

BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS,
LANDSCAPE ARCHITECTS AND REGISTERED INTERIOR DESIGNERS
220 N. E. 28th, Board Conference Room
Oklahoma City, OK 73105
April 5, 2017
9:30 a.m.

Agenda

1. PUBLIC COMMENTS ON CURRENT AGENDA ONLY. Time limit to five (5) minutes per individual with sign-in required five (5) minutes prior to meeting beginning.
2. CONSENT AGENDA
 - a. Board action as necessary on consent agenda items:
 1. Minutes from the February 1, 2017 Board meeting.
 2. Revenue and expenditure report for January and February 2017.
3. ADMINISTRATIVE/INTERNAL BOARD ISSUES
 - a. Board action as necessary concerning report from Tammie Kilpatrick on the legislative session and Board issues.
 - b. Board discussions and action as necessary concerning the whether or not Tallgrass Prairie, a wholly owned Indian entity needs a certificate of authority.
 - c. Board discussions and action as necessary concerning questions from Taylor King for design/build projects and if a certificate of authority is needed. Personal appearance by Mr. King.
 - d. Board discussions and possible actions to issue a Declaratory Ruling concerning who and how an entity can comply with the requirements of the Board and O.S. Title 18, Section 801 et seq.
 1. Discussions and actions from Board attorney on what is or is not needed.
 2. Board discussions and actions as necessary concerning interpreting the Board's Rules under O.S. Title 18, 801 et. seq only.
 - e. Board discussion and action as necessary concerning resolution to be acted on at the annual meeting making regional dues and membership voluntary, but not mandatory to remain active in good standing as a member of NCARB.
 1. March 1, 2017 letter from the Arizona Board of Architects.
 2. Proposed NCARB resolutions.
 - f. Board discussions and actions concerning establishing a policy as to how recipients of national funding for members to attend meetings shall be disbursed.
 - g. Board discussions and actions as necessary concerning whether or not to add monies to transfer to the Path to Licensure Scholarship fund as recommended by the Finance Committee prior to June 30, 2017.
 1. Board discussions and actions as necessary to establish the amount of additional monies to budget and fund the scholarship program.

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2. Finance committee recommends \$100,000.00 to \$200,000.00 for FY 2017 based on FY 18 BR Worksheet.

3. Board discussions as necessary authorizing the Executive Director to budget, transfer and release funds to the Path to Licensure Scholarship Fund in the specific amount established by the Board.

h. Board discussions and actions as necessary concerning the report from Brian Dougherty, Chair of the Path to Licensure Scholarship Fund and recommending adjustments to the criteria.

i. Board discussions and actions as necessary discussing online licensing renewals.

j. Report from the Finance Committee concerning recommendations for additions to the FY 2018 Budget:

1. New IT hardware

2. Increasing NCARB, CLARB and CIDQ Regional dues to cover 2 attendees at \$3,500.00 each per meeting.

k. Board discussions and actions as necessary to pre-approve the decisions and selections by the Scholarship Committee of scholarship recipients.

l. Board discussions and actions as necessary concerning deregulation of occupancies and professions and Board's responses.

4. FORMAL HEARINGS

a. Formal hearing and Board action as necessary on Case #2015-431, in the matter of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers vs. Gage Palacios d/b/a SILO Design Studio.

1. Proposed executive session if necessary to deliberate the above proceedings. Authority: 25 O.S., Section 307 (B)(8).

2. Vote on whether to convene into executive session.

3. Vote to return to open session.

4. Vote on matters discussed in executive session.

b. Formal hearing and Board action as necessary on Case #2016-456, in the matter of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers vs. Randy Curtis d/b/a Wizard of Saws.

1. Proposed executive session if necessary to deliberate the above proceedings. Authority: 25 O.S., Section 307 (B)(8).

2. Vote on whether to convene into executive session.

3. Vote to return to open session.

4. Vote on matters discussed in executive session

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c. Formal hearing and Board action as necessary on Case #2016-460, in the matter of the Board of Governors of the Licensed Architects , Landscape Architects and Registered Interior Designers vs. Steve Olsen d/b/a Steve Olsen Architects.

1. Proposed executive session if necessary to deliberate the above proceedings. Authority: 25 O.S., Section 307 (B)(8).
2. Vote on whether to convene into executive session.
3. Vote to return to open session.
4. Vote on matters discussed in executive session

d. Formal hearing and Board action as necessary on Case #2016-454, in the matter of the Board of Governors of the Licensed Architects , Landscape Architects and Registered Interior Designers vs. Ralph G. Martinez d/b/a RGM Architects.

1. Proposed executive session if necessary to deliberate the above proceedings. Authority: 25 O.S., Section 307 (B)(8).
2. Vote on whether to convene into executive session.
3. Vote to return to open session.
4. Vote on matters discussed in executive session

5. CLARB/NCARB/NCIDQ/ORGANIZATIONS, ISSUES AND REPORTS

- a. Report from NCARB
 1. Call for volunteers on NCARB Committees.
- b. Report from CLARB
- c. Report from NCIDQ
- d. Report on AIA Architect activities
- e. Report on ASLA Landscape Architect activities
- f. Report on OIADC/ASID Interior Designer activities

6. NEW BUSINESS

In accordance with 25 O.S. § 311(9), new business will now be heard, if any.

Adjourn

OKLAHOMA BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS,
LANDSCAPE ARCHITECTS AND REGISTERED INTERIOR DESIGNERS

220 N. E. 28th, Board Room

Oklahoma City, OK 74105

April 5, 2017

9:30 a.m.

Minutes

The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma met on Wednesday, April 5, 2017 with the following members and guests present:

Mark Taylor, Registered Interior Designer, Chairman

Brad Gaskins, Architect, Vice-Chair

David Hornbeek, Architect

Gary Armbruster, Architect

Nate Baker, Architect

Brian Dougherty, Landscape Architect

Randy Weatherly, Landscape Architect/Architect

Elisabeth Windel, Architect

Jim Bruza, Architect

Jean Williams, Executive Director

Leslie Hanska, Executive Assistant

Ellen White, Executive Secretary

Brad Klepper, Counsel

Michael McClintock, Counsel

Tammie Kilpatrick, Consultant

Ryan Kilpatrick, Consultant

Sherry Jones, Court Reporter

Taylor King, Guest

Ralph Martinez, Guest

Kent Hershey, Guest

Jim Turner, Guest

Dustin Alphin, Guest

Jeff Click, Public Member was absent.

1. a. There were no public comments.

CONSENT AGENDA

2. a. Mr. Gaskins moved to approve the consent agenda. Motion seconded by Mr. Hasenbeck. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved.

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2. a-2. Mr. Weatherly moved to approve the financials from January and February 2017. Motion seconded by Mr. Hornbeek. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved.

The Chairman moved formal hearing to front of the agenda. (see items 4 a-d)

ADMINISTRATIVE/INTERNAL BOARD ISSUES

3. a. Legislative report was given to the Board by Ryan Kilpatrick.

3. b. (Chairman moved this item to follow 3d) Kent Hershey and Jim Turner, representatives from Cyntergy and Dustin Alphin from Tallgrass Prairie appeared before the Board. Tallgrass Construction Services operates as a design-build and construction management firm. Cyntergy (AEC) is involved as a mentor to Tallgrass through the OKC Small Business Association mentoring program focusing on federal and DOD space. Currently Cyntergy has a certificate of authority. Their question for the Board is that in the event they form a joint venture does the joint venture entity need a certificate of authority? The Chairman asks Board counsel to address the question. Mr. Klepper says his initial response is that if they do enter into an agreement for a joint venture with Cyntergy listed as the architect of record, as a separate member of the joint venture, Cyntergy's current certificate of authority is sufficient. No action.

3. c. Mr. Weatherly works with Brewer Construction therefore recused himself. Board discussed questions presented by Taylor King regarding design/build projects and whether or not Brewer Construction needs a certificate of authority. Mr. King stated that he is not an owner. The Board confirmed a certificate of authority is needed. Not action.

Mr. Hasenbeck left the meeting.

3. d. Mr. Klepper, Board Counsel presented an overview of what a declaratory ruling is and what it does. The Board discussed the possibility of issuing a declaratory ruling concerning who and how an entity can comply with the requirements of the Board and O.S. Title 18, Section 801 et seq. This must come in the form of an official request. Mr. Hornbeek moves to table. Motion seconded by Mr. Weatherly. The Chairman assigns this issue to the Act and Rules committee. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved. Mr. Klepper asked Mr. King (item 3c) to send his initial email on letterhead initiating petition to the Board for a declaratory ruling. Mr. King agreed to get back with his petition.

Lunch break

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3. e-1. Mr. Weatherly moved to have the caucus of those in attendance at the NCARB annual meeting vote on behalf of the Board. Motion seconded by Mr. Dougherty. Mr. Hornbeek commented that most states are not in support of the AZ proposal. Mr. Weatherly suggested that Region 6 needs to evaluate why their dues are so high. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved.

3. e-2. Mr. Dougherty moved to have the caucus of those in attendance at the annual meeting make the best decision they can regarding the proposed resolutions on behalf of the Board as more information and discussion will take place at the meeting prior to voting. Motion seconded by Mr. Hornbeek. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved. Mr. Bruza left the meeting.

3. f. Mr. Weatherly moved to establish procedure that designates the Chairman to determine who attends the national/regional meetings when necessary. Motion seconded by Mr. Weatherly. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved.

3. g. Mr. Hornbeek moved to authorize the Director to budget \$200,000 and to transfer as much of the amount as possible to the Path to Licensure Scholarship fund as recommended by the Finance Committee prior to June 30, 2017. Motion seconded by Mr. Weatherly. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved.

3. h. Mr. Dougherty reported on behalf of the Scholarship Committee on the need to add more questions to the application to determine financial need as well as expected graduation date for those applying for the Path to Licensure Scholarship. They want to have a simplified template to evaluate the applications. Mr. Hornbeek moved to give the authority to the Scholarship Committee to approve applicant recipients. Motion seconded by Mr. Baker. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Weatherly, Baker, Hasenbeck, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved.

3. i. Ms. Hanska reported that OMES continues to move forward with purchasing a new state online licensing system/platform. They should have a RFP ready this summer and project target completing by December 2018.

3. j – 1. Mr. Baker reported from the Finance Committee that IT hardware is already a line item in the current FY17 budget and an increase is not needed at this time for FY18.

3. j.- 2. Increasing NCARB, CLARB and CIDQ Regional dues to cover additional attendees per meeting would need to be addressed by the respective organizations. The Chairman suggested bringing the idea up at the NCARB Annual Meeting to the region. No action.

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3. k. See item 3h.

3. 1. The Director reported that deregulation of occupations and professions is a pressing topic. It is evident in proposed legislation this session. There is a version of the Right to Earn a Living Act, Governor's & Legislature each have studies to combine Boards. Mr. Weatherly reported that NCARB & CLARB are seeing this across the U.S. Both the CEO's of NCARB and CLARB now sit on FARB's Board. FARB is an organization that now only disseminates information but now reacts and goes to the states to work with legislatures to help understand why regulation is needed for our professions. This Board needs to be prepared ahead of time and not be caught off guard.

FORMAL ADMINISTRATIVE HEARINGS

4. a. Regarding formal hearing and Board action as necessary on Case #2015-431, in the matter of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers vs. Gage Palacios d/b/a SILO Design Studio Mr. Weatherly moved to enter in to Executive Session. Motion seconded by Mr. Bruza. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved. Mr. Hornbeek moved to come out of Executive Session. Motion seconded by Mr. Dougherty. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved. Mr. Weatherly moved to find Mr. Palacios guilty holding himself out as a licensed architect, seeing this as a prime issue for health, safety & welfare of the public, issuing a fine of \$10,000. Motion seconded by Mr. Gaskins. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved.

4. b. Mr. McClintock, Counsel, informed the Board that service has been unavailable for firm or owner. He asked the Board how interested they are to prosecute and suggests a process server at a cost of approximately \$500 as a separate charge. Wizard of Saws website had been taken down, but Mr. Weatherly reported is available online and holding out as offering architectural services. Regarding formal hearing and Board action as necessary on Case #2016-456, in the matter of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers vs. Randy Curtis d/b/a Wizard of Saws Mr. Gaskin moved to enter in to Executive Session. Motion seconded by Mr. Armbruster. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved. Mr. Gaskins moved to come out of Executive Session. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved. Mr. Dougherty moved to continue the case in order to notify individuals for the protection of the health, safety and welfare of the public. Motion seconded by Mr. Gaskins. Voting aye: Messrs.

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Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, and Taylor. Voting nay: None. Abstaining: Mr. Hasenbeck. Motion approved.

4. c. Messrs. Weatherly and Hornbeek recuse them having worked for Steve Olson and are friends. Regarding formal hearing and Board action as necessary on Case #2016-460, in the matter of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers vs. Steve Olsen d/b/a Steve Olsen Architects Mr. Gaskins moved to enter into Executive Session. Motion seconded by Mr. Dougherty. Mr. McClintock, Counsel, asks that the Director and remain briefly for the purpose of clarification. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck and Taylor. Voting nay: None. Motion unanimously approved. Mr. Baker moved to send a cease and desist letter and continue investigation into the case. Motion seconded by Mr. Dougherty. Voting aye: Messrs. Gaskins, Armbruster, Dougherty, Bruza, Baker, and Taylor. Voting nay: None. Abstaining: Mr. Hasenbeck, Hornbeek and Weatherly. Motion approved.

Ms. Windel enters meeting.

4. d. Mr. Martinez made a personal appearance. Regarding formal hearing and Board action as necessary on Case #2016-454, in the matter of the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers vs. Ralph G. Martinez d/b/a RGM Architects Mr. Gaskins moves to enter into Executive Session. Motion seconded by Mr. Weatherly. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Hasenbeck, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved. Mr. Bruza presented the findings of the Board noting a pattern has developed with two previous violations. The Board finds Mr. Martinez guilty of practicing architecture without a license and fine him \$10,000. Motions seconded by Mr. Weatherly. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Bruza, Weatherly, Baker, Taylor and Ms. Windel. Voting nay: None. Abstaining: Mr. Hasenbeck. Motion approved.

CLARB/NCARB/CIDQ/ORGANIZATIONS, ISSUES AND REPORTS

5. a. NCARB – Stated previously.

5. b. CLARB - Mr. Weatherly reported that CLARB is working on a new model law; a complete and total rewrite. Brian Dougherty has been slated for Vice President of CLARB and Ellen White for the Committee on Nominations.

5. c. CIDQ – No report.

5. d. AIA - No report.

5. e. ASLA - No report.

5. f. OIAC/ASID - No report.

NEW BUSINESS

6. a. The Chairman noted the importance of having a public member serve on the Board. He put a call into Jeff Click, current public member checking on him. Mr. Click informed him that he

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had called and notified the Director that he was unable to fulfill the duties. Director confirmed that he had called and gave verbal notice but that he was also supposed to be putting it in writing. Mr. Click was unaware of the process and asked the Chairman if he needed to notify the Governor's office. The Director stated she will call him to follow up.

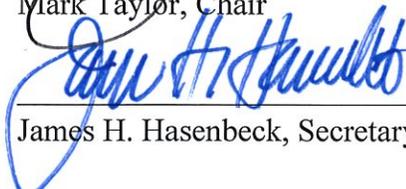
6. b. Mr. Hornbeek shared a draft of for a succession plan. He asked for comments before it is placed on the June agenda. Mr. Baker moved to enter into executive succession. Motion seconded by Mr. Weatherly. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Weatherly, Baker, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved. Mr. Dougherty moved to come out of executive session. Motion seconded by Mr. Hornbeek. Voting aye: Messrs. Gaskins, Armbruster, Hornbeek, Dougherty, Weatherly, Baker, Taylor and Ms. Windel. Voting nay: None. Motion unanimously approved. Mr. Hornbeek moved to begin hiring a new FTE. Motion seconded by Mr. Gaskins. Mr. Hornbeek withdraws his motion. The Chairman assigns this to the Succession Planning Committee for a proposal defining position, title and duties to be ready for the June meeting. No action.

Adjourn

THE BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS, LANDSCAPE ARCHITECTS AND REGISTERED INTERIOR DESIGNERS OF OKLAHOMA



Mark Taylor, Chair



James H. Hasenbeck, Secretary-Treasurer