"Teeny's Tidings"

Tidings of gratefulness to have a year behind us without experiencing a hurricane. A year after Katrina and Rita, reminders of the devastation still surround us on every side, but moving forward, piles of construction materials begin to replace the mounds of storm debris. I know it has been hard to start over for many of you in New Orleans and surrounding areas, but you've done it and are now up and operating again. I had to stand back in amazement as calls began coming in from our architects in the state who were not affected by the hurricanes. Architects from across the country, the National Council of Architectural Registration Boards (NCARB), architect licensing boards throughout the country, all concerned about you and our state and offering to help in any way possible. Many offered jobs, working space, help for architects to relocate, waiving continuing education requirements and registration fees, fast-tracking registration and many other ways to enumerate. For all this, the licensing board wants you to know there are no words that can express the deep thankfulness we have for your immediate offer to help and your care and concern. Hopefully we will use your example as a reminder to reach out to another state who may experience such devastation. The deep Katrina and Rita scars that mark our soil and lives are now turning into deep commitments and perseverance in rebuilding and recovery.

2007 Renewals Renewals were mailed in early October. We have already been processing many of them and we ask that you try to return same at your earliest convenience because of holiday mail. As noted on the renewal, because of the hurricanes, 18 CEH's (earned in 03 and/or 06) are required in order to renew and must be postmarked (by post office) no later than December 31 in order to avoid a delinquent fee. No continuing education verification is needed at time of renewal. If your name is chosen by random audit in February, verification must be provided to the board office at that time. Also, as a reminder, beginning January 1, 2007, 12 CEH's will once again be required in order to renew for 2008. If you have not received a renewal, you should contact the Board office to confirm correct mailing address.

Architectural/Engineering Committee Meeting In July, Julian White, John Cardone, Knox Tustin and I met at the Engineers Board office to discuss commonalities between the boards and a problem at the Fire Marshal's office with civil engineers using a "professional engineer" stamp instead of its discipline specific stamp. The Engineer's Board understood the problem since the Architects Law clearly states that only civil engineers may practice architecture although not permitted to use the term "architect". This was continuing to be a problem for the Fire Marshal as it was difficult to determine civils since all engineers were using "professional engineer" stamp. Don Zeringue and Jean Carter were also at the meeting and it was determined and requested by both boards, that the Fire Marshal Office begin requiring civil engineers use their discipline specific stamp in lieu of "professional engineer" stamp. It was mutually agreed that representatives of both boards would meet again in November or December.

Newly Licensee Presentation The Board will be hosting a luncheon in Baton Rouge at the Hilton Capitol Center in January for newly licensees registered within the past two years. We look forward to giving them an official welcome from the architectural community and a congratulatory certificate signed by the Governor. There are approximately 36 newly licensees invited. We would like to ask you to help in any way by allowing any honorees in your firm to attend.

There are many interesting and informative articles in this newsletter and we hope you will find time to read them. Please remember we are here for you and if we can be of any help, please let us know.
A MESSAGE FROM THE BOARD ATTORNEY

Probably as a result of the devastation caused by Hurricanes Katrina and Rita, a substantial increase in the number of architectural firms (and architects) now practicing in Louisiana has occurred. Comparing the number of architectural corporations, architectural-engineering corporations, and limited liability companies registered with the board as of June, 2006 (post-hurricane) and June, 2005 (pre-hurricane) shows that the number of architectural corporations has increased by approximately 24%, the number of architectural-engineering corporations has increased by approximately 19%, and the number of limited liability companies has increased by approximately 10%.

Many architectural firms practicing in Louisiana for the first time have asked questions concerning the requirements for complying with the licensing law of Louisiana and the board rules. Out-of-state partnerships in particular have asked questions concerning partnership registration. A partnership – like a corporation – is considered a separate legal entity from the partners. Although the board presently registers professional architectural corporations, architectural-engineering corporations, and limited liability companies, the board has never registered partnerships (although in the past a number of board members have suggested that this should be done).

The board has studied the laws and rules of other states to determine what other jurisdictions do concerning the multiple types of firm practice which presently exist. The differences are more remarkable than the similarities. For example, some jurisdictions do not permit corporate architectural practice at all. Before the enactment of the Professional Architectural Corporations law in 1979 in Louisiana, this was true here.

by: Paul H. Spaht

The law or rules of most states expressly provide that an architect may practice architecture in a partnership, and the licensing boards of other states generally issue a certificate of authorization to that partnership permitting such practice if certain requirements are met. After much discussion, the board concluded that it should expressly recognize that architects may practice in a partnership and that it should adopt a rule regulating such partnerships (just as the board has rules regulating professional architectural corporations, architectural-engineering corporations, and limited liability companies). Published on page 3 of this newsletter is the proposed rule which the board is considering. Key provisions are as follows:

Registration - To perform architectural services in this state, a partnership will be required to register with the board. Partnerships will thus be registered similar to professional architectural corporations, architectural-engineering corporations, and limited liability companies, each of which annually applies to the board for a certificate to practice architecture in this state.

Certificate – To register, an application may be obtained from the board’s website or the board. The registration must be renewed annually.

Partners – The names of all of the partners must be disclosed in the application, and partners must report any organizational change that would relate to the registration of the partnership. For example, the partners should report a partnership which ceases to exist or a withdrawal from the partnership of all architects (so that the partnership could no longer practice architecture). Failure to do so could result in disciplinary action.

Architectural services - Architectural services rendered on behalf of a partnership must be performed by or under the direct supervision of a partner who is duly licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that partnership, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect.

Fee - The partnership is required to pay initially a $50.00 registration fee and thereafter a $50.00 renewal fee annually. This is the same fee paid by professional architectural corporations, architectural-engineering corporations, and limited liability companies.

The board is also considering revising rule §1705 which regulates limited liability companies. The intent is to regulate limited liability companies the same as partnerships, and vice-versa. Proposed changes to rule §1705 are contained on page 4 of this newsletter.

No changes are being considered for rules §1701 and 1703 which regulate professional architectural corporations and architectural-engineering corporations. The legislature has enacted special rules for each by statute, and the board has no authority to deviate from these statutory requirements.

Your comments concerning this proposed rule regulating partnerships and the proposed amendment to rule §1705 regulating limited liability companies are welcome. The e-mail and physical address of the board are set forth in this newsletter. The board next meets on December 15, 2006, and all comments received will be considered at that meeting.
PROPOSED RULE CONCERNING
PARTNERSHIPS

§1707. Partnerships

A. An architect may practice architecture in a lawfully constituted partnership. The partnership must comply with the laws pertaining to partnerships, including particularly Louisiana Civil Code articles 2801 et seq., and these rules. A foreign partnership must comply with the requirements of La. R.S. 9:3421 et seq., including filing for registry with the secretary of state in the Central Registry for Contracts of Partnership created by La. R.S. 9:3401. A limited liability partnership must comply with the requirements of La. R.S. 9:3431 et seq., including filing the information required by La. R.S. 9:3432 with the secretary of state.

B. No person, firm, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state in a partnership without first receiving a certificate from the board authorizing the partnership to do so. The certificate must be renewed annually.

C. A partnership soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D. Any person seeking authority for a partnership to practice architecture in this state shall obtain an application from the board’s website or request an application from the board. The applicant is required to complete the application fully, providing all requested information pertaining to the names of the partners, and return same to the executive director. The applicant is required to pay initially a $50.00 registration fee and thereafter a $50.00 renewal fee annually. Upon receipt of such application and fee, the board shall promptly either approve said application and issue a certificate to the partnership authorizing it to practice architecture in this state, or disapprove said application advising the applicant of the reasons therefore.

E. Architectural services rendered on behalf of a partnership must be performed by or under the direct supervision of a partner who is duly licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that partnership, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect.

F. The partner licensed in this state who performs such architectural services or directly supervises such services will be responsible to this board for all acts and conduct of such partnership.

G. It will be the responsibility of all architects named in the application to advise the board of any organizational change that would relate to the authorization granted under this rule. Failure to so do could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' licenses.

NEED TO KNOW

DISCIPLINARY ACTIONS

After a hearing in which witnesses testified and evidence was introduced, the board (1) fined Sir James Robinson ("Robinson") and Robinson Architects, P.C. (the "Robinson firm") a total sum of $5,000.00 and ordered that Robinson and the Robinson firm pay this fine, the attorneys’ fees charged to the board by the attorney hired to represent it at the hearing, and the stenographer fees charged to the board by the court reporter who transcribed the hearing, or a total sum of $13,082.00, and (2) suspended Robinson and the Robinson firm from practicing architecture in Louisiana for a minimum of one year, provided that if the fine, attorney’s fees and stenographer fees are not paid during this one (1) year period, Robinson and the Robinson firm will be suspended from practicing architecture in Louisiana until that sum is paid.

The project involved in the disciplinary action was located in Shreveport, LA, and the Robinson firm is located in New York City. The initial Application for Architectural Review, Fire Suppression System Review, and Renovation/Addition (which were not stamped by Robinson or the Robinson firm) was made to the State of Louisiana, Department of Public Safety and Corrections, Office of State Fire Marshal ("OFM") by either the client or a developer, not Robinson or the Robinson firm. The application identified the professional record as Robinson or the Robinson firm.

OFM notified Robinson and the Robinson firm that the drawings and/or specifications were "Not in Compliance" due to deficiencies cited and that the Louisiana Architects Licensing Law required the project "... to have plans prepared and stamped, and construction periodically supervised by an architect or civil engineer licensed in Louisiana." Robinson and the Robinson firm, which were not licensed at that time to practice architecture in Louisiana, then sent the drawings to an architect licensed in Louisiana.

Continued on page 6.....
§1705.  Limited Liability Companies

A.  An architect may practice architecture in a lawfully constituted limited liability company. The limited liability company must comply with the laws pertaining to limited liability companies, including particularly La. R.S. 12:1301 et seq., and these rules. The practice of architecture by limited liability companies is only permissible when lawfully constituted under the laws pertaining to limited liability companies, R.S. 12:1301, et seq.

B.  No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state in as a limited liability company without first receiving a certificate from the board authorizing the limited liability company to do so. The certificate must be renewed annually.

C.  A limited liability company soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D.  Any person seeking authority for a limited liability company to be certified to practice architecture in this state as a limited liability company shall obtain an application from the board's website or request in writing an application to be so from the office of the board. The request shall state the name of the proposed limited liability company. The applicant is required to complete the said application fully, providing all requested information pertaining to the names of the limited liability company and all of the members, and return same to the executive director. The applicant is required to pay initially a $50.00 registration fee and thereafter a $50.00 renewal fee annually. Upon receipt of such application and the fee, the board shall either, approve said application and issue a certificate to certify the limited liability company authorizing it as authorized to practice architecture in this state, or disapprove said application advising the applicant of the reasons therefor.

E.  Architectural services rendered on behalf of a limited liability company must be performed by or under the direct supervision of a member who is duly licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that limited liability company, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect. Only a person who is presently licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158, who is in compliance with said provisions, who is a full-time active employee of the limited liability company, and whose primary occupation is with that limited liability company may be designated as a supervising professional architect.

F.  By designating an architect as a supervising professional architect, the limited liability company authorizes that architect to appear for and act on behalf of the limited liability company in connection with the execution and performance of all contracts to provide architectural services.

G.  In the event that such registered supervising professional architect ceases being a full-time active employee of the limited liability company or no longer employed by the limited liability company on a primary basis, the authority of the limited liability company to practice architecture is suspended until such time as the limited liability company designates another supervising professional architect pursuant to §1705.E. above.

F. H.  The member licensed in this state who performs such architectural services or directly supervises such services will designated supervising professional architect is be responsible to this board for all acts and conduct of such limited liability company.

G.  It will be the responsibility of all architects named in the an application to be certified as a limited liability company to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' licenses.
State IDP Coordinator, Marsha R. Cuddeback, Architect, AIA

Louisiana Intern Development Program Summit
January 20-21, 2007
Louisiana State University, Design Building Commons

In January 2007, the first Louisiana Intern Development Program Summit will be held, bringing together stakeholders from across the state to discuss strategies for enhancing the efficacy of IDP. For additional information, please contact Marsha R. Cuddeback (mcudde@lsu.edu).

Strategies for Firms in Support of Emerging Professionals

The AIA has created a new on line resource for firms that are implementing programs or developing strategies to support emerging professionals. This resource addresses issues of mentoring, performance management, firm support, knowledge resources, financial support, research, and outreach. Please visit http://www.aia.org/ep_strategies for additional information or contact Suzanna Wight, Emerging Professional Director, SWight@aia.org.

Architecture Licensure and Registration Levels

"An Assessment of Population, Construction, and Alternative Professions and Their Relationship to Architect Licensure and Registration Levels," May 2006. A recent study assessing architecture licensure and registration levels, released by AIA in May 2006, is now available online. For additional information or to download the complete report, please visit http://www.aia.org/are_registrationstudy06.

The report, prepared for the AIA by Guideline, Business Research and Analysis, is a "study using the data collected from NCARB and state registration boards as well as other environmental data to assess and measure the short- and long-term impact (if any) related to the decline in the number of newly licensed architects on the advocacy efforts, financial health, membership structure, and overall governance of the Institute." Report objectives included examining the relationship, if any, between the number of licensed architects and demographic, economic, and social characteristics, examine trends in enrollment and licensure in other professions, and analyze current data on the architecture profession including graduation rates, exam pass rates, and the number of licensed architects.

The Emerging Professional’s Companion Update

The Emerging Professional’s Companion supports the intern in the IDP process, particularly in gaining credit. The EPC is updated for current practice models and expanded to include the varied paths that an intern or licensed architect may consider during his or her career in architecture. Designed to increase support, involvement, and mentoring of firms, supervisors and mentors, all members of the profession can participate in learning opportunities provided by the EPC. Architects may use the AIA self-report form to submit for credit for work done with the EPC independently or while serving as an IDP supervisor or IDP mentor. The EPC is FREE for AIA members, AIA Associate members and NCARB IDP Record Holders. Please Visit http://www.epcompanion.org/

Appointment of new IDP Educator Coordinator at the University of Louisiana at Lafayette

W. Geoff Gjertson has been appointed the IDP Educator Coordinator for the University of Louisiana at Lafayette, following Eddie Cazayoux's many years of service. Geoff is an architect and professor in the School of Architecture and Design, University of Louisiana at Lafayette. He holds a Bachelor of Science in Design degree from Arizona State University and graduated in 1992 from Rice University with a Masters of Architecture degree. Geoff has taught as an Assistant Professor of Architecture at ULL since 2000. He currently teaches the Professional Practice sequence of courses as well as third and fourth-year Architectural Design, and is the co-director of the Building Institute, a "hands-on" design/build program that serves the local community.

Contact Information for Louisiana IDP Educator Coordinators

Marsha R. Cuddeback
Louisiana State University
(mcudde@lsu.edu)

William T. Willoughby
Louisiana Tech University
(wtwillou@latech.edu)

W. Geoff Gjertson
University of Louisiana at Lafayette
(gjertson@lsu.edu)

Jill Bambray
Southern Universite
(msjillette@yahoo.com)

Reed Kroloff
Tulane University
(504-865-5389)
Disciplinary Actions (continued from page 3)

This architect testified that he reviewed but made no revisions to any of the documents provided by the Robinson firm, and the board found that such architect did not independently perform or contract with an engineer to perform necessary calculations. The licensed architect re-submitted the drawings which had been prepared by the Robinson firm to the OFM for architectural review, and the board found that Robinson and the Robinson firm knew that the re-submitted drawings had not been prepared by this licensed architect or under this architect’s responsible supervision.

The board concluded that the Robinson firm violated La. R.S. 37:145.A when it practiced architecture in this state by preparing drawings for a project (located in Shreveport, LA) and by sending drawings to a Louisiana licensed architect for re-submittal to the OFM without obtaining from the board a certificate or registration.

The board further concluded that Robinson and the Robinson firm engaged in misconduct in the re-submittal of the drawings to the OFM when it provided drawings to a licensed architect for him to "sign and seal," which the licensed architect did. This misconduct violated La. R.S. 37:152.B and 37:153.A.1. The relationship between the Louisiana licensed architect, on the one hand, and Robinson and the Robinson firm, on the other hand, was not an "association" within the meaning of R.S. 37:155.A.3.

Finally, the board concluded the Robinson and the Robinson firm violated R.S. 37:153.A.11 by failing to provide, within thirty (30) calendar days a mailing of the notice by certified mail, information requested by the board’s executive director as a result of a formal complaint to the board alleging a violation of the Architects Licensing Law.

Sincerely,

Henry Fry
ARCHITECT REGISTRATION AND NCARB UPDATES

Updated ARE Guidelines Available

The ARE Guidelines have recently been updated. There have been a few minor changes made to the Guidelines, including some modifications to the References sections under the ARE Specifications & References. ARE candidates can obtain the latest ARE Guidelines, dated August 2006, by downloading them from the Council's web site www.ncarb.org.

ARCHITECTS REGISTRATION EXAMINATION
PERCENT PASSING REPORT FOR 2005

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THE RESULTS OF THE ALTERNATE ITEM TYPES ARE IN!

The Alternate Item Type (AIT) Field Test was conducted to study the impact of Fill-In-the-Blank and Check-All-That-Apply questions on future versions of the Architect Registration Examination (ARE).

The study was successful and, as a result, the Mechanical & Electrical Systems division will include Alternate Item Types (AIT) beginning in February 2007. This new question format will appear in the remaining multiple-choice divisions in the near future.

Excerpts from NCARB Virtual Facts
October 26, 2006
Daylighting Now Available

NEW! Daylighting Performance and Design
$250 ($160 for current NCARB Record holders) 315 pages/12 PDUs in health, safety, and welfare NCARB's newest monograph, Daylighting Performance and Design, explores the fascinating challenges of balancing the human preference for natural light with energy efficient and sustainable design. This guide to the successful use of daylighting includes case studies that illustrate the various benefits of daylight in commercial, industrial, education, and institutional settings. Comprising six chapters, Daylighting begins with an in-depth look at five design fundamentals of daylighting: issues, variables, strategies, elements, and options. Subsequent chapters discuss occupant productivity and performance, glazing properties, and integration with electric lighting. With more than 175 figures, including a wide range of illustrations, graphs, and charts, the monograph provides "explanations at a glance" for busy readers.
THINGS YOU SHOULD KNOW 
ABOUT THE RENEWAL OF YOUR LICENSE

Please be advised that "Renewal Notices" for architects were mailed in early October and must be received by the board or postmarked by the Post Office by midnight December 31, 2006. All renewals received after the deadline are deemed delinquent and must include a delinquent fee along with proof of 18 hours continuing education in Health Safety and Welfare.

Renewal notices for Architectural Corporations, Architectural-Engineering Corporations and Limited Liability Companies are mailed in May each year and must be received by our office or postmarked by the Post Office by midnight June 30. All renewals received after the date are deemed delinquent and must include a delinquent fee.

- Renewal notices are mailed as a courtesy to all active licensees.
- The renewal notice is mailed to the address we have on file. It is the responsibility of the licensee to notify the Board of address changes. It is very important that we have current and valid information on file.
- Failure to receive an application for renewal of a license does not relieve the licensee from his duty to timely renew, nor does it relieve the licensee from the obligation to pay any late fees.
- The Board does not take responsibility for misplaced or mishandled mail.

Renewal applications that are not signed and dated are invalid and will be returned. When completing renewal applications the licensee should ensure that his/her form is completely filled out, has the correct amount attached, ensure that the check is signed, and mailed in a timely manner. The licensee who fails to renew his/her license by the renewal date is considered delinquent and shall not practice architecture. Licensee practicing architecture without an actively renewed license shall be subject to disciplinary actions by the Board.

If you have any questions concerning renewals, please contact this office at (225) 925-4802 or visit our website at www.lastbdarchs.com.

CONTINUING EDUCATION

The purpose for continuing education is to insure that all architects remain informed of those technical and professional subjects necessary to safeguard life, health, and promote the public welfare.

Considering the hardships caused by hurricanes Katrina and Rita, the Board adopted an emergency rule pertaining to continuing education for the years 2005 and 2006 only. Although normally twenty (24) CEH for this two (2) year period would be required for license renewal, the Board reduced the number of hours for this two (2) year period to eighteen (18) CEH.

It is the architect's responsibility to maintain records evidencing his continuing education activities for two (2) years.

**SELECTION BOARD MEMBERS as of September, 2006**

District 1: Joseph J. Holt, New Orleans  
District 2: Thomas A. Knight, Bogalusa  
District 3: Day S. Waggenspack, Baton Rouge  
District 4: W. Geoff Gjertson, Lafayette  
District 5: Clarence P. Babineaux, Shreveport