

**IDAHO BOARD OF ARCHITECTURAL EXAMINERS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 4/19/2013**

**BOARD MEMBERS PRESENT:** Jay Wayne Cone –Chair  
Garth J. Jensen  
Peter Rockwell  
Peter Anderson  
Shelly Lewis

**BOARD MEMBERS ABSENT:** Steven C. Turney

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, Legal Counsel  
Eric Nelson, Prosecuting Attorney  
Maria Brown, Technical Records Specialist

**OTHERS PRESENT:** General Manning  
Tony Smith, Benton Ellis

The meeting was called to order at 8:31 AM MST by Jay Cone.

The Board welcomed its newest member, Peter Anderson.

**APPROVAL OF MINUTES**

The Board reviewed the 2/13/2013 minutes. It was moved by Ms. Lewis to approve the 2/13/2013 minutes, with amendments. Seconded by Mr. Jensen, motion carried.

**NEW BUSINESS**

General Manning gave a Role of the Board Presentation. He stated that there are over 1000 people serving on Idaho boards and commissions. He stressed the importance of public trust and stated that Idaho has one of the strictest rule

making processes. Ms. Cory presented the Role of the Bureau Presentation. She stated that the Bureau is a service agency. The Board is a self-governing autonomous agency that contracts with the Bureau for administrative, fiscal, legal, and investigative services. The Bureau only acts at the direction of the Board.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She informed the Board that there were a significant number of freshmen Legislators this year. The Bureau has worked to educate them on the role of the Bureau, Boards, and the regulatory process. She stated that due to the current economic climate, Legislators are concerned with Idaho's business and job growth. There is a concern with making requirements for licensure more stringent. Ms. Lewis stated that she believed that the Board should take another look at its proposed law change and resubmit it next year. Mr. Rockwell suggested leaving in "not to exceed two years" and have Board Members speak to various representatives about the proposed changes. The Board directed staff to strike out "not to exceed two years" and bring the draft to the Board during its next Board meeting. Ms. Cory addressed the Board regarding the proposed rules on contracts and direct supervision, which the Legislature rejected. She then introduced Mr. Smith from the association. Mr. Smith addressed the Board regarding its proposed rules and encouraged the Board to take its time in redrafting the proposed rule changes and include each of the stakeholders. The Board agreed that it should consider if each change is protecting the public and that advancing the profession is the job of the association. Mr. Ellsworth suggested that for each proposed law or rule change, the Board define what the problem is and then craft the language accordingly.

## **FINANCIAL REPORT**

Ms. Cory presented the financial report, which indicates a cash balance of \$133,003.10 as of 2/28/2013. Ms. Cory presented the Annual Board Budget Request form to the Board. The Board authorized the Chair to sign the Annual Board Budget Request form on its behalf.

## **NEW BUSINESS**

It was moved by Ms. Lewis to amend the agenda to include scheduling a joint meeting with the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors and code officials. The item was not previously on the agenda due to the item not being forwarded to the Board's secretary and was added per Idaho Code 67-2343 (4) (c). Seconded by Mr. Rockwell, motion carried. Ms. Lewis addressed the Board regarding the possibility of holding a joint meeting with the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors and code officials for the purpose of forming a subcommittee to create a pamphlet for licensees on scope of practice items. The

Board agreed to add this item to its to do list. It was moved by Mr. Jensen to authorize Ms. Lewis to contact the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors and code officials to see if there is an interest in a joint meeting and forming a subcommittee. Seconded by, Mr. Rockwell, motion carried.

## **FORMAL DISCIPLINARY ACTION**

Mr. Nelson presented a memorandum for case ARC-2013-4. Mr. Cone recused himself from discussion and voting on case ARC-2013-4. Following review, it was moved by Ms. Lewis to close case ARC-2013-4 with a warning letter. Seconded by Mr. Rockwell, motion carried.

Ms. Peel addressed the Board regarding the investigative process and provided each Board member with a flowchart and guidelines for the disciplinary process.

### **\$\$[INVESTIGATIVE REPORT](#)\$\$**

Ms. Peel presented the investigative report, which is linked above.

For Board Determination:

Case number I-ARC-2011-19. Mr. Cone and Mr. Jensen recused themselves from discussion and voting on case I-ARC-2011-19. Following review, it was moved by Mr. Rockwell to accept the Bureau's recommendation for closure for case I-ARC-2011-19. Seconded by Ms. Lewis, motion carried.

Ms. Peel presented a memorandum for case I-ARC-2013-9. Following review, it was moved by Mr. Rockwell to close cases I-ARC-2013-9 with a warning letter. Seconded by Mr. Jensen, motion carried.

Ms. Peel presented the Board a Continuing Education Consent Order for case ARC-2013-5. It was moved by Mr. Rockwell to accept the Continuing Education Consent Order for case ARC-2013-5 and authorize the Board Chair to sign on behalf of the Board. Seconded by Ms. Lewis, motion carried.

Ms. Peel provided the Board with a report on the types of complaints that have come into the Bureau on the Board's behalf for the last few years and included a breakdown of each of the outcomes. Mr. Cone asked if there was any way to speed up the investigative process. Ms. Peel explained due process to the Board. Ms. Lewis stated that the Bureau has made significant progress in how long it takes to resolve a case compared to years past. Ms. Cory agreed and said that the goal is to resolve a case within one year. No action was taken by the Board.

## **NEW BUSINESS**

## **OPEN MEETING LAW**

Mr. Ellsworth addressed the Board regarding the Idaho Open Meeting Law and how it applies to the Board. He explained that the public's business is to be conducted in public. He stated that what constitutes a meeting is anytime a quorum of the Board is present and there is a conversation on a Board matter. He said that it's important that the Board only take a position on an item during a regular meeting. He advised that if a Board member is asked for an opinion during a national or regional conference, that the Board member should say that they are giving their opinion and not speaking on behalf of the Board. The Board agreed that all WCARB and NCARB items that require a vote from the Idaho Board of Architectural Examiners during a conference need to be considered during a posted meeting prior to the conference. Mr. Cone asked for advice when someone calls a Board member's office regarding a potential complaint. Mr. Ellsworth stated that if someone calls a Board member with a potential complaint and wants to talk about disciplinary matters, the Board member should direct them to the Bureau to file a complaint.

## **OLD BUSINESS**

### **TO DO LIST**

The Board reviewed the to do list. Ms. Lewis asked the Board to add to its next agenda a discussion for a proposed rule change to remove the experience in lieu of a degree. The Board agreed to add this item to its next agenda.

## **NEWSLETTER**

Mr. Cone gave the newsletter update and encouraged Board members to submit articles to be included in the Board's next newsletter.

## **NEW BUSINESS**

### **WESTERN CONFERENCE OF ARCHITECTURAL REGISTRATION BOARDS**

The Board discussed the regional meeting in Providence, Rhode Island and congratulated Mr. Cone on his appointment to WCARB's Executive Committee.

### **NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS**

Mr. Cone updated the Board on their work with NCARB's various Committees.

Ms. Brown updated the Board regarding correspondence from NCARB since the last Board meeting. No action was taken.

The Board discussed the upcoming 2013 Annual NCARB Meeting. The Board noted that Mr. Jensen would be its funded delegate, while Mr. Rockwell's expenses would be funded by WCARB. It was moved by Mr. Rockwell to send the entire Board and its specialist, Ms. Brown, to the 2013 Annual NCARB Meeting and to pay the registration cost and travel expenses. Seconded by Mr. Jensen, motion carried.

The Board discussed the NCARB Resolutions, proposed WCARB bylaw changes, and NCARB Board of Director positions to be acted upon at the 2013 Annual Meeting. The Board tabled these items for the next Board meeting.

### **EXECUTIVE SESSION**

A motion was made by Mr. Jensen that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. Seconded by Mr. Rockwell. The vote was: Ms. Lewis, aye; Mr. Cone, aye; Mr. Anderson, aye; Mr. Jensen, aye; and Mr. Rockwell, aye. Motion carried.

It was moved by Mr. Rockwell that the Board enter regular session. Seconded by Mr. Anderson. The vote was: Ms. Lewis, aye; Mr. Cone, aye; Mr. Anderson, aye; Mr. Jensen, aye; and Mr. Rockwell, aye. Motion carried.

### **APPLICATIONS**

It was moved by Mr. Jensen to approve the following applicants for licensure:

BROBERG DONALD EUGENE	AR-985603
MAYS RODNEY RALPH	AR-985606
MELCHERT YOLANDA ELIZABETH ROSE	AR-985607
FISHER FREDERICK B	AR-985611
TOLBERT JEREMIAH IRVIN	AR-985629
BERRY RAYMOND EDWARD	AR-985630

Seconded by Mr. Rockwell, motion carried.

It was moved by Mr. Jensen to approve the following applicants for examination:

MCDONALD LINA MAE MULLET  
MITCHELL DAVID

Seconded by Mr. Rockwell, motion carried.

### **APPLICATION CHANGE**

Ms. Brown presented the Board with suggested revisions to its application for licensure. It was moved by Mr. Rockwell to approve the suggested revisions. Seconded by Mr. Jensen, motion carried.

### **BOARD PLAQUE**

The Board discussed ordering a plaque for Mr. Paul Jensen. It was moved by Mr. Jensen to approve sending Mr. Paul Jensen a plaque for his service on the Board. Seconded by Ms. Lewis, motion carried.

**NEXT MEETING** 6/14/2013

### **ADJOURNMENT**

It was moved by Mr. Jensen that the meeting adjourn at 3:04 pm MST. Seconded by Mr. Anderson, motion carried.