

MINUTES

State Board of Registration for Architects and Landscape Architects

Meeting Held
Wednesday, November 18, 2009

Indiana Government Center-South
402 West Washington Street, Rm. W072
Indianapolis, Indiana

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Mr. Dave Rausch called the meeting to order at 9:13 a.m. Indiana Government Center South, in Room W072, 402 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with Indiana Code § 25-4-1.

Members Present:

Kato Smith
Les Smith
David Rausch
Dan Weinheimer
Dale Stickel

Members Not Present:

Richard Fetz
Jerome Eide
Debra Schmucker

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Donna Sembroski, Advisory Counsel, Office of the Attorney General

II. ADOPTION OF THE AGENDA

Board Action: A motion was made to adopt the agenda.

L. Smith/K. Smith
Motion carried 5/0/0

III. ADOPTION OF THE MINUTES FROM THE SEPTEMBER 19, 2009 MEETING OF THE BOARD

Board Action: A motion was made to adopt the minutes.

L. Smith/Stickel
Motion carried 5/0/0

IV. REPORT FROM OFFICE OF THE ATTORNEY GENERAL

By Liaison for the Board and/or Gabrielle Owens

No report was given.

V. ADMINISTRATIVE HEARINGS

None.

VI. ADMINISTRATIVE RULES READOPTION

**TITLE 804 STATE BOARD OF REGISTRATION FOR ARCHITECTS AND
LANDSCAPE ARCHITECTS**

LSA Document #09-775
Re: Readoption of Rules
Cost of Examination

Board Action: A motion was made to readopt the rules as published after taking into consideration the small business impact according to law.

K. Smith/L. Smith
Motion carried 5/0/0

VII. DELIBERATION AND POSSIBLE ISSUANCE OF FINAL ORDER

None.

VIII. PERMIT/LICENSURE APPLICATIONS

Board comments: All applications "through NCARB" must have a current valid and active NCARB file, Otherwise, they are applying without an NCARB file and must pay the higher fees. All applicants are to be notified and must submit the additional fees before their file can be further processed.

Applications pending in this situation are tabled until they either provide a current NCARB file or submit the additional \$300.00.

Board Action: The Board approved all recommendations and decisions made by the Board members on applications for licensure that were reviewed throughout the Board meeting.

L. Smith/Stickel
Motion carried 5/0/0

James Estes (positive response):

A motion was made to issue his license on indefinite probation according to IC 25-1-11-19. He is on indefinite probation, he may petition for termination of probation in two years (November, 2011.) He must send in proof that he satisfied the Nevada judgment and send a 6 month update on projects he has worked on in Indiana (every 6 months).

Weinheimer/L. Smith
Motion carried 5/0/0

IX. PETITIONS FOR REVIEW

X. REVIEW OF PROBATIONARY REPORTS

None

XI. DISCUSSION ITEMS

- A. Request for Waiver of CE
Re: Letter from Philip Gerardot

Board Action: A motion was to grant the waiver and thus renew the license, and grant him six (6) months to complete his 19 CE units in addition to this 19 he must also complete the required 24 for the next renewal cycle. If finds he cannot complete the CE he may choose to make his license inactive status.

K. Smith/ Weinheimer
Motion carried 5/0/0

- B. Stephen Miller
Re: Reinstatement and Request for Waiver of CE

His license expired in 2005 and he has not completed his required CE.

Board Action: A motion was made to deny the request for the waiver of CE and thus he does not meet the requirements for reinstatement, either. Send the letter of Cease and Desist. Once he completes the CE then he may resubmit his application/petition for reinstatement and the board will request a personal appearance in January.

L. Smith/K. Smith
Motion carried 5/0/0

- C. Renewal Guidelines
Re: Positive Response

How should we handle review of positive response applications when there has been previous action either to their license in another jurisdiction or a small criminal offense? For example:

1. Practicing without a license
2. DUI

Their options were reviewed by the Board Advisor and it was discussed that many states mirror the discipline which was taken in another state. The issue of "piling on" especially since our action may be several years after the original discipline, may not be a wise or productive move by this board.

XII. BOARD DIRECTOR'S REPORT

- A. NCARB MBE Meeting

It was an excellent meeting and very productive. This is the type of meeting which really allows a board director to develop "best practices" in running a board. It also allows the director to get a better understanding of national trends and better understand the services that NCARB offers and implements.

XIII. OLD/NEW BUSINESS

- A. Proposed Amendments to Indiana Code 25-4 and Title 804 of the Indiana Administrative Code
1. Requirements for ARE Exam – Timing Rule

The rules are in process the NOI has been filed. The final rules hearing will be in January 2010.

2. Investigative Fund Fees Rule

The rules are in process and the NOI has been filed, but the fiscal is very complicated and thus is not complete.

XIV. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Board of Registration for Architects and Landscape Architects adjourned at 11:15 a.m.

Kato Smith (by AJ)

Kato Smith – Chairperson
State Board of Registration for Architects and Landscape Architects

1/13/2010
Date