

NOTICE OF INTENT
Office of the Governor
Board of Architectural Examiners

General Disciplinary Guidelines
(LAC 46:I.1907)

Notice is hereby given that the Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144.C, proposes to amend LAC 46:I.1907.E pertaining to its General Disciplinary Guidelines.

The proposed amendment to §1907.E concerns the fine which shall be imposed, absent aggravating or mitigating circumstances, upon firms found to have practiced architecture with an expired certificate of authority. For a firm found to have practiced architecture with an expired certificate of authority, the fine imposed will be reduced to \$250 for practicing architecture three months to six months; \$500 for practicing architecture six months to twelve months or fraction thereof, and \$500 per year for practicing architecture for more than one year or fraction thereof.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part I. Architects
Chapter 19. Rules of Conduct: Violations
§1907. General Disciplinary Guidelines

A. - D. ...

E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a \$5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
* * *		
Individual practice with an expired license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 prohibits practicing architecture at a time when current renewal has not been obtained in accordance with the law.	Fine is based on length of time of such practice: three (3) months to six (6) months - \$500 fine; six (6) months to twelve (12) months or fraction thereof- \$1,000 fine; after one (1) year or fraction thereof, \$1,000 fine per year. Public reprimand.
Firm practice with an expired certificate of authority	R.S. 37:154.A provides that no person, corporation, company, firm, business entity, or individual shall practice, or offer to practice, architecture in this state without being certified in accordance with the provisions of this Chapter or attempt to use an expired certificate of registration.	Fine is based on length of time of such practice: three (3) months to six (6) months - \$250 fine; six (6) months to twelve (12) months or fraction thereof, \$500 fine; after One (1) year of fraction thereof, \$500 fine pers year. Public reprimand.
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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 39:484 (March 2013), amended LR 50:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LSBAE has, consistent with health, safety, environmental, and economic welfare, considered utilizing regulatory methods that will accomplish the objective of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR 170 of the 2014 Regular Legislative Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide such services, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule to Tyson Ducote, Executive Director, Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 4:30 p.m. on December 15, 2023.

Tyson Ducote
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **General Disciplinary Guidelines**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will not result in any costs or savings to state and local governmental units.

The proposed rule change does the following:

1) Updates language for fines imposed on individuals found by the Board of Architectural Examiners to have practiced architecture with an expired certificate of authority to match current practices.

2) Reduces the fine imposed on a firm found by the board to have practiced architecture with an expired certificate of authority. Specifically, the proposed rule change reduces the fine imposed on firms practicing without a license to 50% of the fine imposed on individuals practicing without a license. Therefore, the fine for such practice will be:

- \$250 for three to six months
- \$500 for six months to 12 months or fraction thereof
- \$500 per year after one year or fraction thereof

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to decrease revenue collections of the state. Over a five-year period, the board has collected an average of \$6,710 annually in fines imposed on firms. The proposed rule change reduces the fine on firms by 50%. Assuming the collection trend remains the same, this would lead to a reduction of approximately \$3,355 annually (\$6,710 average annual collection x 50%). To the extent the board collects more or less than the average in any given year, the impact of reducing the fine will vary accordingly.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will positively impact firms who are found by the board to have practiced architecture with an expired certificate of authority. Existing guidelines provide that firms will be fined for practicing with an expired certification of authority, and the amount of the fine varies depending upon the length of time of the expired practice. Under the proposed rule, firms will pay half the fine currently imposed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have any impact on competition and employment. Only a handful of firms are found by the board each year to have practiced architecture with an expired certificate of authority. Under the proposed rule, those firms will pay half the fine currently imposed.

Tyson J. Ducote
Executive Director
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Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office