



**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
WASHINGTON STATE BOARD OF ARCHITECT
MEETING MINUTES**

DATE: July 21, 2022
TIME: 9:00 A.M.
LOCATION: Virtual- Microsoft Teams

BOARD MEMBERS PRESENT: **Roch Manley**, Chair
Scott Harm, Vice Chair
Rick Benner, Member
Erica Loynd, Member
Sian Roberts, Member
Paul Wu, Member

BOARD MEMBERS EXCUSED: **Susan Cooley**, Secretary

STAFF PRESENT: **Rick Storvick**, BCSS Administrator
Lynn Briscoe, PR&FT Administrator
Debra Allen-Ba, BCSS Assistant Administrator
Elizabeth Lagerberg, Assistant Attorney General
Rebecca Echols, Assistant Attorney General
Tanya Hessler, WMS Program Manager
Sydney Muhle, BCSS Program Specialist
Sandra Baur, BCSS Program Specialist
Shari Honeywell, BCSS Program Specialist
Aneesa Bonham, LCSS Program Specialist
Keith Peterson, Investigator
Aylssa Woods, BCSS Administrative Assistant

1. **Call to Order** --- Chair Manley called the meeting to order at 9:05 A.M.
 - 1.1. Introductions

Ms. Honeywell conducted roll call of the Board members and staff present. All board members were present except Secretary Cooley who was excused.

Chair Manley introduced a new member appointed by the governor, Erica Loynd. Each board member introduced themselves to Board Member Loynd and provided brief information about their background. Board Member Loynd then introduced herself to the board and provided information about her background and why she joined the Board.

Chair Manley asked that Board and Commission Support Services (BCSS) Administrator Rick Storvick introduce the new staff members from the Department of Licensing (DOL) who were at this meeting.

Mr. Storvick noted that there were more staff members present at this meeting partially resulting from the division's functional alignment. He discussed the different work units represented and introduced the staff members present from each. He also noted that the interviews for the new administrator to oversee this section would begin the following week and said that the department was well on its way to making sure the boards are fully staffed.

1.2. Order of agenda

Board Member Benner requested a 15-minute break at 10:00 A.M.

MOTION: Vice Chair Harm made a **MOTION** to approve the agenda with the requested break. Board Member Roberts seconded the **MOTION**, and it passed by a vote of 6-0.

1.3. Approval of minutes: April 21, 2022

MOTION: Board Member Roberts made a **MOTION** to approve the Minutes of the April 21, 2022, Meeting. Board Member Wu seconded the **MOTION**, and it passed by a vote of 6-0.

1.4. Review

Mr. Storvick addressed the Board and discussed a communication received regarding whether the State of Washington would recognize a Mutual Recognition Agreement (MRA) between the United States (U.S.) and United Kingdom (U.K.). He noted that this agreement would be discussed by the Board at an upcoming meeting.

Chair Manley said that this has come up as an alternate path to licensure through the National Council of Architectural Registration Boards (NCARB). He said that he believed this agreement would be discussed at a future NCARB business meeting.

Action Item: Add a discussion item to the next agenda for the Mutual Recognition Agreement between the United States and United Kingdom.

2. Old Business

2.1. NCARB Annual Business Meeting Report Out

Chair Manley discussed the Board and staff members who attended the NCARB Annual Business Meeting in person and online. He noted that Board Member Roberts was the voting delegate for the Board at the meeting.

Board Member Benner said that he had not been able to attend due to a conflict.

Chair Manley said that he was also not able to attend in person but caught most of the meeting online.

Board Member Wu said that he appreciated the conference and meeting with Mr. Storvick in person. He said that he learned a lot.

Board Member Roberts discussed the resolutions considered during the meeting highlighting that the group looked at the definition for “responsible charge”, which she said was also tied to the NCARB Model Law, and the MRA brought up by Mr. Storvick. She said that there were concerns regarding this as it does not apply to those who do not have National Architectural Accrediting Board (NAAB) accredited degrees. She said that the states which do not require this accreditation were not concerned, but she felt that NCARB was addressing this. She noted that this would be a continuing discussion as agreements are being renewed and felt these resolutions were the most significant to Washington State.

Vice Chair Harm said that he was glad to see the responsible charge discussion and highlighted the needs to address this. He also discussed the Futures Collaborative and a discussion that occurred surrounding an architect who stamped projects for their firm while delegating the details of them to others. He said that diversity, equity, and inclusion (DEI) was a continuing conversation. He also discussed elections within NCARB and felt that it was great that there were several options for members to vote on.

Chair Manley said that this type of event is like drinking from a fire hose as there are a lot of areas that NCARB touches that have to do with the Board. He said that it is exciting to be there and meet face to face with people who are working on committees or doing other committee work that you are interested in. He said that it was good to hear about the leadership at NCARB as well as the new initiatives and encouraged all Board members to attend future events.

Mr. Storvick said that it was great to see Board members in person after two (2) years of meeting virtually and that there were good conversations including the future of (HSW). He highlighted sessions that he felt were important to the Board and the NCARB organization. He also discussed resolutions that were utilized to clean up rules and felt this would be ongoing for several years.

Board Member Benner encouraged other Board members to get involved with NCARB and highlighted his previous experiences being involved with the organization. He said that he feels it is beneficial to the community.

Board Member Roberts explained the process for NCARB involvement to Board Member Loynd. She also explained a program that helps NCARB get the right people on committees to make sure they get the right make up to address an issue.

Vice Chair Harm explained that there was a lot of participation previously and it was refreshing to hear that there are many people volunteering. He and Chair Manley discussed their previous involvement on NCARB committees, and the work done through them. Both recommended that Board members get involved with the organization.

Mr. Storvick explained when the call for volunteers occurs and encouraged Board Member Loynd to sign up and fulfill a role on a committee she is passionate about. He encouraged the Board members to stay involved with NCARB and its committees. He discussed the time it can take to influence changes, highlighting changes in the pathways to licensure and attitudes toward it. He said that he appreciates the Board staying involved and keeping their voices out there.

2.3. Review Master Action Items List

BCSS Program Specialist Shari Honeywell reviewed the Master Action Item List with the Board. She noted that items listed as “completed” would be taken off of the list before the next meeting.

3. New Business

None.

4. Complaint Case for Review*

None.

5. Legal Issues for Deliberation*

None.

6. Disciplinary and Investigation Reports

6.1. Closed Session Deliberation Report

None.

6.2. Disciplinary Cases Report

Mr. Storvick said that several cases have been closed and reviewed the statistical data regarding the cases that have closed and those that will be coming before the Board. He also discussed additional information that will be coming forward regarding process changes due to the Business and Professions Division’s functional alignment.

Vice Chair Harm asked about orienting new Board members regarding investigations as well as the Board’s responsibility and involvement.

Mr. Storvick noted that changes were coming to the onboarding process to orient Board members to the process and their role within it. He summarized Board members' role as case managers.

Vice Chair Harm also noted that Board members were not to conduct their own investigations.

Chair Manley discussed questions of past precedence and said that this is where he has sought the most guidance as a case manager.

Mr. Storvick noted that this board does not have a high volume of cases and said that members may receive cases every couple of years. He encouraged case managers to reach out to staff with questions. He also discussed the roles of attorneys in the process to bring cases before the Board and how they support the Board's role to ensure the process is fair and secure.

Board Member Roberts clarified the role of the Board and case managers in the investigation process.

Mr. Storvick discussed the differences between Board members' roles as industry professionals versus as Board members as well as the challenges involved in this. He provided a historical perspective of cases and compliance issues.

Chair Manley called for a ten-minute break.

The Board took a break at 10:00 A.M.

The Board returned from break at 10:10 A.M.

7. Assistant Attorney General's Report

7.1 AGO Opinion Update

Assistant Attorney General Elizabeth Lagerberg addressed the Board and explained that this issue has been ongoing for at least 10 years. She said that two Attorney General's Office (AGO) opinions have been issued regarding when an architect and when an engineer can stamp things. She explained the process for issuing AGO opinions and their legal standing. She provided a brief history behind the opinion and asked the Board how in-depth they would like her report to be.

Chair Manley noted that questions had come up regarding this and asked that Ms. Lagerberg provide a summary of the opinion.

Ms. Lagerberg provided a summary of the opinion and the definitions for the practice of engineering versus the practice of architecture. She explained how these impacted the opinion regarding the struggle to define these in statute as the statutes do not delineate between the two. She said that this is what the opinion is based on as the Attorney General

cannot issue an opinion on things not in the statute. She said the responsibility to define need lies with the local jurisdiction and explained the challenges involved in this.

Board Member Roberts asked if the Board should consider defining these in the long-term. She explained that NCARB is also discussing this and asked if the Board can begin to work with the engineers' board to discuss this.

Ms. Lagerberg explained that this would need to come from a legislative point of view because the boards and the Attorney General do not have the authority to make those definitions. She reiterated that there is no law to support these.

Board Member Roberts asked about beginning this discussion which could provide a better definition in the future and asked if it would be beneficial to have more definition in the law.

Ms. Lagerberg said that this is addressed on a case-by-case basis and that they wouldn't want to eliminate the ability for local jurisdictions to determine the need for each.

Vice Chair Harm said that this opinion reinforces the discussion going before the Washington Association of Building Officials (WABO). He referred to page 22 of the opinion for the authority of local jurisdictions to determine the need for each. He also provided an example supporting the confusion and the lack of definition between an occupied building versus any other structure.

Ms. Lagerberg said that she tried to write this in the opinion to a small extent but explained that there is nothing in the statutes to define this and provide guidelines, so it is hard to point to that.

Board Member Roberts reiterated her question of whether to define this in statute.

Ms. Lagerberg discussed each providing different elements of the same project through their own sets of plans and said that it was hard to provide that definition.

Board Member Wu said that the architect profession is into protecting life and safety as well as environmental impacts that are often missed by engineers. He explained when architects would be involved in projects from that perspective.

Board Member Loynd said that local jurisdictions may start combating this as many small local jurisdictions are starting to get large buildings that they have not seen before. She said that she sees the potential for these questions to come up and it would be good to give them guidance and resources that they can go to for making their determinations.

Ms. Lagerberg said that smaller jurisdictions may feel pressure to make determinations from one side or the other and they have the authority to make those decisions. She said that she doesn't know where they can reach out to as that is outside of her scope, but there is nothing for the boards to make a determination, on because it is not in statute.

Board Member Roberts said that it feels a bit like we are passing the buck on those just trying to figure out what to do. She said she would be curious to see how the meeting with WABO goes and would like to see a future agenda item on this regarding their input.

Ms. Lagerberg agreed and said that this could provide need for the Legislature to pass more guidelines.

Chair Manley discussed concerns across the two industries but said that he feels there is a reason for vagueness in the statutes.

Ms. Lagerberg said that the engineers also have life and safety concerns and that is defined in their statutes regarding their responsibilities in that.

Mr. Storvick said that he has received a lot of calls from building officials on this over the years. He noted that there were excellent questions concerning the law and explained the organizations that are working on this as well as looking at how different states address this. He explained that there is a lot of interest in this and noted that this might be an area in which Board members may want to get involved through NCARB. He provided additional historical perspective on this item and explained that the current law leaves a lot of flexibility for building officials. He explained that there is not a simple answer to this issue. He said that while this involves a small percentage of projects, it falls within a grey area.

8. Committee/Task Force Reports

8.1. Board Charter

BCSS Program Specialist Sydney Muhle addressed the Board and provided an update regarding the status of the Board Charter. She explained that the charters for all nine boards and commissions administered by the BCSS unit were being reformatted and will go through additional reviews for consistency and legal accuracy. She said that the unit intended to return the charter to the committee for review and input in the fall before being placed before the full Board for review at the winter meeting and final approval at the spring 2023 meeting.

Chair Manley said that he liked the idea of getting procedural uniformity across the boards as this makes it easier for staff as well as participants and guests attending meetings.

8.2. WABO

Ms. Muhle addressed the Board and provided an update regarding an outreach event being coordinated with the Board of Registration for Professional Engineers and Land Surveyors at the WABO Fall Business Meeting in Spokane, Washington in October. She explained that WABO had requested the two boards give a joint presentation regarding when an architect stamp and when an engineer stamp is required. She said that the committees from both boards have

conducted their initial meeting and relayed the concerns expressed regarding placing Board members in a position to offer guidance and advice which could prove legally sticky. She explained that the AGO opinion discussed by Ms. Lagerberg would be discussed during the event and discussed the proposed format that will be returned to the committees at their next meeting. She said that the hope was to create a discussion amongst attendees with larger jurisdictions providing perspective to smaller jurisdictions. She also explained concerns that smaller jurisdictions experience due to limited resources.

Chair Manley asked for clarification that the group would meet again before the event in Spokane.

Ms. Muhle explained that the group would likely meet two to three more times.

Board Member Benner said that he felt the setting and direction for this presentation would create better communication and cooperation amongst the jurisdictions to support one another.

Chair Manley shared additional remarks as a member of the committee and explained the need to create discussion between code officials to allow them to provide resources to each other.

Mr. Storvick suggested WABO create a policy statement that would help address some of these issues and said that he believes code officials are trying to solve questions about what architects and engineers are each licensed to do. He said that hopefully this presentation will create a better understanding for both sides of the process and explained the challenges to building officials exercising authority within their jurisdictions. He said that he hoped the presentation would help WABO explore a bit more internally to create those resources for its members.

8.3. Architect Model Law

Ms. Muhle addressed the Board and provided an update regarding review of the Model Law. She said that the committee would meet this fall to discuss changes in the Architect Law, particularly surrounding responsible control and any other areas the committee identifies.

Board Member Roberts said that the committee members did receive a thorough comparison between the current law and the Model Law that is going to be a wonderful tool in their discussions this fall.

9. Board Executive's Report

9.1. Program Operations

Mr. Storvick summarized the statistical information regarding new licensees, provided an update regarding the new BPD structure, and discussed the appointment of a new administrator for BCSS. He also explained when budget information may be brought back to the Board and said that a budget report would become quarterly moving forward.

9.2. Department of Licensing

Prorate and Fuel Tax Administrator Lynn Briscoe addressed the Board. She provided an overview of her background and the Prorate and Fuel Tax section.

9.3. Other Items

None.

10. Other Business

10.1. Any Other Business

Chair Manley thanked outgoing Board Member Colin Jones for his work on the Board noting that he has been a great resource for the other Board members.

Mr. Storvick said that Mr. Jones would continue to serve as a public member on the Model Law committee. He highlighted the Board work that Mr. Jones has been a part of during his term and thanked him for his continuing work. He also read a letter from DOL Director Teresa Berntsen and a plaque for Mr. Jones from the Board that will be sent to him in recognition of his service.

Other Board and staff members expressed their gratitude for Mr. Jones' service and said that they were looking forward to continuing to work with him on the Model Law committee.

Chair Manley presented Mr. Storvick with a resolution from the Board honoring Mr. Storvick's pending retirement. Board Member Benner read the resolution aloud. A copy of the resolution will be attached to these minutes. Ms. Honeywell also presented Mr. Storvick with a gift and a plaque honoring Mr. Storvick's service on behalf of the Board.

Each Board member expressed their gratitude for Mr. Storvick and his service to the Board. They discussed their memories of Mr. Storvick and said that they appreciated watching him grow during his time with the Board. They each wished him luck in his retirement. Ms. Lagerberg also thanked Mr. Storvick for his steadiness. She said that he was the most thoughtful administrator she has worked with across all the boards that she supports.

Mr. Storvick expressed his appreciation for the Board and discussed his personal admiration for the field of architecture. He relayed his memories with Board members and discussed his plans for retirement. He expressed his appreciation for the Board's work

and their dedication to having an impact through NCARB. He thanked the Board for their recognition and said that he would remain involved with NCARB into his retirement.

Board Member Roberts noted that the American Institute of Architects (AIA) for Washington has not reported back. She offered her report from that meeting and said that great information was received. She noted the difference in the industry before service in contrast with the Model Law and requested an agenda item to discuss this. She also discussed an outreach event that she was a part of with the Young Architects Forum and recommended that the Board discuss opportunities for outreach through this group moving forward.

10.2. Action Items from This Meeting

Ms. Honeywell reviewed the action items from this meeting.

10.3. Agenda Items for Next Meeting

Ms. Honeywell said that the next meeting would include an agenda item to set the Board's meeting schedule for 2023.

Chair Manley said that outreach issues should be discussed as part of the calendar setting process.

Mr. Storvick said that there would also be an agenda item for the Board to discuss the MRA with the United Kingdom as the Board will need to review this and determine if they want to be a signee to that agreement.

Board Member Loynd noted that she has worked with someone who utilized a similar agreement between Australia and New Zealand.

Board Member Roberts said that she has utilized this and reiterated her concern about this agreement utilizing NAB accredited degrees.

11. Public Comment/Presentation

There were no public comments.

12. Adjournment --- Chair Manley **ADJOURNED** the meeting at 12:05 P.M.

Next Board Meeting:
October 20, 2022
Virtual- Microsoft Teams

Submitted by: Debra Allen-Ba
Debra Allen-Ba, Assistant Administrator

10-21-2022
Date

Approved by: Roch Manley
Roch Manley, Chair

10-21-2022
Date