The name and address of the person designated by the board upon whom service of process may be served in judicial procedures against the board is the executive director at the address of the official place of business of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333

(September 1978), amended LR 10:737 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§303. Officers

A. The board shall elect a president and a secretary, each to hold office until their successors shall have been elected. The term of office shall be for one year beginning the first day of January the ensuing year.

B. The president shall preside at all meetings; appoint all committees; sign all certificates of registration issued; sign or authorize by signature stamp all checks with the executive director; and perform all other duties pertaining to his office.

C. The secretary shall, with the assistance of such executive and clerical help as may be required:

1. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;

2. sign, with the chairman, certificates of licensure; and

3. sign the minutes of the board meetings after the minutes have been approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:737 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§305. Other Personnel

A. The board may employ such executive, stenographic, and office assistance, including an executive director, as is necessary, and shall rent office space as necessary to house the staff and records.

B. The board shall employ an executive director who shall have possession on behalf of the secretary of all the official records of the board and who may, under the supervision of the board, perform such administrative and ministerial duties as the board authorizes.

C. In discharging its responsibilities, the board may engage private counsel, or, as prescribed in law, utilize the services of the attorney general. The board may also employ such accountants, auditors, investigators, and professionals as it deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333

(September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§307. Meetings

A. There shall be at least four regular meetings each year. If the executive director or the president decide additional meetings are necessary, a special meeting may be called by due notification of all members of the board. A special meeting of the board shall be called by the president upon the request of any two members by giving at least a 10-day written notice to each member of the time and place of such meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§309. Minutes

A. The minutes of all meetings shall be prepared by the executive director and signed by the secretary and the president at the next regular meeting. As soon as the minutes are prepared, the executive director shall mail them to the membership for their comments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), repromulgated LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§311. Conduct of Meetings

A. Unless required otherwise, by law or by these rules, *Robert's Rules of Order* shall be used in the conduct of business by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), repromulgated LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§313. Quorum

A. Four members of the board constitute a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§315. Official Records

A. Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the board offices accurate and current records including, but not limited to:

1. minutes of all meetings of the board;

2. the name and registration number of all persons to whom certificates of registration are issued, the last known address of all registrants, and all current renewals effected through annual registrations;

3. an individual file for each registrant containing the original application, relevant verification and evaluation data, examination dates, grades, and date of original registration;

4. alleged violations and any revocation, rescission and suspension of licenses; and

5. a system of record keeping correctly and currently indicating funds budgeted, spent, and remaining, as well as projections of appropriate requests for consideration in budget development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§317. National Council of Architectural Registration Boards

A. The board shall maintain membership in the National Council of Architectural Registration Boards (NCARB) and its regional conference. Up-to-date information on the examinations and policies adopted from time to time by NCARB shall be reported to the board regularly.

B. The board will cooperate with NCARB in furnishing transcripts of records and rendering assistance in establishing uniform standards of professional qualification throughout the jurisdiction of NCARB.

C. Effective July 1, 2004, out of the funds of the board each board member shall be compensated equal to the rate of compensation allowable for members of the legislature for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member, the executive director, and the board attorney shall be reimbursed reasonable and necessary travel, meals, lodging, clerical, and other incidental expenses incurred while performing the duties, responsibilities, and powers of the boards, including but not limited to performing the aforesaid specific activities.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965,

amended May 1973, amended and promulgated LR 4:334 (September 1978), amended LR 10:738 (October 1984), LR 12:760 (November 1986), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15:732 (September 1989), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003), LR 30:1476 (July 2004).

Chapter 5. Election of Nominees to Fill Vacancy

§501. Vacancy

A. This Chapter concerns the election of the three nominees to be submitted to the governor for the filling of a vacancy on the board of one or more of the five architectural members to be appointed by the governor pursuant to R.S. 37:142.B. This rule shall be applicable whether the vacancy occurs as a result of withdrawal, disability, death, completion of the term of appointment, or any other reason. This rule shall not be applicable to the board members selected by the governor pursuant to R.S. 37:142(C) or (D).

B. If a vacancy occurs, or is about to occur, the executive director shall publish notice thereof in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall send a letter by certified mail to the director of the board indicating his or her intent to be a candidate, which letter shall be accompanied by a curriculum vitae and shall certify that, if elected, the architect will serve. The deadline for receipt of the certified letter shall be at least 20 calendar days subsequent to the publication of the last notice appearing in the official journal of the state. Confirmation of receipt shall be the sole responsibility of the candidate.

C. The board shall also provide notice of any vacancy to anyone who has requested same by certified mail within 90 days of the occurrence thereof. However, any failure to provide such notice shall not effect the results of any election conducted to fill the vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§503. Waiver of Election

A. If three or fewer eligible architects from any district seek nomination, no election shall be held in that district, and the names of those three or fewer candidates shall be submitted to the governor without any further board action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§505. Ballots

A. If an election is necessary, an official ballot and an official return envelope shall be mailed to each licensed architect residing in Louisiana. The ballot shall contain the names of the candidates printed in alphabetical order for each district, the date for the return of the ballots, and any other information or instructions the board believes may be helpful in the election process. Biographical information may be attached to the ballot.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §507.C are satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§507. Voting

A. All licensed architects residing in Louisiana shall have the right to vote in the election of nominees to fill the vacancy for any district. If nominees are being elected for more than one district, a licensed architect may choose to vote in one or more but less than all district elections, and no ballot shall be voided for that reason. However, any ballot containing more than three votes or fewer than three votes for candidates in any one district will be voided in its entirety. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided in its entirety.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C. The ballot shall not be valid unless the signature and license number appear on the return envelope, and the return envelope is received by the board office on or before the deadline. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided the signature and license number of the voting architect appear on the return envelope, and the return envelope is received by the board office on or before the deadline.

D. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all licensed architects. Ballots received after the deadline shall not be counted.

E. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§509. Tabulation

A. Within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the governor and the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;
2. count all ballots properly prepared; and
3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the governor and the candidates of the results.

C. The three candidates receiving the highest number of votes in each district shall have their name submitted to the governor as nominees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§511. Tie

A. In the event the three candidates receiving the highest number of votes cannot be determined because of a tie, a run-off election will be held. The only candidates in the run-off election will be those candidates who received the same number of votes so that the outcome of the election cannot be fully determined.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each licensed architect residing in Louisiana approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §505.A, except only the names of and the information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person or persons elected as nominees, and for tabulating votes set forth elsewhere in this rule shall be applicable.

E. In the event the run-off election does not decide the three candidates receiving the highest number of votes, the procedure set forth herein shall be repeated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§513. Vacancy of Person Elected as Nominee

A. If a vacancy occurs with respect to a person elected as a nominee, that vacancy shall be filled in the following manner.

1. The executive director shall give notice of the vacancy to all of the other candidates in that district and to anyone who has requested notice of any such vacancy in writing by certified mail within 90 days of the election; however, any failure to provide such notice shall not effect any election conducted subsequently held to fill the vacancy.

2. The executive director shall also publish notice of the vacancy in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall advise the board in writing before the deadline determined by the president, and may contain other information.

3. If more than one person seeks election as the nominee, the board will call another election to fill that vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§515. Election Contest

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

Chapter 7. Applications for Examination

§701. Making Application for Architectural Registration Examination

A. A person desiring to take the Architectural Registration Examination ("ARE") should contact the National Council of Architectural Registration Boards ("NCARB").

B. The applicant has full, complete, and sole responsibility for furnishing to NCARB all necessary information and paying to NCARB all required fees.

C. For the purpose of qualifying for the examination, the applicant shall:

1. be of good moral character;
2. have paid his debt to society if he has ever been convicted of a felony;
3. be the holder of a professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board; and
4. be enrolled in the Intern Development Program administered by the National Council of Architectural Registration Boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003), amended LR 35:64 (January 2009).

§703. Training Credits for Applicants Not Holding a Professional Degree

A. Experience used to meet the educational equivalency requirements set forth in R.S. 37:146(D)(2) can not be used to satisfy the practical architectural work experience requirements set forth in R.S. 37:146(D)(3). Although training credits can be earned prior to satisfactory completion of the educational equivalency requirements set forth in R.S. 37:146(D)(2) at such times permitted by NCARB in its Circular of Information No. 1, experience used in earning such credits cannot also be used to satisfy the training requirements of R.S. 37:146(D)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

§705. Modifications to Examination Administration to Accommodate Physical Handicaps

A. Requests for modification to the examination administration to accommodate physical handicaps must be made in writing to the board. Such a request must be accompanied by a physician's report and/or a report by a diagnostic specialist, along with supporting data, confirming to the board's satisfaction the nature and extent of the handicap. After receipt of the request from the applicant, the board may require that the applicant supply further information and/or that the applicant appear personally before the board. It shall be the responsibility of the applicant to timely supply all further information as the board may require. The board, along with the National Council of Architectural Registration Boards (NCARB), shall determine what, if any, modifications will be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

Chapter 9. The Examination

§901. Examinations Required

A. The Architectural Registration Examinations ("ARE") prepared by the NCARB is adopted by this board as the examinations required to obtain registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

§903. Review of Examination and Answers of the Candidate; Reversing Grades

A. A candidate will not be permitted to review his/her examination or answers thereto.

B. The board will not reverse the grade received by a candidate from NCARB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

Chapter 11. Licenses

§1101. Registration Information

A. To obtain information regarding registration to practice architecture in Louisiana, an individual should visit the board website, www.lsbac.com. Effective November 1, 2019, an in-state candidate shall be charged a fee of \$90, and an out of state candidate shall be charged a fee of \$150 for the issuance of his or her initial license.

B. The rules for registering and obtaining initial certificates of authority for professional architectural corporations, architectural-engineering corporations, and architectural firms are set forth in Chapter 17 *infra*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003), amended LR 45:1468 (October 2019).

§1103. Individuals Registered in Other States

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the submission to the board of an NCARB (blue cover) certificate, except in the cases of military-trained architect applicants or architect spouses of military personnel who satisfy the requirements of R.S. 37:3651 and in §1109 below.

B. Upon finding the NCARB (blue cover) certificate in order and upon payment of the registration fee of \$300, the board will register said individual and issue a license to said individual to practice architecture in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 39:2737 (October 2013).

§1105. Licenses

A. Each holder of a license shall maintain the license in his or her principal office or place of business in this state.

B. A replacement license will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction of the original license, and the registrant pays a fee of \$30.

C. A registrant retired from practice who has either practiced architecture for 30 years or more or who is 65 years of age or older may request emeritus status. Only a registrant who is fully and completely retired from the practice of architecture may request emeritus status. Any registrant who is presently receiving or who anticipates receiving in the future any salary, income, fees or other compensation (other than retirement income) from an architectural client, architectural firm, architect, design professional, or any other person for the practice of architecture is ineligible for emeritus status. The annual renewal fee for an approved emeritus registrant is \$5. Revocation and reinstatement rules apply to an emeritus registrant, just as they do to any other registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 45:1468 (October 2019).

§1107. Practical Experience

A. To obtain an initial license to practice architecture in Louisiana, an applicant shall present satisfactory evidence to

the board of either practical experience of training or experience in the field of architecture. This experience may be demonstrated only by:

1. satisfactory completion of the training requirements delineated by the National Council of Registration Boards in the Intern Development Program; or

2. a certificate record certified by the National Council of Registration Boards that the applicant is currently registered to practice architecture in another state.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 35:64 (January 2009).

§1109. Members of the Military and Spouses and Dependents of Members of the Military

A. Except as provided in §1109.B below, members of the military and their spouse and dependents shall meet all of the requirements for obtaining licensure set forth in this Section.

1. In evaluating qualifications, the board may, prior to reaching its decision, require the applicant to substantiate the applicant's qualifications.

2. To obtain an initial license, members of the military and their spouse and dependents shall be of good character as verified to the board by an applicant's employers or by honorable discharge evidenced by a copy of military discharge document (DD 214).

3. To obtain an initial license, members of the military and their spouse and dependents shall complete an Approved Education Program, or its equivalent, as described herein.

4. An Approved Educational Program is a degree accredited by the National Architectural Accrediting Board (NAAB) or education deemed equivalent by the board to the *NCARB Education Standard* pursuant to Subparagraph b below. At a minimum, the criteria for determining such compliance with the education requirement shall include:

a. an original certified transcript from an approved educational program transmitted through NCARB; or

b. as an alternate to satisfying the approved educational program requirement, the board may consider

i. any other architectural curriculum that has not been accredited by NAAB, but that has been evaluated and found to be an equivalent standard based on NCARB Alternatives to Education Requirement as identified in the August 2021 *NCARB Certification Guidelines*, such version being incorporated herein by reference; or

ii. demonstration of successful completion of an Education Evaluation Services for Architects (EESA) review. The board may also consider an applicant's combination of education and experience that has been evaluated and found to be equivalent to the January 2021 *NCARB Education Standard*, such version being incorporated by reference.

5. To obtain an initial license, members of the military and their spouse and dependents shall complete the approved experience program administered by NCARB (AXP). In lieu of completing AXP, the board may accept professional training while in active duty as it deems acceptable and in keeping with the experience requirements set forth by NCARB.

6. To obtain an initial license, members of the military and their spouse and dependents shall pass the Architectural Registration Examination administered by NCARB.

B. R.S. 37:3651 enacts special rules for obtaining licensure applicable to certain members of the military and their spouses and dependents who satisfy the following qualifications. Pursuant to such statute:

1. a member of the military, including a United States Department of Defense civilian employee who has been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee, if the member or United States Department of Defense civilian receives military orders for a change in station to a military installation or assignment located in this state or if the member of United States Department of Defense civilian has established this state as his state of legal residence as reflected in the member's or United States Department of Defense civilian's military record who demonstrates all of the following conditions to the satisfaction of the board shall be issued a license, permit pending normal license, or registration to practice architecture in Louisiana:

a. the applicant holds a current and valid occupational license in architecture;

b. the applicant has held the occupational license in the other state for at least one year;

c. the applicant has passed an examination, or met any education, training, or experience standards as required by the board in the other state;

d. the applicant is held in good standing by the board in the other state;

e. the applicant does not have a disqualifying criminal record as determined by the board;

f. the applicant has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in architecture;

g. the applicant did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in architecture in another state;

h. the applicant does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct of an alleged crime; if the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a license to the applicant until the complaint, allegation, or

investigation is resolved, or the applicant otherwise satisfies his criteria for licensure to the satisfaction of the board;

i. the applicant pays all applicable fees in this state; and

j. the applicant simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license once the permanent application is vetted, the permit automatically terminates;

2. a member of the military, or an applicant who is married to or is a dependent of a member of the military, or United States Department of Defense civilian employee who has been assigned duty in Louisiana, who demonstrates all of the following conditions to the satisfaction of the board shall be granted a license, permit pending normal license, or registration to practice architecture in Louisiana provided:

a. the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture;

b. the applicant worked at least three years in the lawful occupation; and

c. the applicant satisfies the requirements of Subparagraphs B.1.f.-j of this Section;

3. a member of the military or a United States Department of Defense civilian employee who has been assigned duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee, shall be issued a license, permit pending normal license, or registration based on holding a private certification and work experience in another state, provided the applicant demonstrates all of the following conditions to the satisfaction of the board:

a. the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture;

b. the applicant worked for at least two years in the occupation privately certified;

c. the applicant holds a current and valid private certification in the lawful occupation;

d. the private certification organization holds the applicant in good standing; and

e. the applicant satisfies the requirements of Subparagraphs B.1.f.-j of this Section;

4. to wholly or partially satisfy the education, training, or experience requirements for architectural licensure, an applicant must present clear and convincing evidence of comparable education, training, or experience as a member of the United States armed forces or any national guard or other reserve component. The board will determine whether the evidence of education, training, or experience is in fact comparable;

5. for purposes of this rule, *military* and *dependent* shall have the meanings set forth in R.S. 37:3651(N) and (O), such meanings incorporated herein by reference;

6. this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 39:2737 (October 2013), LR 47:1870 (December 2021).

Chapter 13. Administration

§1301. Renewal Procedure

A. A license for an individual architect shall expire and become invalid on December 31 of each year. An individual architect who desires to continue his or her license in force shall be required annually to renew same.

B. It is the responsibility of the individual architect to timely renew his or her license.

C. Prior to December 31 of each year, architects shall renew their licenses in accordance with the instructions set forth on the board website, www.lsbac.com. Effective November 1, 2019, the renewal fees shall be as follows: for an individual architect domiciled in Louisiana - \$90; for an individual architect domiciled outside Louisiana - \$175. Upon renewal, the architect may download from the board website a copy of his or her renewal license.

D. The failure to renew a license timely shall not deprive the architect of the right to renew thereafter. Effective November 1, 2019, the delinquent fees shall be as follows: an individual architect domiciled in Louisiana who transmits his renewal form and fee to the board subsequent to December 31 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$110. An individual architect domiciled outside Louisiana who transmits his renewal form and fee to the board subsequent to December 31 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$200. The delinquent fee shall be in addition to the renewal fee set forth in §1301.C.

E. The rules for renewing certificates of authority of professional architectural corporations, architectural-engineering corporations, and architectural firms are set forth in Chapter 17 *infra*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-145.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 35:2754 (December 2009), LR 36:1780 (August 2010), LR 45:1468 (October 2019).

§1303. Architect's Seal or Stamp

A. The seal or stamp of the architect shall contain the name of the architect, the architect's license number, and the words "Registered Architect, State of Louisiana."

B. The architect's seal or stamp shall be circular in shape and measure approximately 1 3/4" in diameter. In addition to the words set forth in the preceding paragraph, it shall contain the state emblem. For purposes of this rule, the state emblem is the pelican.

C. Rubber seals and computer generated seals are acceptable.

D. Indicated below is a sample of the seal design authorized by the board.



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003), amended LR 39:483 (March 2013).

§1305. Placing of Seal or Stamp

A. An architect shall affix his or her seal or stamp to all contract drawings and specifications requiring the services of an architect which were prepared by the architect or under the architect's responsible supervision. Contract drawings and specifications prepared by a consulting electrical, mechanical, structural, or other engineer shall be sealed or stamped only by the consulting engineer. Contract drawings and specifications within the meaning of this rule include construction documents prepared for bidding or for receipt of proposals, as well as such documents submitted for permitting.

B. An architect shall clearly identify the specification sections prepared by that architect or under that architect's responsible supervision and distinguish such sections from those prepared by consulting engineers. An architect shall affix his or her seal or stamp either to:

1. each specification section, page, or sheet prepared by or under the responsible supervision of the architect; or

2. the appropriate portion of any seals/stamp page in the specification document which identifies the specification sections prepared by the architect or under his or her responsible supervision and those sections prepared by consulting engineers. Consulting engineers shall affix their seal or stamp either to each specification section, page, or sheet prepared by that consultant, or to that portion of any seals/stamp page which identifies the specification sections prepared by that consultant.

C. If a public or governmental agency requires further certification by the architect (such as that the title or index page of the specifications be certified by the architect), the

architect's further certification shall include a description of exactly what drawings and what portions or sections of the specifications were prepared by or under the architect's responsible supervision, and what drawings and what portions or sections of the specifications were prepared by others. In addition, the architect shall include a certification from any consulting engineers as to what drawings and what portions or sections of the specifications were prepared by or under the responsible supervision of the consulting engineers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003), amended LR 38:1587 (July 2012).

§1307. Architect or Professional Engineer

A. It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is recognized that an architect, who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in activities properly classifiable as professional engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the professional engineer, who has complied with all of the current laws of Louisiana, and is properly registered in that branch of engineering for which he may be qualified, has a right to engage in activities classifiable as architectural insofar as is necessarily incidental to his work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs of projects with which he may be engaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003).

§1309. Calculating Gross Floor Area under R.S. 37:155(4) Where Building Contains Mixed Occupancy Classifications

A. When a building contains more than one of the occupancy classifications set forth in R.S. 37:155(4)(f), the gross floor area shall be calculated by performing the following calculations.

1. Divide the gross floor area of each of the occupancy classifications by the corresponding threshold of each, as established in R.S. 37:155(4)(f). Round off the resultants to four decimal points.

2. Add the results of each of the above calculations.

3. If the total exceeds 1.0000, the building shall be determined to exceed the gross floor areas established in R.S. 37:155(4)(f).

a. For example, calculating the gross floor area of a building containing 3,126 square feet of storage occupancy

and 2,000 square feet of business occupancy shall be performed as follows:

3,126 actual storage sq. ft.	=	0.5002
divided by 6,250 threshold		
2,000 actual business sq. ft.	=	0.5000
divided by 4,000 threshold		
Total	=	1.0002

b. In this example, the threshold square footage of this mixed occupancy building would be exceeded and, therefore, would not be exempt under R.S. 37:155(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003).

§1311. Interpretation of R.S. 37:155(4)(c)

A. As set forth in R.S. 37:155(4)(c), renovations or alterations of any size building which do not affect the structural integrity or life safety, exclusive of building finishes and furnishings, are exempted from the Licensing Law, R.S.37:141 et seq. Renovations or alterations which exceed \$125,000 are exempted from the Licensing Law only if the applicant documents to the satisfaction of the state fire marshal that the project does not affect structural integrity or life safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003).

§1313. Interpretation of R.S. 37:152(B)

A.1. Specifications, drawings, or other related documents will be deemed to have been prepared either by the architect or under the architect's responsible supervision only when:

a. the client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the architect, or the architect's employee as long as the employee works in the architect's office;

b. the architect personally controls the preparation of the plans, specifications, drawings, reports or other documents and has input into their preparation prior to their completion;

c. if the plans, specifications, drawings, reports, or other such documents are prepared outside the architect's office, the architect shall maintain evidence of the architect's responsible control including correspondence, time records, check prints, telephone logs, site visit logs, research done for the project, calculations, changes, and written agreements with any persons preparing the documents outside of the architect's offices accepting professional responsibility for such work;

d. the architect reviews the final plans, specifications, drawings, reports or other documents; and

e. the architect has the authority to, and does, make necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

2. If an architect fails to maintain written documentation of the items set forth above, when such are applicable, then the architect shall be considered to be in violation of R.S. 37:152, and the architect shall be subject to the disciplinary penalties provided in R.S. 37:153. This written documentation should be maintained for the prescriptive period applicable to claims against the architect which may arise from his or her involvement in the project.

B.1. Nothing precludes the use of prototypical documents provided the architect:

a. has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents;

b. reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job specific requirements;

c. independently performed and maintains on file necessary calculations;

d. after reviewing, analyzing, and making revisions and/or additions, issued the documents with his/her title block and seal (by applying his/her seal, the architect assumes professional responsibility as the architect of record); and

e. maintained design control over the use of site adapted documents just as if they were his/her original design.

2. The term *prototypical documents* shall mean model documents of buildings that are intended to be built in several locations with substantially few changes and/or additions except those required to adapt the documents to each particular site; that are generic in nature, that are not designed or premised upon the laws, rules or regulations of any particular state, parish, or municipal building code; that do not account for localized weather, topography, soil, subsistence, local building codes, or other such conditions or requirements; and that are not intended to be used as the actual documents to be employed in the construction of a building, but rather as a sample or a model to provide instruction or guidance. The term *legal owner* shall mean the person who provides the architect with a letter that he or she is the owner of the documents and has the written permission to allow the use thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:565 (April 2003).

§1315. Continuing Education

A. Purpose and Scope. These rules provide for a continuing education program to insure that all architects

remain informed of those technical and professional subjects necessary to safeguard life, health, and promote the public welfare. These rules shall apply to all architects practicing architecture in this state.

B. Exemptions. An architect shall not be subject to these requirements if:

1. a newly registered architect during his or her initial year of registration;

2. the architect has been granted emeritus or other similar honorific but inactive status by the board, or an emeritus status architect as defined by board rule §1105.E;

3. the architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the board other like hardship, then upon the board's so finding, the architect may be excused from some or all of these requirements.

C. Definitions

AIA—the American Institute of Architects.

AIA/CES—the continuing education system developed by *AIA* to record professional learning as a mandatory requirement for membership in the *AIA*.

ARE—the Architect Registration Examination prepared by the National Council of Architectural Registration Boards.

Board—the Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809, telephone: (225) 925-4802, telecopier: 225-925-4804, website: <http://www.lastbdarchs.com>.

Continuing Education (CE)—continuing education is a post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.

Continuing Education Hour (CEH)—one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's time for continuing education hour purposes irrespective of actual time spent on the activity.

Health, Safety, and Welfare Subjects—technical and professional subjects related to the practice of architecture that the board deems appropriate to safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

a. Practice Management. This category focuses on areas related to the management of architectural practice and the details of running a business.

b. Project Management. This category focuses on areas related to the management of architectural projects through execution.

c. Programming and Analysis. This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

d. Project Planning and Design. This category focuses on areas related to the preliminary design of sites and buildings.

e. Project Development and Documentation. This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

f. Construction and Evaluation. This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

g. pre-design—land use analysis, programming, site selection, site and soils analysis, surveying;

h. design—urban planning, master planning, building design, site design, interiors, safety and security measures;

i. construction documents—drawings, specifications, delivery methods;

j. construction contract administration: contracts, bidding, contract negotiations.

NCARB—the National Council of Architectural Registration Boards.

Non-Resident Architect—an architect registered by the board and residing outside Louisiana.

Resident Architect—an architect residing in this state.

Sponsor—an individual, organization, association, institution or other entity which offers an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

Structured Educational Activities—educational activities in which at least 75 percent of an activity's content and instructional time must be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations whether delivered by direct contact or distance learning methods.

D. Continuing Education Requirements

1. Beginning with license renewals effective January 1, 1999, all architects must show compliance with the educational requirements of these rules as a condition for renewing registration.

2. In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 continuing education hours each calendar year or be exempt from these continuing education requirements as provided above. Failure to comply with these requirements may result in non-renewal of the architect's registration or other discipline as set forth below.

3. Continuing Education Hours. Continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. Continuing education hours may be acquired at any location. Excess continuing education hours may not be credited to a future calendar year.

E. Acceptable Educational Activities

1. Credit will be allowed only for continuing education activities in areas which:

a. directly safeguard the public's health, safety, and welfare; and

b. provide individual participant documentation from a person other than the participant for record keeping and reporting.

2. Acceptable continuing educational activities in health, safety, and welfare subjects include the following:

a. attending professional or technical health, safety, and welfare subject seminars, lectures, presentations, courses, or workshops offered by a professional or technical organization (AIA, National Fire Protection Association, Concrete Standards Institute, NCARB, etc.), insurer, or manufacturer;

b. successfully completing health, safety, and welfare subject tutorials, short courses, correspondence courses, televised courses, or video-taped courses offered by a provider mentioned in the preceding Subparagraph;

c. successfully completing health, safety, and welfare subject monographs or other self-study courses such as those sponsored by NCARB or a similar organization which tests the architect's performance;

d. making professional or technical health, safety, and welfare subject presentations at meetings, conventions or conferences;

e. teaching or instructing health, safety, and welfare subject courses;

f. authoring a published paper, article or book;

g. successfully completing college or university sponsored courses; and

h. service upon NCARB committees dealing with health, safety, and welfare subjects.

3. Continuing educational activities need not take place in Louisiana, but may be acquired at any location.

4. All continuing education activities shall:

a. have a clear purpose and objective;

- b. be well organized and provide evidence of pre-planning;
- c. be presented by persons who are well qualified by education or experience in the field being taught;
- d. provide individual participant documentation from a person other than the participant for record keeping and reporting; and
- e. shall not focus upon the sale of any specific product or service offered by a particular manufacturer or provider.

F. Number of Continuing Education Hours Earned

1. Continuing education credits shall be measured in continuing education hours and shall be computed as follows.

a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one continuing education hour for each contact hour of attendance.

b. Successfully completing tutorials, short courses, correspondence courses, televised or video-taped courses, monographs and other self-study courses shall constitute the continuing education hours recommended by the program sponsor.

c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two continuing education hours for each contact hour spent in the actual presentation. Teaching credit shall be valid for teaching a seminar or course in its initial presentation only. Teaching credit shall not apply to full-time faculty at a college, university or other educational institution.

d. Authoring a published paper, article or book shall be equivalent of eight continuing education hours .

e. Successfully completing one or more college or university semester or quarter hours shall satisfy the continuing education hours for the year in which the course was completed.

2. Any health, safety, and welfare subject contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the AIA as a professional registry, and contact hours listed in health, safety, and welfare subjects in the AIA/CES transcript of continuing education activities will be accepted by the board for both resident and non-resident architects.

G. Reporting, Record Keeping and Auditing

1. An architect shall complete and submit forms as required by the board certifying that the architect has completed the required continuing education hours. The board requires that each architect shall complete the language on the renewal application pertaining to that architect's continuing education activities during the calendar year immediately preceding the license renewal period. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of

continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.

2. To verify attendance each attendee shall obtain an attendance certificate from the program sponsor. Additional evidence may include but is not limited to attendance receipts, canceled checks, and sponsor's list of attendees (signed by a responsible person in charge of the activity). A log showing the activity claimed, sponsoring organization, location, duration, etc., should be supported by other evidence. Evidence of compliance shall be retained by the architect for two years after the end of the period for which renewal was requested.

3. The renewal applications or forms may be audited by the board for verification of compliance with these requirements. Upon request by the board, evidence of compliance shall be submitted to substantiate compliance of the requirements of these rules. The board may request further information concerning the evidence submitted or the claimed educational activity. The board has final authority with respect to accepting or rejecting continuing education activities for credit.

4. The board may disallow claimed credit. If the board disallows any continuing education hours, the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the continuing education hours disallowed or to remedy the disallowance by completing the required number of continuing education hours (but such continuing education hours shall not again be used for the next calendar year). If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required continuing education hours, the architect may be subject to disciplinary action in accordance with the board regulations.

5. Documentation of reported continuing education hours shall be maintained by the architect for six years from the date of award.

H. Pre-Approval of Programs

1. Upon written request, the board will review a continuing education program prior to its presentation provided all of the necessary information to do so is submitted in accordance with these rules. If the program satisfies the requirements of these rules, the board will pre-approve same.

2. A person seeking to obtain pre-approval of a continuing education program shall submit the following information:

a. program sponsor(s): name(s), address(es), and phone number(s);

b. program description: name, detailed description, length of instructional periods, and total hours for which credit is sought;

c. approved seminar topic: division(s) and topic(s) from the current list of approved seminar topics;

d. program instructor(s)/leader(s): name(s) of instructor(s)/ leader(s) and credential(s);

e. time and place: date and location of program; and

f. certification of attendance: sponsor's method for providing evidence of attendance to attendees.

3. Such information shall be submitted at least 30 calendar days in advance of the program so that the board may analyze and respond.

4. The sponsor of a pre-approved program may announce or indicate as follows:

"This course has been approved by the Louisiana State Board of Architectural Examiners for a maximum of _____ Continuing Education Hours."

I. Continuing Education Disciplinary Guidelines

1. The board sets forth below the normal discipline which will be imposed upon an architect who fails to fulfill the continuing education requirements required by the licensing law and these rules. The purpose of these guidelines is to give notice to architects of the discipline which will normally be imposed. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

2. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations:

Violation	Discipline
1. Architect has hours but lacks in accepted setting or subject matter	Architect will be allowed 60 days to obtain needed hours. Architect will be audited next year.
2. Architect signs renewal, has obtained some, but not all, hours needed as of December 31	Fine of \$750, and architect must obtain required hours before renewing. Architect will be audited annually next three years.
For a second offense within 5 years	Fine of \$1,500, architect's license suspended for six months, and architect must obtain required hours before renewing. Architect will be audited annually next three years.
3. Architect signs renewal; architect has not obtained any continuing education hours and fails to do so within sixty (60) days.	Fine up to \$5,000, and architect's license suspended until architect obtains necessary hours. Architect will be audited annually the next five years.

J. Reinstatement

1. A former registrant may only apply for reinstatement if he has earned all delinquent continuing education hours in the year preceding the application, or the current year. However, if the total number of delinquent continuing education hours exceeds 24, then 24 shall be the maximum number of hours required.

2. An architect who has been granted emeritus or other similar honorific but inactive status by the board may only return to the active practice of architecture if he has earned the continuing education requirements for each exempted year in the year preceding the application, or the current year. However, if the total number of delinquent

continuing education hours exceeds 24, then 24 shall be the maximum number of hours required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:565 (April 2003), amended LR 33:2419 (November 2007), LR 38:1012 (April 2012), LR 40:1693 (September 2014), LR 45:752 (June 2019).

§1317. Interpretation of R.S. 37:155(A)(3)

A. Registered architects of other states will be deemed to be associated with a registered architect of this state on a specific project within the meaning of R.S. 37:155(A)(3) only when:

1. a written agreement is signed by both the out-of-state and the in-state architects describing the association prior to executing the work;

2. the in-state architect reviews all documents prepared by the out-of-state architect and makes necessary revisions to bring the design documents into compliance with applicable codes, regulations, and requirements;

3. the in-state architect independently performs or contracts with an engineer or engineers licensed in Louisiana to perform necessary calculations, and maintains such calculations on file;

4. after reviewing, analyzing and making revisions and/or additions, the in-state architect issues the documents with his/her title block and seal (by applying his/her seal the architect assumes professional responsibility as the architect of record); and

5. the in-state architect maintains control over the use of the design documents just as if they were his/her original design.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:567 (April 2003).

§1319. Interpretation of R.S. 37:141(B)(3); Design/Build

A. A partnership or corporation offering a combination of architectural services together with construction services may offer to render architectural services only if:

1. an architect registered in this state or otherwise permitted to offer architectural services participates substantially in all material aspects of the offering;

2. there is written disclosure at the time of the offering that such architect is engaged by and contractually responsible to such partnership or corporation;

3. such partnership or corporation agrees that such architect will have responsible control of the architectural work and that such architect's services will not be terminated prior to the completion of the project without the consent of the person engaging the partnership or corporation; and

4. the rendering of architectural services by such architect will conform to the provisions of the architectural registration law and the rules adopted thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003).

§1321. Interpretation of R.S. 37:145; Architectural Engineers

A. A registered professional engineer who has a degree entitled "Architectural Engineering" from a public or private college or university accredited by the accreditation board for engineering and technology to offer such a degree may use the title "Architectural Engineer." A corporation, partnership, limited liability company, or group may include the title "Architectural Engineer" in its firm name, provided an owner, partner, or principal of that firm is a registered professional engineer who has such a degree from a public or private college or university so accredited.

B. This interpretation limits the use of the words "Architectural Engineer" to the descriptive title only. Nothing contained herein shall be construed to authorize or allow such an individual or firm to practice architecture in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003).

Chapter 15. Titles, Firm Names, and Assumed Names

§1501. Misleading and Confusing Names Prohibited

A. The statutory authorization for architects to offer to the public the practice of architecture and the rendering of architectural services is not an authorization to hold out as an architect any person who is not registered by the board. An architect shall not practice architecture under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003), amended LR 37:2402 (August 2011).

§1503. Architect's Responsibility

A. As a licensed professional, it is the responsibility of the architect to select and use a name which is neither misleading nor confusing. In case of doubt, an architect should first consult the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003).

§1505. Use of Term "Architect," "Architecture," or "Architectural"

A. Whenever the term *architect*, *architecture*, or *architectural* is used in a firm name, or whenever a firm includes its name in any listing of architects or of firms rendering architectural services, the name of at least one Louisiana licensed architect followed by the title *architect* must be included either as a part of the firm title itself or at least one Louisiana licensed architect must be identified as an architect on the firm letterhead and any website.

Allowed	Not Allowed
Smith and Jones, Architecture and Planning	Smith and Jones, Architecture and Planning
John Smith, Architect	(unless Smith and Jones are both licensed by the board to practice architecture in Louisiana)
Smith and Jones, Architecture and Engineering	Smith and Jones, Architecture and Engineering
John Smith, Architect	(unless Smith and Jones are both licensed by the board to practice architecture in Louisiana)
Design Professionals Architecture and Planning	Design Professionals
John Smith, Architect	Architecture and Planning
Heritage Architectural Services	Heritage Architectural Services
John Smith, Architect	
John Smith, Architect, and Associates	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003), amended LR 37:2402 (August 2011).

§1507. Use of the Plural Term "Architects"

A. If the firm title indicates that the firm contains two or more architects, the names of at least two Louisiana licensed architects followed by the title *architect* must be included either as a part of the firm title itself or at least two Louisiana licensed architects must be identified as architects on the firm letterhead and any website. An architectural firm which loses an architect or architects so that it may no longer use the plural term "architects" is required to change its name as soon thereafter as is reasonably possible, which change shall occur no later than one year from the departure of the architect or architects.

Allowed	Not Allowed
Communications Architects	Communications Architects
John Smith, Architect	
Jack Jones, Architect	
Smith and Jones, Architectural Services	
(if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003), amended LR 37:2402 (August 2011).

§1509. Firm Name Which Includes Names of Licensed Architect or Architects Only

A. A firm name which includes only the name or names of a licensed architect or architects engaged in the active practice of architecture is not required to include the name of a licensed architect followed by the title "architect" as a part of the firm title itself. However, if the firm title indicates that the firm is a sole proprietorship or that only one architect is a member of the firm, the identity of the architect shall be shown on the firm letterhead and any website. If the firm title indicates that the firm contains two or more architects, at least two architects shall be identified as such on the firm letterhead and any website.

Allowed	Not Allowed
Smith and Jones, Architects (if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	Smith and Jones, Architects (if Jones is not licensed by the board)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2402 (August 2011).

§1511. Use of "AIA"

A. The use of "AIA," in and of itself, is not an acceptable substitution for the title "architect" on any listing, publication, announcement, letterhead, business card, website or sign used by an individual practicing architecture in connection with his practice where such title is required.

Allowed	Not Allowed
John Smith, Architect John Smith, Architect, AIA	John Smith, AIA (if the title "architect" is required)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2402 (August 2011).

§1513. Use of the Term "Associate"

A. An architect may only use the word "associate" in the firm title to describe a full time officer or employee of the firm. The plural form may be used only when justified by the number of associates who are full time firm employees. An architectural firm which loses an associate or associates so that it may no longer use the plural form is required to change its name as soon thereafter as is reasonably possible, which change shall occur no later than one year from the departure of the associate or associates. Identification of the associates in the firm title, listing, publication, letterhead, or announcement is not required.

Allowed	Not Allowed
John Smith & Associates, Architects (if John Smith is licensed by the board and the firm employs two or more associates as defined herein)	John Smith and Associates, Architects (if the firm employs only one associate as defined herein)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended by the Office of the Governor, Division of Administration, Board of Architectural Examiners LR 32:83 (January 2006), amended LR 37:2403 (August 2011).

§1515. Sole Proprietorship, Partnership, Group, Association, or Limited Liability Company

A. The firm name of any form of individual, partnership, corporate, limited liability company, group, or associate practice must comply with all of the rules set forth in this Chapter.

Allowed	Not Allowed
John Smith, Architect John Smith, AIA, Architect John Smith, Architect, AIA John Smith and Associates, Architect (if John Smith is licensed by the board to practice architecture in Louisiana and the firm employs two or more associates as defined in the rules) Smith and Jones, Architect and Engineer (if John Smith is licensed by the board to practice architecture in Louisiana) Smith and Jones, Architects and Engineer (if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	Smith and Jones, Architects and Engineers (if either Smith or Jones is not licensed by the board to practice architecture in Louisiana) Smith and Jones, Architects (if either Smith or Jones is not licensed by the board to practice architecture in Louisiana)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2403 (August 2011).

§1517. Professional Architectural Corporations

A. The corporate name of a professional architectural corporation registered with this board must comply with R.S. 12:1088.

B. The corporate name of a professional architectural corporation may include an acronym such as "PAC," "APAC," or "APC" as an acceptable substitute for one of the suffixes listed in R.S. 12:1088.

Allowed	Not Allowed
Smith and Jones, A Professional Architectural Corporation Smith and Jones, APAC Smith and Jones, Architects, A Professional Architectural Corporation Smith and Jones, Architects, APAC Heritage Architects, A Professional Architectural Corporation Heritage Architects, APC	Smith and Jones, Inc. Smith and Jones, A Professional Interior Architectural Corporation

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2403 (August 2011).

§1519. Architectural-Engineering Corporation

A. The corporate name of an architectural-engineering corporation registered with this board must comply with R.S. 12:1172.

Allowed	Not Allowed
Smith and Jones, An Architectural-Engineering Corporation	Smith and Jones
Smith and Jones, Inc.	
Heritage Architects, Ltd.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003).

§1521. Fictitious Name

A. For the purpose of these rules, a fictitious name is any name other than the real name or names of an individual. Any individual, partnership, corporation, limited liability company, group, or association may practice architecture under a fictitious name provided the name complies with all of the rules of this Chapter.

Allowed	Not Allowed
Heritage Architecture	Heritage Architecture
John Smith, Architect	Architectural Design
Architectural Design	Architectural Design
John Smith, Architect	Consultants
Architectural Design Consultants	John Smith, Architect
John Smith, Architect	
Jack Jones, Architect	
Heritage Architects, A Professional Corporation	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003), amended LR 37:2403 (August 2011).

§1523. Practicing in a Firm with Other Professionals

A. An architect who practices in a firm with one or more engineers, land surveyors, landscape architects, interior designers, or other professionals in an allied profession is permitted to use in the firm title a phrase describing the professions involved such as "architect and engineer," "architects, engineers, and surveyors," etc. provided:

1. the title does not hold out to the public as an architect any person who is not registered by the board;
2. the name of any allied professional in the firm title is practicing in accordance with the applicable statutes and regulations that govern the practice of that allied profession; and
3. the title complies with all the rules of this Chapter.

Allowed	Not Allowed
Smith and Jones, Architect and Engineer	Smith and Jones, Architect and Engineer
John Smith, Architect	(if neither Smith nor Jones is an architect licensed by the board)
Smith and Jones, Architects and Engineers	
John Smith, Architect	
Jack Jones, Architect	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003), amended LR 37:2403 (August 2011).

§1525. Deceased or Retired Member Predecessor Firms

A. An architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession. The status of any deceased or retired member must be clearly shown on the firm letterhead and website by use of the words "retired" or "deceased" or by showing the years of the member's birth and death. Upon the retirement or death of a firm member, the name of the firm should be changed as soon as reasonably possible, which change shall occur no later than one year following the retirement or death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003), amended LR 37:2404 (August 2011).

§1527. Unlicensed Persons

A. Unlicensed persons cannot use the term *architect*, *architectural*, *architecture* or anything confusingly similar to indicate that such person practices or offers to practice architecture, or is rendering architectural services. A person who has obtained a degree in architecture may not use the title *graduate architect*.

Allowed	Not Allowed
Designer	Architectural Designer
Draftsman	Architectural Draftsman
Building Designer Products	Architectural Building Designer

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003).

§1529. Intern Architect

- A.1. A person who:
- a. has completed the education requirements set forth in NCARB Circular of Information No. 1;
 - b. is participating in or who has successfully completed the Intern Development Program ("IDP"); and

c. is employed by a firm which is lawfully engaged in the practice of architecture in this state may use the title "intern architect" but only in connection with that person's employment with such firm.

2. The title may not be used to advertise or offer to the public that such person is performing or offering to perform architectural services, and accordingly such person may not include himself in any listing of architects or in any listing of persons performing architectural services. Such person may use a business card identifying himself as an "intern architect", provided such business card also includes the name of the architectural firm employing such person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003).

§1531. Business Cards

A. The business card of an architect should comply with all of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 37:2404 (August 2011).

§1533. Limited Liability Company

A. The name of a limited liability company registered with the board must comply with R.S.12:1306 and include the words "limited liability company" or "professional limited liability company," or the abbreviation "L.L.C."; "P.L.L.C."; or "L.C.".

Allowed	Not Allowed
Smith and Jones, Architects, Limited Liability Company (if Smith and Jones are both licensed architects)	Smith and Jones, Architects (if the entity is a limited liability company)
Smith and Jones, Architects, Professional Limited Liability Company (if Smith and Jones are both licensed architects)	
Smith and Jones, Architects, L.L.C. (if Smith and Jones are both licensed architects)	
Smith and Jones, Architects, P.L.L.C. (if Smith and Jones are both licensed architects)	
Smith and Jones, Architects, L.C. (if Smith and Jones are both licensed architects)	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 37:2404 (August 2011).

§1535. Non-Resident Firms

A. A non-resident corporation or limited liability company legally engaged in the practice of architecture in

the jurisdiction of its origin shall have the right to retain its non-resident identity upon obtaining a certificate of registration for practicing architecture in Louisiana, provided its identity is in full compliance with the jurisdiction of its origin and the entity is in full compliance with all of the requirements for practicing architecture in Louisiana.

B. A non-resident partnership or other entity legally engaged in the practice of architecture in the jurisdiction of its origin shall have the right to retain its non-resident identity in Louisiana, provided its identity is in full compliance with the jurisdiction of its origin and the entity is in full compliance with all of the requirements for practicing architecture in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 37:2404 (August 2011).

§1537. Exemptions

A. If an architect or architectural firm believes that the requirements of this Chapter are unduly burdensome or impractical because of the large number of architects employed, or for any other reason, it shall request in writing an exemption from the board.

B. The request for an exemption shall be made before any name which does not fully comply with the requirements of these rules is used, and it shall fully explain why the architect or architectural firm believes that the requirements of this Chapter are unduly burdensome or impractical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 37:2404 (August 2011).

§1539. Architect Emeritus

A. An architect who has received emeritus status from the board pursuant to §1105.E should use the title "architect emeritus."

Allowed	Not Allowed
John Smith, Architect Emeritus (if John Smith has received emeritus status from the board pursuant to Rule §1105.E)	John Smith, Architect (if John Smith has received emeritus status from the board pursuant to Rule §1105.E)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 39:2737 (October 2013).

Chapter 17. Professional Architectural Corporations, Architectural-Engineering Corporations, and Architectural Firms

§1701. Professional Architectural Corporations

A. The practice of architecture in Louisiana by a professional architectural corporation is permissible when such corporation is lawfully constituted under the professional architectural corporations law, R.S. 12:1086 et seq., and it obtains a certificate of authority from the board authorizing it to so practice.

B. A person seeking a certificate of authority for a professional architectural corporation to practice architecture in Louisiana shall obtain an application from the board website, www.lastbdarchs.com. The applicant is required to complete the application fully and file same with the board. Upon receipt of such application and the fee described below, the board shall either approve said application and issue a certificate of authority to the professional architectural corporation, or disapprove said application advising the applicant of the reason(s) therefor. The certificate of authority must be renewed on an annual basis.

C. The fee for obtaining an initial certificate of authority for a resident professional architectural corporation is \$75. The fee for obtaining an initial certificate of authority for a non-resident professional architectural corporation is \$150.

D. Architectural services rendered on behalf of a professional architectural corporation must be performed by or under the responsible supervision of one or more natural person(s) duly licensed to practice architecture in Louisiana. Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only when the requirements of §1313 of this Part are fully satisfied.

E. The architects licensed in this state who perform or directly supervise the performance of architectural services on behalf of a professional architectural corporation are responsible to the board for all of the acts and conduct of such corporation.

F. It shall be the responsibility of the directors of a professional architectural corporation to advise the board of any organizational change that would relate to the authority granted under this rule. Any failure to do so could result in imposition by the board of one or more of the disciplines set forth in R.S. 37:153 and/or R.S. 37:154 against the professional architectural corporation and the directors. Possible disciplines include, but are not limited to, the suspension, revocation, or rescission of:

1. the certificate of authority issued to the professional architectural corporation; and

2. the license of the directors.

G. A professional architectural corporation holding a certificate of authority and desiring to continue offering architectural services shall make application for renewal each year on or prior to June 30 by downloading a renewal form from the board website, www.lastbdarchs.com. Upon receipt of the completed application and the fee described below prior to June 30, a renewal certificate will be issued.

H. The fee for renewing a certificate of authority for a resident professional architectural corporation is \$75. The fee for renewing a certificate of authority for a non-resident professional architectural corporation is \$150.

I. The failure of a professional architectural corporation to renew its certificate of authority on or before June 30 shall not deprive such corporation of the right of renewal thereafter, provided it pays a delinquent fee to the board. The delinquent fee to be paid upon the renewal of a certificate of authority by a resident professional architectural corporation is \$75. The delinquent fee to be paid upon the renewal of a certificate of authority by a non-resident professional architectural corporation is one \$150. This delinquent fee shall be in addition to the renewal fee set forth in the preceding paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 43:645 (April 2017).

§1703. Architectural-Engineering Corporations

A. The practice of architecture in Louisiana by an architectural-engineering corporation is permissible when such corporation is lawfully constituted under the architectural-engineering corporations law, R.S. 12:1171 et seq., and it obtains a certificate of authority from the board authorizing it to so practice.

B. A person seeking a certificate of authority for an architectural-engineering corporation to practice architecture in Louisiana shall obtain an application from the board website, www.lastbdarchs.com. The applicant is required to complete the application fully and file same with the board. Upon receipt of such application and the fee described below, the board shall either approve said application and issue a certificate of authority to the architectural-engineering corporation, or disapprove said application advising the applicant of the reason(s) therefor. The certificate of authority must be renewed on an annual basis.

C. The fee for obtaining an initial certificate of authority for a resident architectural-engineering corporation is \$75. The fee for obtaining an initial certificate of authority for a non-resident architectural-engineering corporation is one \$150.

D. Pursuant to R.S. 12:1173, the architectural-engineering corporation shall designate in its application for certificate of authority one or more supervising professional architect(s) who shall perform or directly supervise the performance of all architectural services by said corporation

in Louisiana. Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only when the requirements of §1313 of this Part are fully satisfied. Only natural persons:

1. who are licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158;
2. who are full-time active employees of the architectural-engineering corporation; and
3. whose primary occupation is with the architectural-engineering corporation may be designated as a supervising professional architect.

E. The architects licensed in this state who perform or directly supervise the performance of architectural services on behalf of an architectural-engineering corporation are responsible to the board for all of the acts and conduct of such corporation.

F. It shall be the responsibility of the designated supervising professional architect(s) of an architectural-engineering corporation to advise the board of any organizational change that would relate to the authority granted under this rule. Any failure to do so could result in imposition by the board of one or more of the disciplines set forth in R.S. 37:153 and/or R.S. 37:154 against the architectural-engineering corporation and the designated supervising professional architect(s). Possible disciplines include, but are not limited to, the suspension, revocation, or rescission of:

1. the certificate of authority issued to the architectural-engineering corporation; and
2. the license of the designated supervising professional architect(s).

G. An architectural-engineering corporation holding a certificate of authority and desiring to continue offering architectural services shall make application for renewal each year on or prior to June 30 by downloading a renewal form from the board website, www.lastbdarchs.com. Upon receipt of the completed application and the fee described below on or prior to June 30, a renewal certificate will be issued.

H. The fee for renewing a certificate of authority for a resident architectural-engineering corporation is \$75. The fee for renewing a certificate of authority for a non-resident architectural-engineering corporation is \$150.

I. The failure of an architectural-engineering corporation to renew its certificate of authority on or before June 30 shall not deprive such corporation of the right of renewal thereafter, provided it pays a delinquent fee to the board. The delinquent fee to be paid upon the renewal of a certificate of authority by a resident professional architectural corporation is \$75. The delinquent fee to be paid upon the renewal of a certificate of authority by a non-

resident architectural-engineering corporation is \$150. This delinquent fee shall be in addition to the renewal fee set forth in the preceding paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 43:645 (April 2017).

§1705. Architectural Firms

A. For purposes of this rule, the term *architectural firm* shall mean a corporation, partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity lawfully organized under the laws of Louisiana or other lawful jurisdiction for the purpose of practicing architecture.

B. The practice of architecture in Louisiana by an architectural firm is only permissible when such firm is lawfully constituted under the laws of Louisiana or under the laws of some other lawful jurisdiction for the purpose of practicing architecture, and it complies with all of the requirements of this rule.

C. Except as provided *infra* in this rule, no architectural firm shall solicit, offer, execute, or perform architectural services in Louisiana without first receiving a certificate of authority from the board authorizing it to do so.

D. An architectural firm soliciting, offering, contracting to perform, or performing the practice of architecture in Louisiana shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

E. A person seeking a certificate of authority for an architectural firm to practice architecture in Louisiana shall obtain an application from the board website, www.lastbdarchs.com. The applicant is required to complete the application fully and file same with the board. Upon receipt of such application and the fee described below, the board shall either approve said application and issue a certificate of authority to the architectural firm, or disapprove said application advising the applicant of the reason(s) therefor. The certificate of authority must be renewed on an annual basis.

F. The fee for obtaining an initial certificate of authority for a resident architectural firm is \$75. The fee for obtaining an initial certificate of authority for a non-resident architectural firm is \$150.

G. The architectural firm shall designate in its application for certificate of authority one or more supervising professional architects who shall perform or directly supervise the performance of all architectural services by said firm in Louisiana. Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only

when the requirements of §1313 of this Part are fully satisfied. Only natural persons:

1. who are licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158;

2. who are full-time active employees of the architectural firm; and

3. whose primary occupation is with the architectural firm may be designated as a supervising professional architect.

H. When the architectural firm designates an architect as a supervising professional architect, the architectural firm authorizes that architect to appear for and act on behalf of the firm in connection with the execution and performance of contracts to provide architectural services.

I. An architectural firm may practice architecture in Louisiana only as long as it employs a designated supervising professional architect who complies with §1705.F above. If the architectural firm designates only one architect as the supervising professional architect and that architect ceases being a full-time active employee of the architectural firm on a primary basis, the authority of such firm to practice architecture in Louisiana is suspended until such time as the firm designates another supervising professional architect pursuant to §1705.F above.

J. The architect(s) designated as the supervising professional architect(s) of the architectural firm is responsible to the board for all of the acts and conduct of the architectural firm.

K. The supervising professional architect(s) of the architectural firm shall advise the board of any organizational change that would relate to the authority granted under this rule. Any failure to do so could result in imposition by the board of one or more of the disciplines described in R.S. 37:153 and/or R.S. 37:154 against the architectural firm and the designated supervising professional architect(s). Possible disciplines include, but are not limited to, the suspension, revocation, or rescission of:

1. the certificate of authority issued to the architectural firm; and

2. the license of the designated supervising professional architect(s).

L. A corporation, partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity lawfully organized under the laws of Louisiana or other lawful jurisdiction for the purpose of offering a combination of architectural services together with construction services (i.e., a design/build firm), must obtain a certificate of authority from the board as set forth in this rule and also comply with §1319 of this Part.

M. A joint venture practicing architecture in Louisiana shall not be required to obtain a certificate of authority from the board; however, all architectural firms practicing architecture in Louisiana as members of a joint venture are

required to obtain a certificate of authority and otherwise comply with this rule.

N. A non-resident architectural firm associated within the meaning of §1317 of this Part with a resident architect or architectural firm for a specific and isolated project is not required to obtain a certificate of authority from the board, provided the resident architect is licensed in Louisiana or the resident architectural firm has obtained a certificate of authority from the board.

O. A sole proprietorship practicing architecture in Louisiana in the name of an individual registered with the board is not required to obtain a certificate of authority to practice architecture in Louisiana. A sole proprietorship practicing architecture in Louisiana under some name other than the name of an individual registered with the board is required to obtain a certificate of authority from the board.

P. A non-resident architectural firm retained by a Louisiana architect as a consultant only is not required to obtain a certificate of authority from the board.

Q. The architectural firm shall satisfy all of the requirements of the Louisiana secretary of state for doing business in this state.

R. An architectural firm holding a certificate of authority and desiring to continue offering architectural services in Louisiana shall make application for renewal each year on or prior to June 30 by downloading a renewal form from the board website, www.lastbdarchs.com. Upon receipt of the completed application and the renewal fee described below on or prior to June 30, a renewal certificate will be issued.

S. The fee for renewing a certificate of authority for a resident architectural firm is \$75. The fee for renewing a certificate of authority for a non-resident architectural firm is \$150.

T. The failure of an architectural firm to renew its certificate of authority on or before June 30 shall not deprive it of the right of renewal thereafter, provided it pays a delinquent fee to the board. The delinquent fee to be paid upon the renewal of a certificate of authority by a resident architectural firm is \$75. The delinquent fee to be paid upon the renewal of a certificate of authority by a non-resident architectural firm is \$150. This delinquent fee shall be in addition to the renewal fee set forth in the preceding paragraph.

U. Rules regulating the names of architectural firms are contained in Chapter 15 *supra*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:572 (April 2003), amended LR 43:646 (April 2017).

§1707. Effective Date

A. Any license or certificate of authority issued by the board to a professional architectural corporation, architectural-engineering corporation, or limited liability company for the period ending June 30, 2017, shall expire

no later than such date, and the rules in existence at the time such license or certificate is issued shall apply to the practice of architecture by such firm.

B. These rules shall apply to any professional architectural corporation, architectural-engineering corporation, or architectural firm seeking to obtain an initial certificate of authority from the board to practice architecture in Louisiana, or to renew any such certificate, for the period after July 1, 2017.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 43:647 (April 2017).

Chapter 19. Rules of Conduct: Violations

§1901. Rules of Conduct

A. Competence

1. In practicing architecture, an architect's primary duty is to protect the public's health, safety, and welfare. In discharging this duty, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill ordinarily applied by architects in good standing, practicing in the same locality.

COMMENTARY This rule is based on the common law "standard of care" that has been accepted by courts in this country for over 100 years in judging the performance of architects.

2. In designing a project, an architect shall take into account the applicable federal, state, and local building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

3. An architect shall perform professional services only when the architect, together with those whom the architect may engage has the necessary knowledge and skill in the specific technical areas involved.

COMMENTARY While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations of his or her own capacity and knowledge. Where an architect lacks experience, the rule supposes that he or she will retain consultants who can appropriately supplement his or her own capacity. If an architect undertakes to do a project where he or she lacks knowledge and where he or she does not seek such supplementing consultants, the architect has violated the rule.

4. An architect shall not be permitted to practice architecture if, in the board's judgment, the architect's professional competence is substantially impaired. The assessment of impairment should be performed by an appropriately qualified professional.

COMMENTARY This rule empowers the board to act preemptively in the interest of public health, safety, and

welfare when the board becomes concerned that an architect's competence may be impaired, rather than waiting until the impaired competence causes harm.

B. Conflict of Interest

1. An architect shall not accept compensation in connection with services from more than one party on a project unless the circumstances are fully disclosed and waived in writing by all parties.

COMMENTARY This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

2. An architect shall not solicit or accept compensation from material or equipment suppliers for specifying or endorsing their products in connection with a project. As used herein, "compensation" shall mean customary and reasonable business hospitality, entertainment, or product education.

COMMENTARY Unlike Rule B.1, this rule does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education may be determined by jurisdictional ethics laws, company policies, and tax guidelines. In Louisiana, a Code of Governmental Ethics is found at La. R.S. 42:1101 et seq.

3. An architect shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. An architect has a conflict of interest when:

a. the architect has or may acquire a financial or other interest in the project, someone participating in it, or any component of it; or

b. the architect's judgment may be adversely affected by a relationship with another party.

4. An architect, when acting by agreement of the parties as the independent interpreter of building contract documents or as the judge of contract performance, shall render decisions impartially.

COMMENTARY This rule governs the construction industry relationship where the architect is to act impartially as the interpreter of building contract documents and/or the judge of contract performance, even though paid by the owner. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in either of these two roles.

5. An architect serving as an AXP Supervisor for a candidate for licensure shall not have, nor enter into, any relationship with the candidate that would interfere with the objectivity of the AXP Supervisor's certification of the candidate's experience.

COMMENTARY AXP Supervisors should balance their duty to protect the public with their role in licensure candidate development. Balancing these duties make the AXP Supervisors' objectivity critical.

C. Full Disclosure

1. An architect shall not make statements that are misleading, deceptive, or false.

2. An architect making public statements on architectural matters shall disclose if the architect is being compensated for making such statements or has an economic interest in the issue.

3. An architect shall not misrepresent the architect's qualifications, capabilities, and experience or that of the architect's firm.

4. An architect shall not misrepresent or overstate the scope of the architect's responsibility in connection with work for which the architect or the architect's firm is claiming credit.

COMMENTARY Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications or his/her work.

5.a. If, in the course of an architect's work on a project, the architect becomes aware of a decision made by the architect's employer or client, against the architect's advice, which violates applicable federal, state, or local building laws and regulations and which will, in the architect's judgment, materially and adversely affect adversely the health and safety of the public, the architect shall:

- i. refuse to consent to the decision, and
- ii. report the decision to the official charged with enforcement of building laws and regulations,
- iii. in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding the architect's objection, terminate the provision of services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

b. In the case of a termination in accordance with §1901.C.5.a.iii, the architect shall have no liability to his or her client or employer on account of such termination.

COMMENTARY In the circumstances described, the architect is compelled to report the matter to the appropriate building official even though to do so may adversely affect the client's interests. The rule specifically intends to exclude matters of safety during the course of construction that are the obligation of the contractor.

6. An architect shall not make a false statement or fail to disclose accurately and completely a material fact lawfully requested by the board in connection with the architect's application for licensure or renewal.

7. An architect shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect to be unqualified.

8. An architect possessing knowledge of a licensure candidate's qualifications for licensure shall cooperate with the candidate, the board, and/or NCARB by responding appropriately and in a timely manner regarding those qualifications.

9. An architect possessing knowledge of a violation of the jurisdiction's laws or rules governing the practice of architecture by another shall report such knowledge to the board. It is the professional duty of the architect to do so.

D. Compliance with Laws

1. An architect shall not violate the law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the architect's practice.

2. An architect shall not engage in conduct involving fraud or deliberate disregard of the rights of others.

3. An architect shall comply with the licensing laws and regulations governing the architect's professional practice in any U. S. jurisdiction. An architect may be subject to disciplinary action if the architect is disciplined in any other U.S. jurisdiction.

4. An architect shall neither offer nor make any payment or gift with the intent of influencing an official's judgment in connection with a prospective or existing project in which the architect is interested.

5. An employer engaged in the practice of architecture found by a court or administrative tribunal to have violated the law of the United States or any U.S. jurisdiction protecting the rights of persons working for the employer, such as those pertaining to harassment, discrimination, and unfair competition, shall be subject to discipline.

E. Sealing Documents

1. An architect shall seal only those technical submissions that were prepared under the architect's responsible control except as noted in Rules E.2 and E.3 below.

2. An architect of record may seal technical submissions not required by law to be prepared by an architect including information supplied by manufacturers, suppliers, installers, or contractors, when that information is intended to be incorporated into the architect of record's technical submissions and the architect of record has reviewed such information and can reasonably trust its accuracy.

3. An architect of record may seal prototypical building documents prepared by an architect licensed in any U.S. jurisdiction, but only if the architect of record determines that such documents are in compliance with the requirements of the project's jurisdiction and incorporates them into the architect of record's own technical submissions.

AUTHORITY NOTE : Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:572 (April 2003), amended LR 31:3159 (December 2005), LR 45:754 (June 2019).

§1903. Violations

A.1. When the board receives a complaint, report, or other information which, if established as being true, would constitute just cause under the law for revocation, suspension, denial of license, or other form of discipline or punishment specified in R.S. 37:153 or R.S. 37:154, the board may:

- a. conduct its own investigation or inquiry;
- b. refer the matter to an investigator for an investigation;
- c. refer the matter to its Complaint Review Committee ("CRC"); and/or
- d. file its own complaint against the architect or the other person (hereinafter in this Section the "respondent") who may have violated the law or rules.

2. In accordance with R.S. 37:153.F, a complaint (whether made by the board or other person) shall be in the form of a sworn affidavit. If a complaint, report, or other such information is received by the executive director, the director will, within her discretion, forward same to either the board (for action consistent with this Section) or to the CRC.

B. The CRC is a committee of the board appointed by the president consisting of at least two board members. The CRC may review complaints and other information concerning possible violations of law or rules, make or have made whatever investigation it deems appropriate concerning such possible violations, file complaints, decide whether an attempt should be made to resolve alleged violations informally (without a full board hearing), discuss or confer with a respondent concerning the alleged violations and/or a possible resolution thereof, make recommendations to the full board concerning a possible resolution of the alleged violations (if the respondent consents to such recommendations), present and explain any recommendations made to the full board, and generally perform whatever other actions it deems necessary or appropriate in the receipt, investigation, handling, and/or disposition of complaints or information concerning possible violations of the law or rules.

C. The board, investigator, and/or CRC shall conduct such investigation or make whatever other inquiry deemed appropriate to determine whether the matter should be dismissed or pursued further. To assist in the investigation, the board may issue, as necessary, such subpoenas as may be required to obtain documents and compel the appearance of witnesses.

D. The executive director may, but shall not be required, to provide written notice to the respondent that an investigation has been initiated. In determining whether to provide notice to the respondent, the director shall consider whether such notice may prejudice the investigation. Any notice shall describe the nature or basis of the complaint or the other information giving rise to the investigation, contain a preliminary statement of the possible violations of law or

rules that may be involved, and provide the respondent with an opportunity to respond in writing and provide information relating to the investigation.

E. The executive director will provide a copy of the complaint to the respondent. The executive director will normally provide the complaint immediately, unless in the judgment of the executive director, the board or the CRC doing so may prejudice the investigation. In determining whether providing a complaint to the respondent immediately may prejudice the investigation, the executive director may consult with the president and/or the CRC. The respondent shall be allowed a reasonable opportunity to respond in writing to the complaint and provide whatever information that the respondent would like the board to consider.

F. The board may at any time dispose of any complaint or other matter informally. Such informal resolution may take the form of any informal disposition recognized in R.S. 49:955(D) or any other form of agreement or disposition which adequately addresses the complaint or the matter under investigation.

G. For the purpose of resolving a complaint or other matter without a full board hearing, the board, CRC, or the respondent may suggest that an informal conference be held. If the board or the CRC suggests such a conference, attendance by the respondent at this conference shall be purely voluntary, and no inferences or negative presumptions shall result if a respondent declines to attend or otherwise participate in such a conference.

H. The persons who will normally attend an informal conference are one or both of the board members comprising the CRC, the executive director, the board attorney, and the respondent. The CRC may request that other persons, such as the investigator, also attend, if such attendance would facilitate the discussion and potentially resolve the complaint or other matter at issue. The respondent may bring his or her attorney to the conference, although such legal representation is not necessary.

I. At the start of an informal conference, the CRC, executive director, or board attorney will explain the purpose of the informal conference; discuss the specific charges that may be presented to the board if it becomes necessary to schedule a formal hearing; and present some or all of the evidence that the board might introduce at a formal hearing to substantiate the charges. The respondent will be provided an opportunity to discuss the board's evidence, present his or her own evidence, and show that no violation of the law or rules has occurred. Statements made at the informal conference may not be introduced at a formal hearing unless all parties consent. No transcript of the informal conference will be made.

J. The respondent has the right to terminate an informal conference at any time and to request a formal hearing called for the purpose of adjudicating any alleged violation of the law or rules.

K. If at the end of the informal conference it appears that no violation of the law or the rules has occurred, no further action will be taken, and the CRC will recommend to the board that the complaint be dismissed or, if no complaint has been filed, that no further action be taken concerning the matter being considered.

L. If at the end of the informal conference it appears that a violation may propose of the law or the rules has occurred, the CRC a stipulation, settlement agreement, or consent order to the respondent. If the proposal for resolving the matter is agreeable to the respondent, the CRC will then submit the proposed stipulation, settlement agreement, or consent order to the board and recommend that the board accept its recommendation.

M. If the respondent does not consent to the proposal made by the CRC for resolving the matter at the end of the informal conference, the CRC will advise the board that an informal conference was unsuccessful in resolving the matter and that the complaint, if one has been filed, may be scheduled for a formal hearing. If no complaint has been filed, the CRC will advise the respondent of whatever action it intends to take concerning the matter being considered. The CRC may file its own complaint against the respondent and, if so, that complaint may be scheduled for a formal hearing before the full board.

N. The CRC will present and explain its recommendations for the proposed stipulation, settlement agreement, or consent order at a board meeting. The members of the CRC may vote on whether the recommendations should be accepted by the board. If CRC's recommendations are not accepted by the board, the members of the CRC will not be allowed to deliberate concerning or vote on anything further concerning the matter which the CRC has considered.

O. The board may accept or reject the recommendations proposed by the CRC. If the recommendations are accepted by the board, the recommendations will be reduced to writing, signed by the board president and the respondent, and entered as a stipulation, written settlement, or consent order by the board. No further disciplinary action on the matters covered may be undertaken by the board.

P. If CRC's recommendations are not accepted by the board, the board may schedule the complaint for a full hearing or take whatever other action it deems appropriate.

Q. The results of any proposed informal disposition (stipulation, agreed settlement, or consent order recommended by the CRC) or formal disposition (stipulation, agreed settlement, or consent order entered as a result of a hearing) are public information. Formal dispositions are published in the board newsletter and sent to the NCARB.

R. Hearings before the board shall be in accordance with R.S. 37:141 et seq. and the Administrative Procedure Act, R.S. 49:951 et seq.

S. The board may obtain the services of a reporter to make a record of the hearing. The respondent may contact

the executive director to determine whether a reporter will be provided by the board.

T. In all cases the board's executive director stands instructed to support and cooperate with counsel and the courts in any manner possible, and to keep the board advised of relevant matters as the case develops.

U. In the board office there shall be maintained a current file of all complaints alleging violations, reflecting all information and action pertinent thereto.

V. Upon its own motion, the board may reopen any such case on record and direct a reinvestigation of the respondent's actions subsequent to resolution to the original complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003), amended LR 30:2469 (November 2004).

§1905. Aggravating and Mitigating Circumstances

A. The board is authorized to discipline architects and architectural firms in accordance with the provisions of the licensing law and its rules. In considering the appropriate discipline to be imposed, the board may consider any aggravating or mitigating circumstances proven by clear and convincing evidence.

B. Aggravating circumstances which may increase the discipline to be imposed include, but are not limited to:

1. conduct giving rise to serious reservations about the capability of the licensee or certificate holder to effectively and safely practice;
2. prior disciplinary actions in any jurisdiction;
3. dishonest or selfish motive;
4. a pattern of misconduct;
5. multiple offenses;
6. lack of cooperation with the board's investigation;
7. submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
8. refusal to acknowledge wrongful nature of conduct;
9. vulnerability of victim;
10. substantial experience in the practice of architecture;
11. indifference to making restitution; and
12. illegal conduct, including that involving the use of controlled substances.

C. Mitigating circumstances which may reduce the discipline to be imposed include, but are not limited to:

1. a long term of distinctive service to the profession;
2. self reporting of the offense or of additional projects of which the board was unaware;

3. absence of a prior disciplinary record;
 4. absence of dishonest or selfish motive;
 5. personal or emotional problems;
 6. timely good faith effort to make restitution or to rectify consequences of misconduct;
 7. full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
 8. inexperience in the practice of architecture;
 9. character or reputation;
 10. physical disability;
 11. mental disability or chemical dependency including alcoholism or drug abuse when:
 - a. there is medical evidence that the licensee or certificate holder is affected by a chemical dependency or mental disability;
 - b. the chemical dependency or mental disability caused the misconduct;
 - c. the licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
 - d. the recovery arrested the misconduct and recurrences of that misconduct is unlikely;
 12. delay in disciplinary proceedings;
 13. imposition of other penalties or sanctions;
 14. remorse;
 15. remoteness of prior offenses.
- D. The following factors should not be considered as either aggravating or mitigating:
1. forced or compelled restitution;
 2. agreeing to the client's demand for certain result;
 3. withdrawal of complaint against the architect;
 4. resignation prior to completion of disciplinary proceedings;
 5. complainant's recommendation as to sanction; and
 6. failure of injured client to complain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:483 (March 2013).

§1907. General Disciplinary Guidelines

A. The board sets forth below the normal discipline which will be imposed upon a licensee or certificate holder found to have violated the licensing law or its rules. The purpose of these general disciplinary guidelines is to give notice to architects and architectural firms of the discipline which will be imposed for violations of particular provisions of the law or rules. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

B. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules, or other violations of the law or rules will be grounds for enhancement of penalties.

C. The maximum fine that may be imposed under R.S. 37:153.A is \$5,000 per violation. Each day that a violation occurs shall be considered a separate violation under R.S. 37:143.A. The board may also revoke, rescind, or suspend the certificate of, place on probation, reprimand, or admonish any registrant or certificate holder found to have violated its provisions.

D. The maximum fine that may be imposed under R.S. 37:154.A is \$1,500 per violation in the case of an individual, or \$5,000 per violation in the case of a person other than an individual. Each day the violation occurs shall constitute a separate offense.

E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a \$5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
Failure to stamp or seal plans	R.S. 37:152.A provides that all contract drawings and specifications issued by the architect for use in this state shall be stamped or sealed.	\$500 fine and private reprimand.
Fraud, deceit, dishonesty, misrepresentation, misconduct	R.S. 37:153.A.1 authorizes the board to discipline any registrant or certificate holder found to have committed an act of fraud, deceit, gross incompetence, dishonesty, misrepresentation, misconduct or gross negligence in the practice of architecture. R.S. 37:153.A.5 authorizes the board to discipline any registrant or certificate holder found to have committed an act of willfully misleading or defrauding any person employing him as an architect. R.S. 37:153.A.7 authorizes the board to discipline any registrant or certificate holder found to have committed any fraud, deceit, material misstatement, or perjury in applying for a certificate of licensure or registration or in taking any examination or in applying for any renewal certificate.	\$3,000 fine, revocation, and public reprimand for fraud, deceit, dishonesty or intentional misrepresentation; \$1,500 fine, suspension, and public reprimand for negligent misrepresentation and misconduct.
Gross incompetence, gross negligence	R.S. 37:153.A.1 is discussed <i>supra</i> .	\$3,000 fine, suspension for no less than one year, and public reprimand.
Incompetence as defined in Rule § 1901.A	Rule §1901.A provides that, in practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects in good standing, practicing in the same	\$1,500 fine, probation for one (1) year, and public reprimand.

Violation	Provision	Discipline
	locality.	
"Plan stamping"	R.S. 37:152.B provides that no architect shall affix his seal or stamp or permit it to be affixed to any specification, drawing, or other related document which was not prepared either by him or under his responsible supervision. R.S. 37:153.A.2 authorizes the board to discipline any registrant or certificate holder found to have committed an act of affixing his seal or stamp or name to any specification, drawing, or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document. Rule §1305 interprets R.S. 37:152.B.	\$3,000 fine, probation and/or suspension for one (1) year, and public reprimand.
Removal of an architect's seal or stamp	R.S. 37:152.A prohibits the removal of an architect's seal or stamp.	\$3,000 fine, suspension for one (1) year, and public reprimand.
Using the certificate or seal of another	R.S. 37:154.A prohibits any person from presenting or attempting to use as his own the certificate of registration or the seal of another.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Use of another architect's plans without written approval	R.S. 37:152.A prohibits the use of an architect's plans, unless otherwise provided by law or by written approval of the architect.	\$1,500 fine and public reprimand.
Impersonating another registrant	R.S. 37:154.A prohibits any person from falsely impersonating any other registrant or certificate holder of like or different name.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Practice on suspended license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 authorizes the board to discipline any registrant or certificate holder found to have used his seal or stamp or engaged in any other act constituting the practice of architecture at a time when his certificate of registration is suspended.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:152.B	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:154.A	R.S. 37:154.A prohibits the use of an expired or revoked certificate of registration.	\$1,000 fine for individual/\$3,000 fine for firm, revocation, and public reprimand.
Individual practice without obtaining proper licensure	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$1,500 fine and public reprimand.
Firm practice without obtaining proper licensure	R.S. 37:154.A prohibits any person (corporation, company, partnership, firm, business entity, or individual) from practicing or offering to practice architecture in this state without being certified in accordance with the provisions of the licensing law.	\$1,500 fine and public reprimand.
Individual or firm practice with an expired license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 prohibits practicing architecture at a time when current renewal has not been obtained in accordance with the law.	Fine is based on length of time of such practice: three (3) months to six (6) months - \$500 fine; six (6) months to twelve (12) months or fraction thereof- \$1,000 fine; after one (1) year or fraction thereof, \$1,000 fine per year. Public reprimand.
Felony conviction, conviction of crime or pleading guilty or <i>nolo contendere</i>	R.S. 37:153.A.4 authorizes the board to discipline any registrant or certificate holder convicted of a felony. R.S. 37:153.A.8 authorizes the board to discipline any registrant or certificate holder convicted of any crime or entering a plea of guilty or <i>nolo contendere</i> to any criminal charge an element of which is fraud or which arises out of such individual's practice of architecture.	\$3,000 fine, revocation, and public reprimand.
Licensee disciplined or refused certification or renewal by another jurisdiction	R.S. 37:153.A.9 authorizes the board to discipline any registrant or certificate holder upon refusal of the licensing authority of another state, territory, or district to issue or renew a license, permit, or certificate to practice architecture, or the revocation or suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority on grounds other than non-payment of a registration fee.	Compliance with discipline imposed by other jurisdiction.
Providing false testimony before board	R.S. 37:153.A.10 authorizes the board to discipline any registrant or certificate holder who provides false testimony before the board.	\$3,000 fine, revocation, and public reprimand.
Giving false or forged evidence to the board in obtaining a certificate of registration	R.S. 37:154.A prohibits the giving of false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.	\$3,000 fine, revocation, and public reprimand.
Failing to provide requested information	R.S. 37:153.A.11 authorizes the board to discipline any registrant or certificate holder who fails to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of the licensing law.	\$1,000 fine and suspension until requested information is provided. Public reprimand.
False or misleading advertising or solicitation	R.S. 37:153.A.12 authorizes the board to discipline any registrant or certificate holder found to have used any advertising or solicitation which is false or misleading.	\$500 fine per violation and public reprimand.
Use of misleading or confusing name	Rule §1501 prohibits the use of an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.	For failing to respond within thirty (30) days after formal notice, \$500 fine.
Knowingly designing a project in violation of laws or regulations	Rule §1901.A.2 prohibits an architect from knowingly designing a project in violation of applicable state and municipal building laws and regulations.	\$3,000 fine, revocation, and public reprimand.

Violation	Provision	Discipline
Providing services when not qualified to do so	Rule §1901.A.3 provides that an architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.	\$2,000 fine and public reprimand.
Providing services when competence is impaired by physical or mental disabilities	Rule §1901.A.4 provides that no person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.	Suspension until competence proved, followed by probation.
Accepting compensation from more than one party without full disclosure and agreement, or from suppliers	Rule §1901.B.1 provides that an architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties. Rule §1901.B.3 provides that an architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their projects.	\$1,500 fine and public reprimand.
Failing to render decisions impartially	Rule §1901.B.4 provides that, when acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract. R.S. 37:153.A.6 authorizes the board to discipline any registrant or certificate holder found to have violated any lawful rule.	\$500 fine and public reprimand.
Practicing without full disclosure as defined in Rules § 1901.B.2 or § 1901.C	Rule §1901.B.2 provides that, if an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. Rule §1901.C requires full disclosure by the architect under various circumstances.	\$1,500 fine and public reprimand.
Knowingly violating any state or federal criminal law	Rule §1901.D prohibits an architect from knowingly violating any state or federal criminal law.	\$3,000 fine, revocation, and public reprimand.
Making improper payment or gift	Rule §1901.D.2 provides that an architect shall neither offer nor make any payment or gift to a government official with the intent of influencing the official's judgment in connection with a perspective or existing project in which the architect is interested.	\$500 fine and private reprimand.
Aiding unlicensed practice	Rule §1901.C.6 provides that an architect shall not assist the application or registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.	\$1,500 fine and public reprimand.
Failing to report	Rule §1901.C.7 provides that an architect possessing knowledge of a violation of the rules by another architect shall report such knowledge to the board.	\$500 fine and private reprimand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:484 (March 2013).

Chapter 21. Architects Selection Board

§2101. Districts

A. Only one architect may be elected from each of the districts set forth in R.S. 38:2311(A)(1)(a).

B. If the parishes comprising any district or if the number of districts are changed by the legislature, these rules shall be revised to be consistent with the latest expression of the legislature without the need of formal action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2103. Nominations

A. For terms commencing September 15 of each year, the board will accept nominations for election to the Architects Selection Board on the following basis: any resident architect holding a current Louisiana license desiring nomination must deliver a written nomination on a current form and/or reproduction obtained from board office to the board office in Baton Rouge, signed by not less than

10 resident architects other than the nominee holding a current Louisiana license, between May 1 and May 31 at 5 p.m. preceding the election. The nomination shall state the parish in which the nominee resides and the district for which election is sought. Nominations received on or before such deadline shall be considered timely delivered. Confirmation of receipt is the sole responsibility of the nominee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2105. Waiver of Election

A. If only one resident architect is nominated from any district, no election shall be held in that district, and that nominee shall be deemed elected without any further activity of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2107. Ballots

A. If an election is necessary, an official ballot and an official return envelope will be mailed to each resident architect in Louisiana in good standing approximately three weeks after the closing date for nominations. On the ballot shall be printed the names of the candidates for each district

in alphabetical order, the date for the return of the ballots, and any other information the board believes helpful in the election process. Attachments to the ballot may include biographical information of the candidates and instructions.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §2109.C are satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2109. Voting

A. Only resident architects in good standing in Louisiana shall have the right to vote. A resident architect may vote in one or more but less than all district elections, and no ballot shall be voided for that reason.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C.1. The ballot shall not be valid unless:

a. the signature and license number appear on the return envelope; and

b. the return envelope is received by the board office on or before the deadline.

2. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided. Any ballot containing more than one vote for candidates in one district will be entirely voided. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided:

a. the signature and license number of the voting architect appear on the return envelope; and

b. the return envelope is received by the board office on or before the deadline.

D. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all resident architects. Ballots received after the deadline shall not be counted.

E. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2111. Plurality

A. The candidate elected in each district will be based on plurality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2113. Tabulation

A. On a date fixed by the president, within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;

2. count all ballots properly prepared; and

3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the candidates of the results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2115. Tie

A. In the event no candidate receives a plurality, a run-off election between those candidates who received the highest number of votes will be held.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each resident architect in Louisiana in good standing approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §2107, except only the names and information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person elected, and for tabulating votes set forth in §§2109, 2111, and 2113 shall be applicable.

E. In the event no candidate in the run-off election receives a plurality, the procedure set forth herein shall be repeated until one candidate receives a plurality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2117. Vacancies

A. Any vacancy occurring with respect to any person elected shall be filled in the following manner:

1. the executive director shall give notice of the vacancy to any person who has previously requested such notice in writing; and

2. the executive director shall also publish in the official journal of the state an advertisement which will appear for a period of not less than 10 calendar days:

a. the advertisement in the official journal of the state need not appear more than three times during the 10 day period;

b. the executive director may publish other such advertisements in his or her discretion;

c. the advertisements shall:

i. identify the district in which a vacancy has occurred; and

ii. state that any resident architect in that district holding a current Louisiana license desiring nomination:

(a). must furnish a nomination signed by not less than 10 resident architects holding a current Louisiana license by certified mail to the board office;

(b). that a sample of the nomination may be obtained upon request from the board office, the deadline for filing the nomination; and

(c). any other information the board may consider necessary.

3. The deadline for filing a nomination to fill a vacancy shall be at least 10 calendar days subsequent to the expiration of the last advertisement appearing in the official journal of the state.

4. The board shall appoint one of the nominees to fill the vacancy, which appointee shall serve the unexpired term. If only one qualified architect submits a nomination to fill the vacancy, the executive director shall send a letter to that architect advising of his or her appointment to the Architects Selection Board, and no further board action shall be necessary to confer such appointment.

B. If the deadline for submission of nominations has passed and (i) the board has not received a nomination from a qualified architect for election to a district that will become

vacant on September 15 or (ii) no architect has been nominated or elected to fill a vacancy on the Architects Selection Board that will occur on September 15 for some other reason, the board shall fill the upcoming vacancy by the procedures described in the preceding paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003), amended LR 35:949 (May 2009).

§2119. Election Contest

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003).

Chapter 22. Louisiana Architecture Education and Research Fund

§2201. Proposals

A. A proposal for an award from the Louisiana Architecture Education and Research Fund must include a plan for assessing the success of the program or project and demonstrate an outcome containing specific, measurable changes in knowledge, understanding, skill levels, or approaches related to the purpose of R.S. 37:144(G).

B. Emphasis of the proposed program or project should be placed on issues central to the architect's responsibility for the public health, safety, and welfare, and issues central to practice.

C. Proposals may include activities that are studio or design-based that result in a building project, design project, or built project.

D. Proposals may include activities such as classroom, laboratory, or seminar-based courses.

E. Proposals must be offered as part of a NAAB-accredited B.Arch or M.Arch professional degree program or as part of a pre-professional degree program with direct entry into a NAAB-accredited M.Arch degree program.

F. Two or more NAAB-accredited institutions may collaborate on a proposal for activities, programs, or projects that the architecture programs of each institution will work together jointly in fulfillment of the objectives of the award.

G. There are no restrictions on the type of proposal, so long as it meets the requirements presented in these guidelines and is in keeping with R.S. 37:144(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:268 (February 2018).

§2203. Eligibility

A. Proposals will only be accepted from an architecture academic division (school, department, etc.) located in Louisiana that has a program accredited by the National Architectural Accrediting Board (NAAB).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2205. Budgets

A. The proposal shall contain a well-considered budget that sets forth specific, detailed, and realistic estimates of expected expenses and a timeline for implementation of the program or project.

B. Any substantive change from the budget originally proposed will require approval from board.

C. If other sources of funding have already been obtained and will be a part of the project budget, a description of the amounts, sources, and payment schedules shall be included in the proposal budget.

D. The proposal budget shall describe in detail the proposed use of all funds requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2207. Proposal Submissions

A. Proposals must be submitted to the board no later than April 1 preceding the fiscal year for which an award is sought.

B. Part 1 of the proposal shall include an architecture program information submission form and letters of commitment, as follows:

1. information submission form (form available from the board website); and

2. letters of commitment.

C. Part 2 of the proposal shall include an abstract, narrative, and budget as follows.

1. The proposal abstract shall contain a concise summary or abstract of the project.

2. The proposal narrative shall contain the following:

a. description of specific, realistic outcomes;

b. explanation of how specific aspects of the proposal will respond to issues of the Architectural Experience Program and/or the architect registration exam;

c. description of how the project will address the academic environment in which it will be implemented; and

d. description of the approach to achieve the project outcomes, including:

i. explanation of how the project will raise student awareness for health, safety, and welfare;

ii. explanation of how the approach will have immediate impact on student development;

iii. explanation of how the approach will have on-going impact on curriculum development (if applicable);

iv. description of level of student engagement, and

v. plan for assessing the project.

3. The proposal budget shall contain the information described in §2205 supra.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2209. Review Criteria

A. The board's assessment of proposals submitted will be based upon the proposal's effectiveness in integrating practice and education and upon:

1. outcomes—statements of specific, measurable, and realistic changes that will result from the board award;

2. integration—creation of innovative and effective concepts and methods to integrate non-faculty architect practitioners in the education of students in significant and meaningful ways;

3. impact—achievement of immediate and continuing impact on student education and development and the architecture curriculum and response to specific needs of the students, the school, the institution, and the profession;

4. effectiveness—effectiveness in raising student awareness of issues central to practice and the architect’s responsibility for health, safety, and welfare and responding to relevant issues identified through the NCARB Architectural Experience Program (AXP) or the NCARB architect registration exam;

5. participation—proposed student participation, level of participation, and description of impact on project participants. Student reach should be as broad as possible; and

6. budget—effectiveness and appropriateness of the proposed budget in relation to project goals and the criteria set forth herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2211. Awards

A. Within its sole discretion, the board reserves the right not to make any awards.

B. Within its sole discretion, the board may not award the full funds available.

C. An award will be payable to the academic division (school, department, etc.) that houses the NAAB accredited program in which the project director(s) is employed.

D. The board may award the available funds equally to each eligible NAAB accredited institution or, depending on the proposals and funding available, a competitive process may be implemented.

E. Unless the award provides otherwise, awards will be payable in two installments:

1. 80 percent upon notice of award and acceptance of the board award conditions;

2. 20 percent upon the board’s receipt and approval of the final report.

F. The board will consider an alternate payment schedule only if explained and justified in the initial proposal budget.

G. Funds awarded must be used specifically to support the integration of practice and education as described in the proposal and in conformance with this rule.

H. Funds awarded should be used in the academic year received; however, funds must be used within two academic years.

I. If funds awarded are not used within the academic year received, the architecture program will be unable to receive funds in the succeeding academic year.

J. A request for an extension of the project development, project implementation time period, or unused funds must be submitted to the board in writing no later than three months before the beginning of the requested extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

§2213. Use of Funds Awarded

A. Funds awarded may be used toward costs and expenses such as:

1. materials, resources, and fees associated with the National Council of Architectural Registration Board (NCARB) Architectural Experience Program (AXP) or the Architect Registration Exam (ARE);

2. new equipment and technology, including hardware, software, and interconnectivity with non-faculty architect practitioners, etc.;

3. expendable supplies such as building materials, model materials, and office supplies, printing and copying costs;

4. publications to encourage replication or adaption of the project, or development of similar projects;

5. travel and per diem for non-faculty architect practitioners, students, faculty, and consultants; or

6. honoraria for non-faculty architect practitioners and consultants.

B. Funds awarded may not be used toward costs or expenses such as:

1. institutional indirect and/or overhead costs;

2. salary for faculty, adjunct faculty, or visiting faculty to teach a proposed course;

3. expenses for existing courses; or

4. individual faculty enhancement activities.

C. The awards shall be named the “Teeny Simmons’ Award” in honor of the late Mary “Teeny” Simmons, who faithfully served the board for over 41 years, including 39 years as its executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

§2215. Report

A. The architecture academic division must complete a report documenting the degree to which the expected outcomes were achieved and the degree to which the project was implemented.

B. The report should detail how the award was spent, including any portion of the award which was not spent.

C. Any portion of the award not spent should be returned to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

Chapter 23. Application of Rules

§2301. Severability

A. If any provision or item of the rules of the board or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the rules of the board which can be given effect without the invalid provisions, items or applications, and to this end the provisions of the rules of the board are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003).

§2303. Adoption and Amendment of Rules

A. These rules may be amended pursuant to the Administrative Procedure Act, R.S. 49:951 et seq.

B. An interested person may petition the board requesting the adoption, amendment, or repeal of a rule. The petition shall be sent to the board at the board's office. The petition shall be titled "Petition for Rule-Making," and it shall include the following information:

1. the name, telephone number, physical address, and any email address of the person submitting the petition;
2. a citation to any rule for which a change or repeal is requested;
3. a draft of any proposed new rule or amended rule;
4. an explanation of why the new rule, amendment, or repeal is being requested and a detailed statement as to the effects of the new rule, amendment, or repeal upon the board's procedures and upon persons regulated by the board; and
5. any other information that the person submitting the petition considers relevant.

C. In its consideration of the petition, the board may request further information from the person or persons requesting the adoption, amendment, or repeal of a rule.

D. The board shall decide whether to grant or deny a petition for rule-making within 90 days of its receipt of the petition. In making its decision, the board shall consider the information submitted with the petition and any other relevant information.

E. If the board denies a rule-making petition, it shall send written notice of its denial to the person who submitted the petition. The notice shall state in writing the reasons for the denial.

F. If the board grants a rule-making petition, it shall initiate rule-making proceedings within 90 days of its receipt of the petition, and it shall send written notice that rule-making proceedings have been initiated to the person who submitted the petition.

G. The board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence is offered in the petition for the declaratory ruling. When the board determines that a rule is invalid, the board shall initiate rule-making proceedings, sending written notice of the proceedings to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003), amended LR 47:1868 (December 2021).

§2305. Declaratory Orders and Rulings

A. The board may issue, upon request, a declaratory order or ruling as to the applicability of any statutory provision or of any rule or order of the board. Declaratory orders and rulings shall have the same status as board decisions or orders in disciplinary and enforcement proceedings.

B. A request for a declaratory order or ruling shall be made in the form of a written petition to the board on a form provided by the board. To be considered, the form must be completed in full.

C. A petition properly made shall be considered by the board.

D. In its consideration of the petition, the board may request further information from the person or persons who filed the petition. Any such request for further information must be answered promptly and fully.

E. The declaratory order or ruling of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

F. If the request for declaratory order or ruling concerns or is related to pending or anticipated litigation, administrative action, or other adjudication, the board may defer issuing a declaratory order or ruling until the litigation, administrative action, or other adjudication is final.

G. The board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence offered by the petitioner for the declaratory ruling. When the board determines that a rule is invalid, the board shall initiate rule-making proceedings, sending written notice of the proceedings to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 47:1869 (December 2021).

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LSBAE - Operating Guidelines for Processing Applications/Renewals

- Applications for licensure (either initial or reciprocal) that are received during the open renewal cycle (November 1 through December 31 for individual licensure) and (May 1 through June 30 for firm registration) shall be processed and issued through the next renewal cycle. That is, if an application for individual licensure is received on November 15, 2018, once the application has been reviewed and approved for issuance, it should be issued with an expiration date of December 31, 2019.
- Renewals received after renewal period (December 31 for individual) and (June 30 for firms) (grace period, late fee, lapse-expire timeline) – Per the rules, a registrant is considered late for 90 days following the renewal deadline, and then the license is considered expired.

Penalties for Firm and Individuals for Practice on an Expired License

3 to 6 Months - \$500

6 to 12 Months - \$1,000

After 12 Months or fraction thereof - \$1,000 per year

- Reporting sanctions to the NCARB disciplinary database
Staff should take whatever steps necessary to ensure that future Consent Orders include language indicating that sanctions will be reported to a national disciplinary database for architects and, further, to then report such disciplinary actions to the NCARB Disciplinary Database.

Applications with Prior Discipline

The Board has granted authority to staff to issue licenses upon receipt of the application after careful review of the data included in the application. There are some instances where applications received may require further review prior to issuing the license or renewal. At the January 2018 Board meeting, the Board reviewed several scenarios which repeatedly appear in the application/renewal process and established the following guidelines for staff in handling the processing of these applications:

Unlicensed/Expired Practice in Louisiana

Initial or Renewal applications for an individual OR firm who had practiced architecture on an expired license or prior to licensure.

- Process the application or renewal form and open a case for Unlicensed practice to be reviewed by the Complaint Review Committee.

Multiple Issues

Applications which include multiple disciplinary actions from other states.

- Process the application or renewal form and bring before CRC if the applicant's license was revoked, suspended or placed on probation in another jurisdiction
- Process the application or renewal form and make a note in applicants file if violations are minor in nature

Staff Operating Guidelines for Processing Applications and Renewals

Unlicensed Practice of Engineering

Applications for architects who were disciplined for the unlicensed practice of engineering in other states were reviewed.

- Process the application or renewal form, no further action required.

Aiding and assisting in Unlicensed Practice

Applications where the architect or applicant has been disciplined for aiding and assisting in Unlicensed Practice in another jurisdiction.

- Process the application or renewal form and document in applicants file

Actions not in violation of the Louisiana laws and/or rules –

- Process the application or renewal form and document in applicants file.

Discipline previously reported to Board through the firm registration or prior notification.

- Process the application or renewal form and document in applicant or firm file

Requests for CE Hardship Exemptions

Individuals Impacted by Natural Disasters

Applications where an architect requests an exemption from the 12 HSW Continuing Education requirement because they were impacted by a natural disaster which resulted in a declared State of Emergency in Louisiana.

- Approve the hardship exemption and notify the CEC and Board of such approval

Individuals with Serious Medical Conditions

Requests for CE Hardship exemptions for serious medical conditions should be forwarded to the Continuing Education for consideration and disposition.



ACT 225
Regular Session, 1979
House Bill Number 651
by Messrs. Bares, Bruneau & Downer

AN ACT

To amend Title 12 of the Louisiana Revised Statutes of 1950. To add thereto a new Chapter 16, comprising R.S. 12:1086 through R.S. 12:1101, both inclusive, to provide for the organization of professional architectural corporations pursuant to the business corporations law, subject to the provisions contained in the Chapter, to provide with respect to architects engaged in the business of offering architectural services in corporate form prior to the effective date hereof, to provide for the authority of the Louisiana State Board of Architectural Examiners to regulate the practice of architecture with respect to the use of the professional corporate form and compliance with the Chapter, and otherwise to provide with respect thereto.

BE IT ENACTED BY THE LEGISLATURE OF LOUISIANA:

SECTION 1. CHAPTER 16 of TITLE 12 of the LOUISIANA REVISED STATUTES OF 1950, COMPRISING R.S. 12:1086 THROUGH R.S. 12:1101, BOTH INCLUSIVE, IS HEREBY ENACTED TO READ AS FOLLOWS:

CHAPTER 16, PROFESSIONAL ARCHITECTURAL CORPORATIONS

1086. Terms Defined As used in this Chapter:

A. "Professional Architectural Corporation" means a corporation organized pursuant to this Chapter for the practice of architecture as provided for by R.S. 37:141 through R.S. 37:158 inclusive, or a corporation which is certified to be in compliance therewith by the Louisiana State Board of Architectural Examiners.

B. All terms used both in this Chapter and in Chapter 1 of this Title should have the same meaning when used in this Chapter, as when used in Chapter 1 -

1087. Professional Corporation

A corporation formed under Chapter 1 of this Title for the purpose of practicing architecture shall be subject to all of the provisions of Chapter 1, as the same may from time to time be amended, except to the extent that such provisions are inconsistent with the provisions of this Chapter.

1088. Corporate Name

The corporate name may consist of the full or last name or names of one or more shareholders duly licensed to practice architecture in this state, may include "Limited" or "LTD"; or it may consist of any other name approved by the Secretary of State. However, in either case, the name shall end with one of the phrases: "A Professional Corporation", "An Architectural Corporation", "A Professional Architectural Corporation", which phrase may be in parentheses. The name need not contain "Incorporated" or "Inc." but such use shall not be prohibited.

1089. Corporate Authority

A professional architectural corporation shall engage in the business of the practice of architecture and may engage in any business not in conflict with such business activity. It may hold, own, lease or otherwise deal in

property for investment or in connection with its architectural practice.

1090. Shares

A. There shall be only one class of shares of professional architectural corporations. Denominated common shares which shall be either with or without par value.

B. A majority of the outstanding shares of a professional architectural corporation shall be held by one or more natural persons duly licensed to practice architecture in this state. Holding his shares in his own right.

C. The requirement of R.S. 12:1090(B) may be met if such shares are held or owned by a holding company, a majority of the stock of which is owned by one or more natural persons duly licensed to practice architecture in this state, and the holding company is the direct owner of the stock of such professional architectural corporation.

1091. Certificate of Stock

A. Each certificate of stock shall contain reference to any and all agreements among the corporation's shareholders made pursuant to R.S. 12:1094.

1092. Liability of Incorporators, Subscribers, Shareholders, Directors, Offices and Agents

A. A subscriber to or holder of shares of a professional architectural corporation shall be under no liability to the corporation with respect to such shares, other than the obligation of complying with the terms of the subscription therefor, and said obligation shall continue whether or not his rights or shares have been assigned or transferred.

B. A shareholder shall not be personally liable for any debt or liability of the corporation.

C. Nothing in this Chapter shall be construed as in derogation of any rights which any person may by law have against an incorporator, subscriber, shareholder, director, officer or agent of the corporation, because of any fraud practiced upon him or because of any breach of professional duty, or other negligent or wrongful act, by such person, or in derogation of any right which the corporation may have against any of such persons because of any fraud practiced upon it by him.

1093. Action of Shareholders

Any action by, or requiring the assent of, the shareholders of a professional architectural corporation may be taken on the affirmative vote of a majority, or such greater proportion as the articles of incorporation may specify, in the interest of the shareholders present or represented at a meeting duly called and held on due notice or waiver thereof in writing, at which a quorum is present or represented.

1094. Shareholders' Agreements

A. Any lawful provision regulating the affairs of a professional architectural corporation or the rights and liabilities of its shareholders, which is not required to be set forth in the articles of incorporation, may be set forth in an agreement among all of the shareholders.

1095. Directors

A. The number and qualifications of directors shall be determined by a majority vote of the shareholders.

B. A majority of the Board of Directors, if more than two, shall be natural persons, duly licensed to practice architecture in this state.

C. Corporations having fewer than three directors shall have at least one director who is a natural person, duly licensed to practice architecture in this state.

D. Corporations having fewer than three directors pursuant to R.S. 12:1095(B) shall have at least one director who is a natural person, duly licensed to practice architecture in this state.

1096. Officers

There shall be a president, a secretary and such other officers as the shareholders may elect. If there is only one shareholder, all offices may be combined in his person.

1097. Contracts

A. A professional architectural corporation shall be entitled to enter into contracts to provide architectural services and such other contracts as may be consistent with the practice of architecture.

B. Architectural services rendered on behalf of a professional architectural corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state,

C. A contract to provide architectural services by a professional architectural corporation which at any time during the existence of the contract fails to comply with the requisites of LA.R.S. 12:1090(B) shall be voidable by any other party thereto.

1098. Merger and Consolidation

Professional architectural corporations may be merged into or consolidated only with other professional architectural corporations.

1099. Dissolution

A. The fact that it has less than a majority of outstanding shares held by one or more natural persons duly licensed to practice architecture in this state shall be an additional ground for involuntary dissolution of a professional architectural corporation.

B. In the event of the death of a shareholder of a professional architectural corporation, said shareholder's succession representative or those placed in possession of the shares of said shareholder if there be no administration of the succession, as the case may be, shall be entitled to vote the shares of said shareholder and to be elected a director and officer of the corporation for the purposes of effectuating a voluntary dissolution and liquidation of the corporation, in or out of court, pursuant to the Louisiana Business Corporation Law, or for the purpose of reorganizing or continuing the corporation subject to the provisions of this Chapter.

1100. Regulation by Louisiana State Board of Architectural Examiners

A. Professional architectural corporations shall be subject to the discipline of the Louisiana State Board of Architectural Examiners and to its authority to adopt rules and regulations governing the practice of architecture.

B. If upon the effective date of this act an architect or architects who are duly licensed to practice architecture in this state are so engaged in corporation form, contracts entered by such corporations to perform or furnish professional architectural services shall not be rendered invalid by virtue of the non-compliance with the provisions of this act. Architects operating in corporate form as of the effective date hereof shall cause such corporations to comply with the provisions of this act within ninety (90) days of the effective date of this act.

C. Evidence of such compliance referred to in R.S. 12:1100(B) shall be accomplished by the corporations filing with the Louisiana State Board of Architectural Examiners a declaration duly certified by the corporate president and secretary and sworn to before a Notary Public, that such corporation is in full compliance with this act and particularly with Section 1090(B) hereof.

D. Upon the receipt of such certification, the Louisiana State Board of Architectural Examiners shall issue a Certificate of Compliance upon being reasonably satisfied from the evidence available to it that the corporation meets the requirements of this act. The failure of the Board to issue such certificate without just cause shall in no way effect or invalidate contracts to furnish architectural services heretofore entered into by the corporation seeking to qualify without a hearing conducted by the Board under the provisions of the Louisiana Administrative Procedures Act.

1101. Short Title

This Chapter shall be known and may be referred to by the short title "Professional Architectural Corporations Law."

Section 2. If any provision of item of this act or the application thereof is held invalid such invalidity shall not affect other provisions, items or applications of this act which can be given effect without the invalid provisions, items or applications and to this end the provisions of this act are hereby declared severable.

Section 3. This act shall become effective upon signature by the Governor or, if not signed by the Governor, upon expiration of the time for bills to become law without signature of the Governor, as provided by Article III, Section 18 of the Louisiana Constitution of 1974.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

ACT 465
HOUSE BILL NUMBER 765
BY MR. LYNN

AN ACT

To enact Chapter 20 of Title 12 of the Louisiana Revised Statutes of 1950, comprised of R.S. 12:1171 through R.S. 12:1181, to provide for the organization of architectural-engineering corporations, to provide for the authority of the Louisiana State Board of Architectural Examiners and the State Board of Registration for Professional Engineers and Land Surveyors to regulate the practices of architecture and engineering with respect to the use of the corporate form and compliance with the Chapter, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 20 of Title 12 of the Louisiana Revised Statutes of 1950, comprised of R.S. 12:1171 through R.S. 12:1181, is here by enacted to read as follows:

CHAPTER 20. ARCHITECTURAL-ENGINEERING CORPORATIONS

1171. Terms defined

As used in this chapter:

- A. "Architectural-Engineering Corporation" means a corporation organized pursuant to this Chapter for the practice of architecture as provided for by R.S. 37:141 through R.S. 37:158, and for the practice of engineering as provided for by R.S. 37:681 through R.S. 37:703, and which is certified to be in compliance therewith by the Louisiana State Board of Architectural Examiners and the State Board of Registration for Professional Engineers and Land Surveyors.
- B. All terms used in this Chapter shall have the same meaning as provided in Chapter 1.
- C. A corporation formed under Chapter 1 of this Title for the purpose of practicing architecture and engineering shall be subject to all of the provisions of Chapter 1, as the same may from time to time be amended, except to the extent that such provisions are inconsistent with the provisions of this Chapter.

1172. The corporate name

The corporate name may consist of any name approved by the Secretary of State, however, it may only contain the full or last name or names of one or more shareholders duly licensed to practice architecture or engineering in this state. In all cases the corporate name shall end with language sufficient to identify the corporation as a corporation, such as, but not by way of limitation, "Incorporated", "Inc.", " Limited", or "Ltd."

1173. Corporate Authority

- A. An architectural-engineering corporation licensed by the State Board of Architectural Examiners and registered with the Board of Registration for Professional Engineers and Land Surveyors may offer and provide architectural services and engineering services in this state.
- B. In order to become licensed to practice architecture and to receive a certificate of registration to practice engineering, such a corporation on an annual basis shall file with the State Board of Architectural Examiners and with the State Board of Registration for Professional Engineers and Land Surveyors written requests for such licensure and registration, designating therein the supervising professional architect who shall perform all professional architectural services or who shall directly supervise the

performance of all architectural services by said corporation, and further designating the supervising professional engineer who shall perform all professional civil, mechanical or electrical engineering services or those services in any other designated branch of professional engineering which the State Board of Registration for Professional Engineers and Land Surveyors and the State Board of Architectural Examiners may jointly specify, or who shall directly supervise the performance of all such engineering services by said corporation. Only those persons may be designated as supervising professional architects or engineers who previously have been licensed by the State Board of Architectural Examiners pursuant to the provisions of R.S. 37:141 through R.S. 37:158, or who previously have been registered by the State Board of Registration for Professional Engineers and Land Surveyors designated as practicing civil, mechanical or electrical engineering or any other branch of professional engineering which the State Board of Registration for Professional Engineers and Land Surveyors and the State Board of Architectural Examiners may jointly specify pursuant to the provisions of R.S. 37:681 through R.S. 37:703, who are in compliance with said provisions, who are full-time active employees of the corporation and whose primary occupation is with that corporation.

- C. The corporation shall authorize such registered supervisory architects or engineers to appear for and act on behalf of the corporation in connection with the execution and performance of all contracts to provide architectural services and civil, mechanical or electrical engineering services and those of any other designated branch of professional engineering which the State Board of Registration for Professional Engineers and Land Surveyors and the State Board of Architectural Examiners may jointly specify.
- D. In the event that such registered supervisory architect ceases to become a full-time active employee of the corporation or is no longer employed by the corporation on a primary basis, the authority of the corporation thereafter to practice architecture is suspended until such time as the corporation designates another supervising architect pursuant to subsection B hereof.
- E. In the event that such registered engineer ceases to become a full-time active employee of the corporation or is no longer employed by the corporation on a primary basis, the authority of the corporation thereafter to practice engineering in the designated branches of civil, mechanical or electrical engineering or any other designated branch of professional engineering which the State Board of Registration for Professional Engineers and Land Surveyors and the State Board of Architectural Examiners may jointly specify, is suspended until such time as the corporation designates another supervising engineer pursuant to subsection B hereof.

1174. Directors, officers and agents

- A. A subscriber to or holder of shares of an architectural-engineering corporation shall be under no liability to the corporation with respect to such shares, other than the obligation of complying with the terms of the subscription therefor, and said obligation shall continue whether or not his rights or shares have been assigned or transferred.
- B. A shareholder shall not be personally liable for any debt of liability of the corporation.
- C. Nothing in this Chapter shall be construed as in derogation of any rights which any person may have against an incorporator, subscriber, shareholder, director, officer, employee, or agent of the corporation because of any fraud practiced upon him, or because of any breach of professional duty, or other negligent or wrongful act, by such person, or in derogation of any right which the corporation may have against any of such persons because of any fraud practiced upon it by him.

1175. Shareholders' agreements

- A. Any lawful provision regulating the affairs of an architectural-engineering corporation or the rights and liabilities of its shareholders, which is not required to be set forth in the Articles of Incorporation, may be set forth in an agreement among all of the shareholders.

1176. Directors

- A. The numbers and qualifications of directors shall be determined by a majority vote of the shareholders.

1177. Officers

- A. There shall be a president, a secretary and such other officers as the shareholders may elect. If there is only one shareholder, all offices may be combined in his person.

1178. Contracts

- A. An architectural-engineering corporation shall be entitled to enter into contracts to provide architectural services and engineering services and such other contracts as may be consistent with the practice of architecture or engineering.
- B. Architectural services rendered on behalf of an architectural-engineering corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state.
- C. Civil, mechanical or electrical engineering services or those of any other designated branch of professional engineering which the state Board of Registration for Professional Engineers and Land Surveyors and the State Board of Architectural Examiners may jointly specify, and which are rendered on behalf of an architectural-engineering corporation, must be performed by or under the direct supervision of a natural person duly registered to practice engineering in this state and having been designated as practicing in that respective branch of engineering.
- D. A contract to provide any services by an architectural-engineering corporation which at any time during the existence of the contract fails to comply with the requisites of this Chapter shall be voidable by any other party thereto.

1179. Regulations

- A. Within fifteen days after receipt of the annual written request by an architectural-engineering corporation for licensure as an architect or registration as an engineer as the case may be, the State Board of Architectural Examiners and State Board of Registration for Professional Engineers and Land Surveyors shall act upon the request.
- B. To the extent that it engages in the practice of architecture, an architectural-engineering corporation shall be subject to the discipline of the Louisiana State Board of Architectural Examiners and to its authority to adopt rules and regulations governing the practice of architecture.
- C. To the extent that it engages in the business of the practice of engineering, an architectural-engineering corporation shall be subject to the discipline of the State Board of Registration for Professional Engineers and Land Surveyors, and to its authority to adopt rules and regulations governing the practice of engineering.

1180. Compliance by existing corporation

- A. If upon the effective date of this Chapter, a previously existing engineering corporation or professional architectural corporation desires to operate as an architectural-engineering corporation, it may do so by compliance with the provisions of this Chapter and shall be entitled but not required to form a separate corporation for that purpose.

1181. Short Title

- A. This Chapter shall be known and may be referred to by the short title "Architectural-Engineering Corporation Law."

Section 2. This Act shall become effective upon signature by the Governor or, if not signed by the Governor, upon expiration of the time for bills to become law without signature by the Governor, as provided in Article III, Section 18 of the Constitution of Louisiana.

Continuing Education Audit Process and Guidelines

In accordance with La. R.S. 37:145(B) and LAC Title 46:I§1315(D), persons licensed by the board to practice architecture are required to earn annually a minimum of twelve (12) hours of continuing education in health, safety, and welfare (“HSW”) subjects. Licensee’s attest to completion of the continuing education requirement each year when they renew their license. The Board is also authorized to conduct a random audit of a licensee’s continuing education records in order to confirm compliance with the rule.

Outlined below is the proposed process and guidelines for conducting an annual Continuing Education audit.

WHO GETS AUDITED

- 5% of active licensees will be randomly selected for audit. As of 8/5/2020 this represents 3,459 licensees. 5% of those would be 172. We propose to round that up to 175 licensees being randomly selected for the audit.
 - Initial licensees in their first renewal cycle (i.e., license was obtained in June 2020 and architect renews in December 2020) will be exempted from the audit cycle in their first renewal period
- Any licensee who has been “flagged” for audit due to prior disciplinary action for non-compliance with a CE Audit
- Any licensee who has been “flagged” for audit by CRC, Board or staff for issues related to an application

TIMING

The audit cycle will begin in February, following completion of individual architect renewals. Because it has been some time since the last audit occurred, staff is proposing to conduct an audit in August 2020, and then resume with ANOTHER audit in February 2021. Future audits will occur on an annual basis each February.

AUDIT PROCESS

1. Staff initiates audit through random selection of 5% of active licensees (excluding initial licensees)
 - a. Run list of ACTIVE architects
 - b. Run list of ARCHITECT APPLICATIONS from November 1 (year prior to year being audited) – i.e., if auditing 2020 records list would be for 11/1/2019 thru present
 - i. Filter out all applications except initial
 - ii. Then highlight initial applications on list of ACTIVE architects. Those highlighted will be the ones to be excluded from the audit
 - iii. Save list of exempt architects
 - iv. Add list of architects flagged for audit by CRC, Board or Staff

2. Licensee and their Point of Contact will be sent an e-mail notification which will be sent with a read/delivered receipt (*Attachment A*).
 - a. Staff will track those e-mail communications that are unread/undeliverable and will reach out to the licensee to obtain updated e-mail info. Snail mail will be utilized as a last resort to communicate with a licensee

3. Staff will collect the documentation submitted as result of audit request
 - a. AIA transcripts will be reviewed for completion of the 12 HSW hours required – if satisfactory, licensee and POC will receive the “Audit Complete – No Problems” letter (*Attachment B*)
 - i. Transcript saved into “AIA Transcript” folder
 - ii. E-mail is dragged into licensee’s Laserfiche file
 - iii. Transcript reviewed. If all clear, Audit Complete Letter sent
 - iv. If missing hours, Transcript is moved to “AIA Transcript Incomplete” folder
 - b. Self-reported documentation will be reviewed by staff against the HSW subject hours in our Rules, questionable items will be forwarded to the CE Committee for review and determination
 - i. Transcript and supporting documentation saved as a single PDF into “Self-Reported Hours” folder
 - ii. E-mail is dragged into licensee’s Laserfiche file
 - iii. Transcript reviewed. If all acceptable, Audit Complete Letter sent
 - iv. If missing hours, Staff prepares cover sheet summarizing review and recommendations
 - v. Cover sheet, transcript and supporting documentation sent to CE Committee for review and determination
 - c. Licensees who are incomplete will receive the “Audit Problem_Further Documentation Required” letter and will be given 60 days to complete/comply (*Attachment C*)
 - d. Licensees who are found to be non-compliant with the Rules will receive the “CE Audit_Not In Compliance” (*Attachment D*) letter notifying them that their audit records will be forwarded for CE Committee for review and determination.
 - i. The CE Committee will make the final determination on appropriate disciplinary action. The disciplinary guidelines outline recommended fines and future audit based on the level of the violation.
 - ii. Consent Order will be prepared and sent to the Licensee outlining the violation and recommended disciplinary action. (*That communication and Consent Order Template are still being drafted*)
 - iii. Signed Consent Orders will be returned to the full Board for acceptance.

Staff is proposing that the Continuing Education Committee serve as the “disciplinary review committee” in order to maintain an adequate number of Board members as fair and impartial reviewers should the need for a hearing regarding proposed disciplinary action related to CE violations arise.

The process we are proposing mirrors the guidelines the Board has given to staff for issuing licenses. That is, if it is clean, staff is clear to move forward, and if it is questionable, send it to the Continuing Education Committee for further review and determination.

Laws and Rules Related to Continuing Education

LAW

La. R.S. 37:145. Architects; requirements for; certificate; continuing education

- A. No person shall practice architecture in this state or use the title "architect", or any term derived therefrom, or display or use any title, sign, advertisement, or other device to indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect, unless such person shall have secured from the board a certificate of registration and license in the manner hereinafter provided, and shall thereafter comply with the provisions of the laws of the state of Louisiana governing the registration and licensing of architects.
- B. Persons licensed by the board to practice architecture may, by rule of the board, be required to earn annually up to twelve hours of board-approved continuing education pertaining to building design in connection with public health, safety, or welfare.

RULES:

LAC 46:I Chapter 13

§1315. Continuing Education

- A. **Purpose and Scope.** These rules provide for a continuing education program to insure that all architects remain informed of those technical and professional subjects necessary to safeguard life, health, and promote the public welfare. These rules shall apply to all architects practicing architecture in this state.
- B. **Exemptions.** An architect shall not be subject to these requirements if:
1. a newly registered architect during his or her initial year of registration;
 2. the architect has been granted emeritus or other similar honorific but inactive status by the board, or an emeritus status architect as defined by board rule §1105.E;
 3. the architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the board other like hardship, then upon the board's so finding, the architect may be excused from some or all of these requirements.
- C. **Definitions**

AIA—the American Institute of Architects.

AIA/CES—the continuing education system developed by *AIA* to record professional learning as a mandatory requirement for membership in the *AIA*.

ARE—the Architect Registration Examination prepared by the National Council of Architectural Registration Boards.

Board—the Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809, telephone: (225) 925-4802, telecopier: 225-925-4804, website: <http://www.lastbdarchs.com>.

Continuing Education (CE)—continuing education is a post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.

Continuing Education Hour (CEH)—one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's time for continuing education hour purposes irrespective of actual time spent on the activity.

Health, Safety, and Welfare Subjects—technical and professional subjects related to the practice of architecture that the board deems appropriate to safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

- a. Practice Management. This category focuses on areas related to the management of architectural practice and the details of running a business.
- b. Project Management. This category focuses on areas related to the management of architectural projects through execution.
- c. Programming and Analysis. This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.
- d. Project Planning and Design. This category focuses on areas related to the preliminary design of sites and buildings.
- e. Project Development and Documentation. This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.
- f. Construction and Evaluation. This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.
- g. pre-design—land use analysis, programming, site selection, site and soils analysis, surveying;
- h. design—urban planning, master planning, building design, site design, interiors, safety and security measures;
- i. construction documents—drawings, specifications, delivery methods;
- j. construction contract administration: contracts, bidding, contract negotiations.

NCARB—the National Council of Architectural Registration Boards.

Non-Resident Architect—an architect registered by the board and residing outside Louisiana.

Resident Architect—an architect residing in this state.

Sponsor—an individual, organization, association, institution or other entity which offers an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

Structured Educational Activities—educational activities in which at least 75 percent of an activity’s content and instructional time must be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations whether delivered by direct contact or distance learning methods.

D. Continuing Education Requirements

1. Beginning with license renewals effective January 1, 1999, all architects must show compliance with the educational requirements of these rules as a condition for renewing registration.
2. In addition to all other requirements for registration renewal, **an architect must complete a minimum of 12 continuing education hours each calendar year or be exempt from these continuing education requirements as provided above.** Failure to comply with these requirements may result in non-renewal of the architect's registration or other discipline as set forth below.
3. **Continuing Education Hours.** Continuing education hours **must be completed in health, safety, and welfare subjects acquired in structured educational activities.** Continuing education hours may be acquired at any location. *Excess continuing education hours may not be credited to a future calendar year.*

E. Acceptable Educational Activities

1. Credit will be allowed only for continuing education activities in areas which:
 - a. directly safeguard the public's health, safety, and welfare; and
 - b. provide individual participant documentation from a person other than the participant for record keeping and reporting.

2. Acceptable continuing educational activities in health, safety, and welfare subjects include the following:

- a. attending professional or technical health, safety, and welfare subject seminars, lectures, presentations, courses, or workshops offered by a professional or technical organization (AIA, National Fire Protection Association, Concrete Standards Institute, NCARB, etc.), insurer, or manufacturer;
- b. successfully completing health, safety, and welfare subject tutorials, short courses, correspondence courses, televised courses, or video-taped courses offered by a provider mentioned in the preceding Subparagraph;
- c. successfully completing health, safety, and welfare subject monographs or other self-study courses such as those sponsored by NCARB or a similar organization which tests the architect's performance;
- d. making professional or technical health, safety, and welfare subject presentations at meetings, conventions or conferences;
- e. teaching or instructing health, safety, and welfare subject courses;
- f. authoring a published paper, article or book;
- g. successfully completing college or university sponsored courses; and

3. Continuing educational activities need not take place in Louisiana, but may be acquired at any location.
4. All continuing education activities shall:
 - c. have a clear purpose and objective;
 - d. be well organized and provide evidence of pre- planning;
 - e. be presented by persons who are well qualified by education or experience in the field being taught;
 - f. provide individual participant documentation from a person other than the participant for record keeping and reporting; and
 - g. shall not focus upon the sale of any specific product or service offered by a particular manufacturer or provider.

F. Number of Continuing Education Hours Earned

2. Continuing education credits shall be measured in continuing education hours and shall be computed as follows.
 - a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one continuing education hour for each contact hour of attendance.
 - b. Successfully completing tutorials, short courses, correspondence courses, televised or video-taped courses, monographs and other self-study courses shall constitute the continuing education hours recommended by the program sponsor.
 - c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two continuing education hours for each contact hour spent in the actual presentation. Teaching credit shall be valid for teaching a seminar or course in its initial presentation only. Teaching credit shall not apply to full-time faculty at a college, university or other educational institution.
 - d. Authoring a published paper, article or book shall be equivalent of eight continuing education hours.
 - e. Successfully completing one or more college or university semester or quarter hours shall satisfy the continuing education hours for the year in which the course was completed.
3. Any health, safety, and welfare subject contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the AIA as a professional registry, and contact hours listed in health, safety, and welfare subjects in the AIA/CES transcript of continuing education activities will be accepted by the board for both resident and non-resident architects.

G. Reporting, Record Keeping and Auditing

1. An architect shall complete and submit forms as required by the board certifying that the architect has completed the required continuing education hours. **The board requires that each architect shall complete the language on the renewal application pertaining to that architect's continuing education activities during the calendar year immediately preceding the license renewal period. *Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.***
2. To verify attendance each attendee shall obtain an attendance certificate from the program sponsor. Additional evidence may include but is not limited to attendance receipts, canceled checks, and sponsor's list of attendees (signed by a responsible person in charge of the activity). A log showing the activity claimed, sponsoring organization, location, duration, etc., should be supported by other evidence. Evidence of compliance shall be retained by the architect for two years after the end of the period for which renewal was requested.
3. The renewal applications or forms may be audited by the board for verification of compliance with these requirements. Upon request by the board, evidence of compliance shall be submitted to substantiate compliance of the requirements of these rules. The board may request further information concerning the evidence submitted or the claimed educational activity. The board has final authority with respect to accepting or rejecting continuing education activities for credit.
4. **The board may disallow claimed credit. If the board disallows any continuing education hours, the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the continuing education hours disallowed or to remedy the disallowance by completing the required number of continuing education hours (but such continuing education hours shall not again be used for the next calendar year). If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required continuing education hours, the architect may be subject to disciplinary action in accordance with the board regulations.**
5. Documentation of reported continuing education hours shall be maintained by the architect for six years from the date of award.

H. Pre-Approval of Programs

1. Upon written request, the board will review a continuing education program prior to its presentation provided all of the necessary information to do so is submitted in accordance with these rules. If the program satisfies the requirements of these rules, the board will pre-approve same.
2. A person seeking to obtain pre-approval of a continuing education program shall submit the following information:
 - a. program sponsor(s): name(s), address(es), and phone number(s);
 - b. program description: name, detailed description, length of instructional periods, and total hours for which credit is sought;
 - c. approved seminar topic: division(s) and topic(s) from the current list of approved seminar topics;
 - d. program instructor(s)/leader(s): name(s) of instructor(s)/ leader(s) and credential(s);
 - e. time and place: date and location of program; and
 - f. certification of attendance: sponsor's method for providing evidence of attendance to attendees.
3. Such information shall be submitted at least 30 calendar days in advance of the program so that the board may analyze and respond.
4. The sponsor of a pre-approved program may announce or indicate as follows:

"This course has been approved by the Louisiana State Board of Architectural Examiners for a maximum of Continuing Education Hours."

I. Continuing Education Disciplinary Guidelines

1. The board sets forth below the normal discipline which will be imposed upon an architect who fails to fulfill the continuing education requirements required by the licensing law and these rules. The purpose of these guidelines is to give notice to architects of the discipline which will normally be imposed. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.
2. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations:

Violation	Discipline
1. Architect has hours but lacks in accepted setting or subject matter	Architect will be allowed 60 days to obtain needed hours. Architect will be audited next year.
2. Architect signs renewal, has obtained some, but not all, hours needed as of December 31 For a second offense within 5 years	Fine of \$750, and architect must obtain required hours before renewing. Architect will be audited annually next three years. Fine of \$1,500, architect’s license suspended for six months, and architect must obtain required hours before renewing. Architect will be audited annually next three years.
3. Architect signs renewal; architect has not obtained any continuing education hours and fails to do so within sixty (60) days.	Fine up to \$5,000, and architect’s license suspended until architect obtains necessary hours. Architect will be audited annually the next five years.

F. Reinstatement

1. A former registrant may only apply for reinstatement if he has earned all delinquent continuing education hours in the year preceding the application, or the current year. However, if the total number of delinquent continuing education hours exceeds 24, then 24 shall be the maximum number of hours required.
2. An architect who has been granted emeritus or other similar honorific but inactive status by the board may only return to the active practice of architecture if he has earned the continuing education requirements for each exempted year in the year preceding the application, or the current year. However, if the total number of delinquent continuing education hours exceeds 24, then 24 shall be the maximum number of hours required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:565 (April 2003), amended LR 33:2419 (November 2007), LR 38:1012 (April 2012), LR 40:1693 (September 2014), LR 45:752 (June 2019).

§1907. General Disciplinary Guidelines

- A. The board sets forth below the normal discipline which will be imposed upon a licensee or certificate holder found to have violated the licensing law or its rules. The purpose of these general disciplinary guidelines is to give notice to architects and architectural firms of the discipline which will be imposed for violations of particular provisions of the law or rules. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.
- B. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules, or other violations of the law or rules will be grounds for enhancement of penalties.**
- C. The maximum fine that may be imposed under R.S. 37:153.A is \$5,000 per violation. Each day that a violation occurs shall be considered a separate violation under R.S. 37:143.A. The board may also revoke, rescind, or suspend the certificate of, place on probation, reprimand, or admonish any registrant or certificate holder found to have violated its provisions.*
- D. The maximum fine that may be imposed under R.S. 37:154.A is \$1,500 per violation in the case of an individual, or \$5,000 per violation in the case of a person other than an individual. Each day the violation occurs shall constitute a separate offense.*
- E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a \$5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
Giving false or forged evidence to the board in obtaining a certificate of registration	R.S. 37:154.A prohibits the giving of false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.	\$3,000 fine, revocation, and public reprimand.
Failing to provide requested information	R.S. 37:153.A.11 authorizes the board to discipline any registrant or certificate holder who fails to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of the licensing law.	\$1,000 fine and suspension until requested information is provided. Public reprimand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:484 (March 2013).

LSBAE STRATEGY MAP



GOAL
OUTREACH
LSBAE's outreach efforts will lead to better understanding of laws and rules surrounding licensure requirements and the practice of architecture.

OBJECTIVES

- Re-package licensing laws, rules and regulations in a user-friendly format to create a useful education tool for legislators, licensees, licensure candidates and the public.
- Develop an outreach program to promote LSBAE as a resource to schools, licensees, licensure candidates, and industry partners.
- Focus on underrepresented constituencies to increase diversity of the profession to a level commensurate with state demographics.
- Demonstrate inclusiveness and transparency by inviting AIA representatives, licensing advisors and licensees to licensing celebrations, LSBAE meetings and other opportunities for engagement.

GOAL
CELEBRATING LICENSURE
By celebrating licensure, LSBAE strives to ensure open communication with the profession and those aspiring to the profession.

OBJECTIVES

- Launch and promote the Architecture and Education Research Fund program.
- Initiate early interaction with students and licensure candidates through speaking engagements in pro-practice classes, supporting AIAS Freedom by Design initiatives, and continued engagement with recent graduates in AXP.
- Develop and launch a plan to hold regular celebratory events with new licensees.

GOAL
ENFORCEMENT
Through a strong enforcement effort, LSBAE will ensure adherence to the Architects Practice Act and protect the health, safety and welfare of the citizens of Louisiana.

OBJECTIVES

- Advance compliance with Louisiana architecture laws, rules and regulations through concrete actions to educate licensees.
- Increase understanding of laws, rules and regulations through the use of case studies and FAQs.
- Adopt streamlined systems and processes to increase the capacity and efficiency of the LSBAE leading to timely decisions by the Board.
- Share data on disciplinary actions with NCARB, licensees, licensure candidates and legislators.

GOAL
NCARB
Participation in NCARB allows LSBAE to maintain strong relationships at the national level and stay abreast of changes in the regulation of architects

OBJECTIVES

- Lead Member Board interaction with NCARB by beta testing new ideas and promoting early adoption of Council initiatives.
- Encourage and support members serving in NCARB leadership roles.
- Actively engage in two-way data sharing/reporting with NCARB.
- Serve as a role model to other Member Boards by sharing best practices.

FOUNDATION
VALUES

Mission
 The Louisiana State Board of Architectural Examiners serves the interest of the citizens of Louisiana. Its mission is to safeguard life, health and property and to promote the public welfare.