

**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 11/15/2013**

**JOINT MEETING WITH THE BOARD OF PROFESSIONAL ENGINEERS AND  
PROFESSIONAL LAND SURVEYORS**

**IDAHO BOARD OF ARCHITECTURAL EXAMINERS BOARD MEMBERS  
PRESENT:**

Garth J. Jensen - Chair  
Steven C. Turney  
Shelly Lewis  
Peter Anderson, Jr.  
Peter Rockwell  
Jay Wayne Cone

**BUREAU STAFF:**

Tana Cory, Bureau Chief  
Maria Brown, Technical Records Specialist

**BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND  
SURVEYORS PRESENT:**

John W. Howe, Chair  
George L. Wagner  
John Elle  
George Murgel  
David K. Bennion

**BOARD STAFF:**

Keith Simila, Executive Director  
James L. Szatkowski, Deputy Director  
Jennifer Rowe, Administrative Assistant

The meeting was called to order at 9:35 AM MDT by Mr. Howe.

**INTRODUCTIONS**

Introductions were made by both Boards and staff members present. Each Board discussed the current makeup of its Board. Ms. Lewis explained the reason for meeting jointly was to discuss joint issues affecting the professions and proposed law and rule changes for each Board.

### **SUMMARY OF BOARD ACTIONS FOR THE PREVIOUS YEAR**

The Boards discussed Board actions that were taken by each Board during the previous year.

### **JOINT ISSUES AFFECTING THE PROFESSIONS**

The Boards discussed issues affecting the professions.

### **SUMMARY OF RECENT LEGISLATION**

The Boards discussed recent legislation proposed by each Board. Proposed legislation is on the Board's website.

### **FUTURE TOPICS FOR JOINT DISCUSSIONS**

The two Boards agreed on the following topics for future joint discussions: proposed law and rule changes, which would be discussed prior to legislative sessions; overlapping practice; and project delivery.

The meeting adjourned at 11:05 AM and the Board broke for lunch. The Board resumed its regular meeting at 1:30 PM at the Bureau of Occupational Licenses.

**BOARD MEMBERS PRESENT:** Garth J. Jensen - Chair  
Steven C. Turney  
Shelly Lewis  
Peter Anderson, Jr.  
Peter Rockwell  
Jay Wayne Cone

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

## **APPROVAL OF MINUTES**

The Board reviewed the 9/6/2013 minutes. It was moved by Mr. Turney to approve the 9/6/2013 minutes as written. It was seconded by Mr. Anderson. Motion carried.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She stated that Mr. Hales would be presenting a comment that the Board received regarding its proposed Law change.

## **FINANCIAL REPORT**

Ms. Hall presented the financial report, which indicates a cash balance of \$139,291.37 as of 10/31/2013.

## **INVESTIGATIVE REPORT**

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

## **FORMAL DISCIPLINARY ACTION**

Ms. Peel presented a memorandum for cases I-ARC-2014-1 and I-ARC-2014-2. It was moved by Mr. Turney to accept the Bureau's recommendation for closure for cases I-ARC-2014-1 and I-ARC-2014-2 with an advisory letter. It was seconded by Mr. Rockwell. Motion carried.

## **OLD BUSINESS**

### **MUTUAL RECOGNITION AGREEMENT BETWEEN NCARB AND CANADA**

Mr. Ellsworth addressed the Board regarding the updated mutual recognition agreement between The National Council of Architectural Registration Boards (NCARB) and Canada. Mr. Ellsworth explained the requirement of applicants to provide a Social Security number. If they do not have one, the law requires them to provide documentation of that fact from the Social Security Administration along with other specific documents. He also explained that this agreement would take endorsement licensure authority away from the Board to determine if an applicant has met the requirements for licensure in the State of Idaho and instead require reciprocity. NCARB would then make the determination regarding qualifications. Mr. Ellsworth questioned whether the Board had authority to enter into this type of agreement. He shared his concerns and recommended that the Board not enter into the agreement. Mr. Hales reminded the Board that its role is to protect the public. He also discouraged the Board from entering into the agreement. Mr. Anderson stated that he shared the same concerns.

Ms. Cory explained that the Legislature has said that Boards are required to put the public on notice. That is why the Legislature requires Boards to adopt specific editions of publications into its rules, like the Code of Ethic. If it didn't, changes to an edition could be made without the public being aware of those changes. As a related matter, the Board asked that a proposed rule change to add the edition of the current code of ethics be added to its to do list.

The Board continued the discussion regarding the updated mutual recognition agreement between The National Council of Architectural Registration Boards (NCARB) and Canada. It was moved by Mr. Anderson that the Board not enter into the mutual recognition agreement between The National Council of Architectural Registration Boards and Canada and to direct Mr. Ellsworth to prepare a response, outlining the Board's decision and concerns, and provide the letter to the Chair to review, approve, and sign on behalf of the Board. It was seconded by Mr. Turney. Motion carried. Mr. Rockwell opposed the motion.

## **PROPOSED LAW CHANGES**

Mr. Hales addressed the Board regarding the two comments that it received from Lisa Olsen and Gram Whipple regarding the proposed law changes. Ms. Olsen's concern was regarding the proposed changes to Idaho Code 54-308(3), specifically the word "original" when referring to the architects seal. After discussion, it was moved by Mr. Turney to strike the word "original" in subsection (3) of 54-308. It was seconded by Mr. Rockwell. Motion carried. Mr. Whipple's concern was regarding the proposed changes to Idaho Code 54-302 with regard to the removal of the number three. The Board discussed the current intern development program and how experience credit is calculated. The Board noted that the new program is much more thorough and that the removal of the number three would be consistent with how the experience is now calculated within the intern development program. The Board also stated that this proposal did not do away with the experience requirement for licensure. Mr. Whipple also had a concern with the proposed changes to Idaho Code 54-308(6) regarding responsible control. He asked that the Board tighten the language regarding the use of the architects seal for work prepared under responsible control. After discussion, it was moved by Ms. Lewis that the Chair draft a response letter on behalf of the Board. It was seconded by Mr. Cone. Motion carried.

Mr. Hales addressed the Board regarding grammatical changes made by Legislative Services to its proposed law changes. It was moved by Mr. Turney to approve the grammatical changes made by Legislative Services to the proposed law changes. It was seconded by Ms. Lewis. Motion carried.

Mr. Hales addressed the Board regarding the Board of Professional Engineers and Professional Land Surveyors' white paper on its website under its frequently asked questions. It refers to a unique signature and the need for it to be secure.

Mr. Hales said that the Board may consider referencing its law on electronic seals under its frequently asked questions. Mr. Cone suggested adding it to the Board's next newsletter.

## **TO DO LIST**

The Board reviewed the to do list. Ms. Cory stated that she would send the proposed law talking points to the Chairman for review and then on to the entire Board in preparation for the upcoming Legislative Session.

## **NEWSLETTER**

Mr. Cone gave the newsletter update. Mr. Jensen stated that he would forward another article on the series that he's been including in each of the newsletters to Ms. Brown by the next meeting. Mr. Cone suggested including articles on NCARB's press release regarding the new 5.0 ARE exam, with NCARB's permission, and a reminder about the new continuing education requirement for architects licensed in Idaho.

## **JURISPRUDENCE EXAM DISCUSSION**

Mr. Jensen and Mr. Cone asked that the jurisprudence exam discussion be added to the next agenda due to the fact that they both missed the last Board meeting and were unable to take part in the discussion.

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

The Board reviewed the FY 2014 Western Conference of Architectural Registration Boards (WCARB) minutes and dues. It was moved by Mr. Turney to pay the WCARB dues in the amount of \$4000.00. It was seconded by Ms. Lewis. Motion carried.

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

The Board reviewed the correspondence from The National Council of Architectural Registration Boards (NCARB) regarding the changes to its Intern Development Program (IDP). No action was taken by the Board.

## **EXECUTIVE SESSION**

A motion was made by Mr. Cone 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. It was seconded by Mr. Anderson. The vote was: Ms. Lewis, aye; Mr. Cone, aye; Mr. Turney, 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. It was seconded by Ms. Lewis. The vote was: Ms. Lewis, aye; Mr. Cone, aye; Mr. Turney, aye; Mr. Anderson, aye; Mr. Jensen, aye; and Mr. Rockwell, aye. Motion carried.

## **APPLICATIONS**

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

KANE STANLEY GEORGE	AR-985671
STARK MERLIN R	AR-985679
JOHNSON COREY ALAN	AR-985680
BENEDICT RANDALL GLEN	AR-985683
WEINTRAUB LEE S	AR-985684

It was seconded by Ms. Lewis. Motion carried.

**NEXT MEETING** 1/24/2014

## **ADJOURNMENT**

It was moved by Mr. Turney that the meeting adjourn at 4:35 PM MST. It was seconded by Ms. Lewis. Motion carried.