

**Board Agenda**  
**SOUTH DAKOTA BOARD OF TECHNICAL PROFESSIONS**

Thursday, November 15, 2018  
Board Office, Clock Tower Plaza  
2525 W. Main St., Suite 211, Rapid City, SD

- A. Call to order at 8:30 A.M. Mountain Time for regularly scheduled meeting
- B. Roll Call
- C. Review of September 21, 2018 Minutes
- D. Public Comments
- E. Review of vouchers paid since last meeting
- F. Activities report ending October, Review of Deposits, Quarterly Financials
- G. Investigation reports
  - Case 18-05 AR – Consent Agreement to Approve
  - Case 18-07 PE – Consent Agreement to approve
  - Case 19-01 Firm – Ethics
- H. Unfinished Business
  - Action Items
- I. New Business
- J. PDH Audits
- K. Approval of Examinees passing NCEES Examinations (Appendix A)
- L. Approval to take the NCEES Examinations as available (Appendix B)
- M. Approval of applicants by examination (Appendix C)
- N. Approval of Comity applications (Appendix D)
- O. Approval of Business applications (Appendix E)
- P. Review previous comity, business applications (Appendix F)
- Q. Annual, zone, & upcoming meetings
  - Travel Matrix
- R. Correspondence
- S. Adjournment

**Meeting Minutes**  
**SOUTH DAKOTA BOARD OF TECHNICAL PROFESSIONS**

Friday, September 21, 2018  
Board Office, Clock Tower Plaza  
2525 W. Main St., Suite 211, Rapid City, SD

- A. Call to order at 8:30 A.M. Mountain Time for regularly scheduled meeting
- B. Roll Call

**Members present:** Chairman Mike Albertson, Vice Chairman Jeff Nelson, Secretary Steve Thingelstad, Dennis Micko, Steve Peters and Steve Williams.

**Members absent:** Alissa Matt was unable to attend.

**Others present:** Guests John Riker, Brian Jenner, and Chris Brandriet; staff members Kathryn Patterson and Susan Neuf; Staff Attorney Graham Oey attended by phone.

- C. Review of July 20, 2018 Minutes

Williams made a motion to approve the July 20, 2018 Minutes. Thingelstad seconded the motion. **MOTION PASSED**

- D. Public Comments: None
- E. Review of vouchers paid since last meeting

Reviewed and found to be in good order.

- F. Activities report ending August, Review of Deposits

Reviewed and found to be in good order.

- G. Investigation reports
  - Case 18-05 AR – multiple issues – Consent Agreement Sent
  - Case 18-06 A+E Firm – additional information received – based on information received, this case will not be reopened.
  - Case 18-07 PE – Ethics – Investigative committee chosen
  - Case 19-01 Firm – Ethics – Investigative committee chosen

The regular meeting of the board was suspended at 10:00 am MT for a public hearing to adopt rule changes. See Minutes of hearing posted for action taken.

The regular meeting of the board was reconvened at 10:05 am MT.

- H. Unfinished Business
  - Action Items

Item 1: Research hiring of half time investigators – one east river & one west river – Position to be retitled & reposted

Item 2: 20:38:38 Fire Protection Systems – Independent committee formed to study this issue.

Item 3: Should SE exam qualify as first license without any other PE exam.

Williams made a motion to not accept ST I by itself as a PE exam; applicants must pass both ST I and ST II exams to be considered as having passed a PE exam and to qualify for licensure. Albertson seconded the Motion. **MOTION PASSED**

Micko made a motion to delegate approval authority for business applications and comity applications for Professional Engineers that meet all South Dakota licensure standards, to Kathryn Patterson, Executive Director of the South Dakota Board of Technical Professions. Thingelstad seconded the motion. **MOTION PASSED**

- I. New Business
- CLARB – License Summit Recap – Concise and well put together document.
  - NCARB – ARE 4.0 Retirement – Reminders
  - NCEES Service Award Winners – Request for nominations
  - CLARB Communique
  - NCARB Legislative Update
  - NCEES Annual Meeting Summary of Actions
  - CLARB In the Know
  - NCARB Update
  - NCEES ICOR Statement
  - CLARB Statement
  - NCARB Live: How to become an architect –Webinar
  - NCEES new CEO
  - NCARB Fast Facts

The board briefly discussed each of the above topics.

J. PDH Audits

New Audits: Juergen Brunkhorst, LS; Brett Justin Donat, AR; Dain Karl Erickson, LS; Gary Charles Fisher, PE; Philip Raydon Hahn, PE; Gregory S. Hulne, AR; Thomas Elred Latham, PE; David Christian Locke, LA; David James Mollenkopf, AR; Brian Muzingo Ewalt, PE; Thomas E. Riley, PE; Scott Entricken Townsend, PE; and Kristopher Dale Wroolie, LS.

Motion by Nelson, seconded by Williams to approve the audits of Brett Justin Donat, AR; Gregory S. Hulne, AR; and David James Mollenkopf, AR. **MOTION PASSED**

Motion by Nelson, seconded by Williams to approve the audit of David Christian Locke, LA. **MOTION PASSED**

Motion by Peters, seconded by Thingelstad to approve the audits of Juergen Brunkhorst, LS; Dain Karl Erickson, LS; and Kristopher Dale Wroolie, LS. **MOTION PASSED**

Motion by Micko, seconded by Albertson to approve the audits of Thomas Elred Latham, PE; Brian Muzingo Ewalt, PE; Thomas E. Riley, PE; and Scott Entricken Townsend, PE. **MOTION PASSED**

Motion by Micko, seconded by Albertson to deny the audit of Gary Charles Fisher, PE, pending receipt of additional information. **MOTION PASSED**

Motion by Albertson, seconded by Micko to deny the audit of Philip Raydon Hahn, PE, pending receipt of additional information. **MOTION PASSED**

Previous Audits: Mark A. Blazevic, PE; Marc Thomas Mullooney, PE; Bradley J. Peschong, R; Jeffrey J. Serafin, LS; and C. Gregg Thielman, PE.

Motion by Micko, seconded by Albertson to approve the audits of Mark A. Blazevic, PE; Marc Thomas Mullooney, PE; and C. Gregg Thielman, PE. **MOTION PASSED**

Motion by Peters, seconded by Thingelstad to approve the audit of Jeffrey J. Serafin, LS. **MOTION PASSED**

Motion by Micko, seconded by Thingelstad to approve the audit of Bradley J. Peschong, R. **MOTION PASSED**

K. Approval of Examinees passing NCEES Examinations (Appendix A)

Motion by Albertson, seconded by Micko for approval of the examinees passing the Fundamentals of Engineering (FE) Exam. **MOTION PASSED**

Name	Certificate #	Exam
Seitzer, Matthew Peter	E-12566	FE
Meier, Jakob	E-12567	FE
Gebhart, Cole F.	E-12568	FE
Pedersen, Jason	E-12569	FE
Nehl, Eric	E-12570	FE
Ojoawo, Mojolaoluwa Olalekan	E-12571	FE
Bierwirth, Victoria Ashlea	E-12572	FE
Vaz, Lyle Reynold Frank	E-12573	FE
Rogers, Andrea	E-12574	FE
Keshavan, Sameer	E-12576	FE
Horner, Josiah	E-12577	FE
Larson, Skylar J.	E-12578	FE
Valenti, Joshua Allan	E-12579	FE

Motion by Peters, seconded by Thingelstad for approval of the examinees passing the Fundamentals of Surveying (FS) Exam. **MOTION PASSED**

Name	Certificate #	Exam
Pond, James A.	S-12575	FS
Walters, Trenton	S-12580	FS

- L. Approval to take the NCEES Examinations as available (Appendix B)

Motion by Micko, seconded by Albertson for approval of the examinees to take the Fundamentals of Engineering (FE) Exam. **MOTION PASSED**

Name	Exam
Al Inizi, Ali	FE
Abouelhassan, Ahmed	FE
Alharbi, Abdulrahman	FE
Anderson, Emily Marie	FE
Berg, Abigail Rae	FE
Bokemper, Brent	FE
Borden, Cassandra Leigh	FE
Brogdon, Sophie	FE
Buenger, Matthew James	FE
Chapman, Zac	FE
Chmela, Lucas Daniel	FE
Cleveland, Tyler Jacob	FE
Dando, Adam Joseph	FE
Dennis, Shane David	FE
Dexter, Paige Taylor	FE
Dobler, Koby Lane	FE
Dragoo, Sky	FE
Eggleston-Davis, Meagan Marie	FE
Evans, Clayton Hollister	FE
Fredrick, Isaac L.	FE
Frosig, Austin	FE

Name	Exam
Kern, Gunnar Schurmann	FE
Klein, Colin	FE
Koch, Brad Alan	FE
Koch, William Harvey	FE
Kramer, Andrea Leigh	FE
Magnuson, Reece	FE
Manchenahalli, Sindhu	FE
McAllister, Chance Dell	FE
Meintsma, Allison Mary	FE
Minnaert, Olivia Catherine	FE
Mueller, Jenna	FE
Nelson, Grant J.	FE
Nelson, Joshua James	FE
Patterson, Joshua Robert	FE
Robinson, Jacob Earl	FE
Schluckebier, Jacob A.	FE
Schoening, Sara Ann	FE
Shipman, Tanner Reid	FE
Silveira, Gavin Joao Filipe	FE
Sitter, Daniel William	FE
Skogen, Westley	FE

Name	Exam
Gerarden, Robert Joseph	FE
Grifo, David Thomas	FE
Hanson, Nicholas Scott	FE
Harris, Colby Mitchell	FE
Hilmoe, Ezekial Eldon	FE
Hoffman, Matthew Lee	FE
Holzer, Austin	FE
Huckins, Graham William	FE
Hyde, Jamie Elizabeth	FE
Jones, Gabriel Allen	FE

Name	Exam
Staib, William Chandler	FE
Tourtillott, Danielle Marie	FE
Twedt, Jordan	FE
Urban, Rebecca Lynn	FE
Van Keulen, Justin Daniel	FE
Volner, Rebekah	FE
Wales, Jennifer Elyse	FE
Willett, Cody Adam	FE
Zehms, Connie Jean	FE
Zolnowsky, Nicholas John	FE

Motion by Albertson, seconded by Micko for approval of the examinees to take the Principles of Engineering (PE) Exam. **MOTION PASSED**

Name	City	State
Johnson, Shannon Leo	Sioux Falls	SD
Morford, Teri Jean	Pierre	SD

M. Approval of applicants by examination (Appendix C)

Motion by Nelson, seconded by Williams for approval of the Architect (AR) by exam application. **MOTION PASSED**

Name	Profession	#
Altman, Jeremy Bancroft	AR	13988

Motion by Micko, seconded by Albertson for approval of the Petroleum Release Remediator (R) by exam application. **MOTION PASSED**

Name	Profession	#
DeLange, Keith Henry	R	13989

N. Approval of Comity applications (Appendix D)

Motion by Nelson, seconded by Williams for approval of the Architect (AR) by Comity Applications. **MOTION PASSED**

Name	Profession	License #
Bittner, Nicholas	AR	13971

Name	Profession	License #
Cohen, Andrew	AR	13972
Delmez, Brett	AR	13973
Fisher, Douglas Todd	AR	13982
Frederick, Freddy C.	AR	13984
Goring, Christopher John	AR	13974
Hazzard, Russell Holden	AR	13975
Muir, Darryl	AR	13983
Polachek, Daniel James	AR	13976
Rodriguez Perez, Carlos	AR	13977
Rodriguez, Miguel A.	AR	13978
Ulman, Chad	AR	13980

Motion by Williams, seconded by Nelson for approval of the Landscape Architect (LA) by Comity Application. **MOTION PASSED**

Name	Profession	License #
Rentsch, Matthew Jonathan	LA	13979

Motion by Peters, seconded by Thingelstad for approval of the Land Surveyor (LS) by Comity Applications. **MOTION PASSED**

Name	Profession	License #
Estrada, Andres E.	LS	13990
Michaud, Christopher	LS	13991
Nettleman, III, Charles	LS	13992

Motion by Peters, seconded by Thingelstad for denial of the Land Surveyor (LS) by Comity Application based on lack of qualifying experience. **MOTION PASSED**

Name	Profession
Barnett, James Keith	LS

Motion by Micko, seconded by Albertson for approval of the Professional Engineer (PE) by Comity Applications. **MOTION PASSED**

Name	Profession	#
Andreani, Joel L.	PE	13993
Arnold, Luke Matthew	PE	13994
Aro, Jordan Alexander	PE	13995
Bales, Marianella	PE	13996
Barker, Michael Tyler	PE	13997
Barksdale III, John Wesley	PE	13998
Boydston, Alan Wayne	PE	13999
Bruner, Ronald Scott	PE	14000
Cappello, Matthew	PE	14001
Cochran, Scott Michael	PE	14002
Coon, Ryan Paul	PE	14003
Cooper, John	PE	14004

Name	Profession	#
Destefano, Ronald	PE	14005
Ehlert, Richard	PE	14006
Eldridge, Jon	PE	14007
Ellington, Jerry L	PE	14008
Ernst, Steven Patrick	PE	14009
Finnesand, Scott Steven	PE	14010
Froemming, Scott Robert	PE	14011
Gallet, Phillip	PE	14012
Gerber, Steven David	PE	14013
Haley, John Allen	PE	14014
Hamilton, Scott W.	PE	14015
Harte, Chris	PE	14016
Hasselbrook, David S.	PE	14017
Hinshaw, Gregory John	PE	14018
Hirsh, Aaron John	PE	14019
Hollingsworth, Todd Ian	PE	14020
Hutchens, Eric James	PE	14021
Jensen, Robert E.	PE	14022
Kehrt, Chad Patrick	PE	14023
Kocher, Jodi E	PE	14024
Langer, Dennis Roger	PE	14025
Leeper, Michael Benjamin	PE	14026
Lindsey, Hoke Smith	PE	14027
Lisi, Robert Damien	PE	14028
Mackey, Kevin Douglas	PE	14029
Mahn, Jason William	PE	14030
McCarthy, Steven S.	PE	14031
Miller, Joe	PE	14032
Olsen, Bradley Jay	PE	14033
Paoli, David G	PE	14034
Parish, Ted W.	PE	14035
Payne, Thomas Wayne	PE	14036
Rogers, Mark Douglas	PE	14037
Rouse, Nathan	PE	14038
Schmidt, Lisa M.	PE	14039
Schmidt, Matthew Joseph	PE	14040
Steiner, Casey	PE	14041
Tran, Tony	PE	14042
Tsala, Max Harley	PE	14043
Vondal, Steven S.	PE	14044
Weyer, Luke Anthony	PE	14045
Wilson, Taylor	PE	14046



Motion by Micko, seconded by Albertson for denial of the Professional Engineer (PE) by Comity Application based on not holding a NCEES Credential Evaluation that fulfills requirement. **MOTION PASSED**

Name	Profession
Harrison, Thomas	PE

O. Approval of Business applications (Appendix E)

Motion by Nelson, seconded by Williams for approval of the following Business Applications. **MOTION PASSED**

Company Name	Profession	License #
BDTAID, Inc.	AR	C-7841
Engineering Associates	PE	C-7844
Fisher Group Architects	AR	C-7848
Frederick&Associates-Architects, Inc	AR	C-7850
Hanson Design Associates, LLC	LA	C-7842
Hoffman Planning Design & Construction, Inc.	AR	C-7845
One Architecture, PLC	AR	C-6753
Resolute Engineering	PE	C-7843
Wendy's of Colorado Springs	AR	C-7849
WestShore Design Engineers	PE	C-7847

Motion by Peters, seconded by Thingelstad for approval of the following Business Applications. **MOTION PASSED**

Company Name	Profession	#
Brooks Borg Skiles Architecture Engineering LLP	PE	C-693
CDG Engineers, Inc.	PE	C-7856
DFW Consulting Group, Inc	PE	C-7857
Engineered Conveyor Systems LLC	PE	C-7858
EPS Engineering & Design, Inc.	PE	C-7859
Firetower Engineered Timber	PE	C-7860
GZA GeoEnvironmental, Inc.	PE	C-7861
Home & Leisure, Inc.	PE	C-7862
IVI North Inc.	PE	C-7863
MBA Engineers, Inc	PE	C-7864
Michael Leeper Engineering	PE	C-7865
Nettleman Land Consultants, INC	LS	C-7866
Olsen Performance Team, LLC	PE	C-7867
Portis Structural Design, LLC	PE	C-7868

Company Name	Profession	#
Quetica, LLC	PE	C-7869
Shiloh Structural LLC	PE	C-7870
Shiner Acoustics LLC	PE	C-7871
SRK Consulting (U.S.), Inc.	PE	C-7872
The Equity Engineering Group, Inc.	PE	C-7873
Trinity Consultants, Inc.	PE	C-7874
WARE Industries Inc.	PE	C-7875

P. Review previous comity, business applications (Appendix F)

Motion by Micko, seconded by Albertson for approval of the Professional Engineer (PE) by Comity Application on second review. **MOTION PASSED**

Name	Profession	#
Melquist, Jeremy	PE	14047

Q. Annual, zone, & upcoming meetings  
Travel Matrix

October 12-13, 2018 NCARB MBC-MBE Meeting – St. Louis, MO – Nelson and Patterson attending.

November 30 – December 1, 2018 NCARB Experience Committee Meeting – Atlanta, GA – Patterson attending

R. Correspondence

Lincoln Co. Bldg. Inspector Position Open

Board visitors for October Exams – NCEES requests information to pass to proctors of exam

NCARB is hiring

The board briefly discussed each of the above topics.

S. Adjournment

Williams made a motion to adjourn the meeting. Thingelstad seconded the motion.

**MOTION PASSED**

There being no further business, at the hour of 10:20 a.m. the Board meeting of the South Dakota Board of Technical Professions adjourned.

*Kathryn Patterson*

Kathryn Patterson  
Executive Director

Submitted by Susan Neuf, Secretary, SDBTP

	ASSESSOR						AR			AR/LA			LA			LS			PE			PE/AR		
DATE	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT
1/31	5	4	9	122	776	898	1	0	1	19	44	63	114	295	409	944	3388	4332	1	2	3			
2/28	5	4	9	122	777	899	1	0	1	19	44	63	116	294	410	945	3390	4335	1	2	3			
3/31	4	4	8	121	779	900	1	0	1	20	44	64	116	293	409	947	3403	4350	1	2	3			
4/30	3	4	7	121	779	900	1	0	1	20	44	64	116	294	410	946	3397	4343	1	2	3			
5/31	3	4	7	125	780	905	1	0	1	21	45	66	117	294	411	964	3439	4403	1	2	3			
6/30	3	4	7	124	781	905	1	0	1	20	46	66	115	294	409	962	3440	4402	1	2	3			
7/31	5	5	10	128	799	927	1	0	1	20	48	68	115	295	410	967	3477	4444	1	2	3			
8/31	5	4	9	127	812	939	1	0	1	20	51	71	115	295	410	967	3472	4439	1	2	3			
9/30	5	4	9	127	817	944	1	0	1	21	52	73	115	297	412	963	3509	4472	1	2	3			
10/31	5	4	9	127	812	939	1	0	1	21	52	73	115	296	411	966	3537	4503	1	2	3			
11/30		0			0			0			0			0			0				0			
12/31		0			0			0			0			0			0				0			

[illegible]

	JAN	FEB	MAR	APR	MAY	JUNE
Business	2329	2330	2336	2337	2343	2350
Active	5846	5849	5864	5857	5926	5923
Inactive	260	262	262	264	264	260
Retired	184	187	186	187	187	188
<b>TOTAL</b>	<b>8619</b>	<b>8628</b>	<b>8648</b>	<b>8645</b>	<b>8720</b>	<b>8721</b>

	JULY	AUG	SEPT	OCT	NOV	DEC
Business	2370	2383	2414	2419		
Active	5994	6003	6045	6069		
Inactive	260	256	259	259		
Retired	186	185	187	188		
<b>TOTAL</b>	<b>8810</b>	<b>8827</b>	<b>8905</b>	<b>8935</b>	<b>0</b>	<b>0</b>

FINANCIAL COMPARISON FOR 1ST QUARTER  
FY2019  
JULY 2018 - SEPT 2018

	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
BEGIN BALANCE	473,684.59	521,181.71	794,794.65	695,629.16	616,975.64	632,153.60
EXAMS						
RENEWALS	46,500.00	45,100.00	46,990.00	46,460.00	48,420.00	41,570.00
APPLICATIONS	14,550.00	16,740.00	12,600.00	12,400.00	15,960.00	12,530.00
MISCELLANEOUS	45.00	30.00	50.00	4,530.00	65.00	1,005.00
LATE PENALTY	2,100.00	2,600.00	3,900.00	2,700.00	3,000.00	2,000.00
INTEREST	7,698.80	10,304.33	9,760.37	7,984.30	6,109.53	8,019.40
QUARTERLY REVENUE	70,893.80	74,774.33	73,300.37	74,074.30	73,554.53	65,124.40
TOTAL REVENUE	544,578.39	595,956.04	868,095.02	769,703.46	690,530.17	697,278.00
WAGES/STAFF	29,416.69	31,303.92	31,107.33	16,274.90	25,423.25	23,946.00
WAGES/COMM	2,400.00	2,460.00	2,760.00	2,400.00	3,720.00	3,960.00
BENEFITS	11,042.32	12,159.84	12,091.25	6,371.53	10,125.39	8,940.86
TRAVEL/COMM	2,369.18	2,019.86	1,042.37	4,033.35	3,200.05	4,929.95
DUES	-	1,200.00	1,200.00	1,200.00	7,700.00	7,700.00
LEGAL FEES	-	-	9,738.03	278.50	28,826.35	3,313.57
INVESTIGATOR	-	-		-	-	4,002.50
REGISTRATION	450.00	-		300.00	450.00	1,800.00
COMPUTER (BIT & BPRO)	1,302.75	1,285.75	2,028.50	2,195.40	8,738.80	1,186.80
STATE SVCS	1,702.00	1,557.42	1,708.79	1,790.97	2,014.29	2,069.82
EQUIP SV/MAIN	143.34	257.06	275.51	336.71	518.51	46.99
JANITORIAL	431.52	511.00	464.04	385.00	360.50	360.50
NEWSPAPER ADS	53.05	-			-	
RENT - EQUIPMENT	388.98	-	827.82	276.33	732.66	456.33
RENT/OFFICE	6,450.00	6,450.00	6,450.00	6,450.00	6,450.00	4,062.51
TELEPHONE	1,553.98	1,318.45	6,224.08	342.12	267.31	472.58
POSTAGE		-	5,000.00		-	
SUPPLIES	556.58	744.66	721.12	195.81	935.39	132.27
BANK CHGS-Other Contractual	2,150.19	1,796.80	1,798.07	1,611.52	8,078.58	1,283.10
PRINTING		-			-	
INSURANCE		-			-	
AUDITS		-			-	
MISC (Refund of Prev Yr Rev)		-		-	40.00	493.00
CREDIT CARD PURCHASE		-	31.93		-	
ASSETS (Office Furn. & Fixtures)		-		-	4,524.65	
Grants to Other St. Agen	28,000.00					
TELEPHONE EQUIP.		-			-	
DOL OPERATIONS	2,630.64	7,799.09	1,753.64	1,138.92	1,545.80	1,560.39
(Operating transfers out that do not reduce budget)						
TOT EXPENSES	91,041.22	70,863.85	85,222.48	45,581.06	113,651.53	70,717.17
END BALANCE	453,537.17	525,092.19	782,872.54	724,122.40	577,154.97	626,560.83

# ACTION ITEMS

	Initial Date	Action	Decision	Responsible Person(s)	Status
1	10/30/2018	Research hiring of compliance officer	Position 1 FTE	Board/Legal Counsel/Staff	Position offered to candidates / declined / re-posted
2	05/18/2018	20:38:38 Fire Protection Systems	Modify Administrative Rules to Update verbiage	Committee formed by Albertson and Williams	On-going for possible change - Fire Protection added after January meeting

as of 11/05/18

**Patterson, Kathryn**

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**From:** NCARB <customerservice@ncarb.org>  
**Sent:** Monday, September 24, 2018 2:02 PM  
**To:** Patterson, Kathryn  
**Subject:** [EXT] Final Reminder: ARE Division Fees Increase October 1

## ARE update

Dear Kathryn,

Are you prepared for the October 1, 2018, changes to the Architect Registration Examination® (ARE®)? Here's everything you need to know.

### Fee Increase

The cost of each ARE 5.0 division will increase \$25 on October 1, 2018, going from \$210 to \$235. If you plan to test within the next 12 months, **purchase seat credits now to save \$25 per division.**

For convenience, you can now purchase seat credits for multiple divisions at the same time—but remember, unused seat credits expire one year after purchase.

### New AIA Contract Documents & Building Codes

Also starting on October 1, ARE 5.0 will reference the newest version of the AIA Contract Documents and the 2015 International Building Code—which you can access for free online.

The ARE will continue to address the standard agreements previously identified. Candidates should expect to see additional questions related to the following contracts:

- A133-2009, Owner-Construction Manager as Constructor Agreement
- A195-2008, Owner-Contractor Agreement for Integrated Project Delivery
- A295-2008, General Conditions of the Contract for Integrated Project Delivery
- B195-2008, Owner-Architect Agreement for Integrated Project Delivery

Updated ARE Resources

We've updated the [ARE 5.0 Guidelines](#) and the [ARE 5.0 Handbook](#) to reference the October 1 changes to the exam. Be sure you're using the latest version as you prepare to test, and take a look at our [other ARE 5.0 resources](#) or stop by the [ARE 5.0 Community](#) for additional help.

**National Council of  
Architectural Registration Boards**  
1801 K Street NW Suite 700K  
Washington, DC, 20006



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# NCARB

## National Council of Architectural Registration Boards

David L. Hoffman, FAIA, NCARB,  
Hon. FCARM  
*President/Chair of the Board*

Terry L. Allers, NCARB, AIA  
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### MEMORANDUM

TO: NCARB Member Boards

FROM: David L. Hoffman, FAIA, NCARB, Hon. FCARM  
President/Chair of the Board of Directors

DATE: September 26, 2018

RE: Reinstatement of the Board of Professional Licensing of the  
Commonwealth of the Northern Mariana Islands

I am delighted to share with you the news that NCARB has reinstated the Commonwealth of the Northern Mariana Islands as its 55<sup>th</sup> Member Board. The Commonwealth's Board of Professional Licensing—which regulates the practice of architecture, engineering, land surveying, and landscape architecture—is rejoining NCARB after being a member from 1984-2006. NCARB's services for licensure candidates are now available to residents and NCARB Certificate holders can apply for reciprocal licensure in the Commonwealth of the Northern Mariana Islands.

The Northern Mariana Islands Board will join as a member of Region 6, which is comprised of Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

The Chair and the Executive of the Board of Professional Licensing from the Commonwealth have been invited to our upcoming Member Board Chair/Member Board Executives Leadership Summit in October and an invitation has been extended to their board for our two annual events – the Regional Summit and the Annual Business Meeting. Please welcome our newest Member Board to the NCARB community and invite them to participate in your discussions at the regional and national level.

Again, please join me in extending a warm welcome to the Board of Professional Licensing of the Commonwealth of the Northern Mariana Islands. Welcome to NCARB!

Cc: Terry Allers, NCARB, AIA  
First Vice-President/President-Elect

Michael J. Armstrong  
Chief Executive Officer

Joshua Batkin  
Director of Council Relations



*Celebrating 100 years of protecting the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects.*

**MEDIA CONTACT**

Samantha Miller

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[smiller@ncarb.org](mailto:smiller@ncarb.org)**September 2018***For Release: Immediately*

## Northern Mariana Islands Joins NCARB Membership

**Washington, DC**—In September, the Northern Mariana Islands became the 55th member of the National Council of Architectural Registration Boards (NCARB), just as the nonprofit is gearing up to celebrate its centennial year. The commonwealth's Board of Professional Licensing—which regulates the practice of architecture, engineering, land surveying, and landscape architecture—is returning to NCARB after previously being a member from 1984-2006.

NCARB's services for licensure candidates are now available to island residents, and NCARB-certified architects can apply for a reciprocal license in the commonwealth.

Through collaboration with licensing boards across the United States, NCARB shapes the future of architectural regulation. During the organization's annual meetings and forums, Member Boards such as the Northern Mariana Islands vote on national standards, provide input on programs for licensure and reciprocity, and elect regional and national officers.

"We are delighted to welcome the Northern Mariana Islands back into NCARB's community during our Centennial Celebration," said NCARB President David L. Hoffman, FAIA, NCARB, Hon. FCARM. "One hundred years after our founding, it's encouraging and motivating that our Member Boards recognize how NCARB's programs and services support their efforts and continue to benefit the public."

The Northern Mariana Islands Board is now also a member of NCARB's Region 6, which is comprised of Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

"With access to NCARB's programs and services, the Northern Mariana Islands Board of Professional Licensing can more effectively carry out our duty to protect the health, safety, and welfare of our residents," said Board Executive Director Esther S. Fleming.

To learn more about earning a license to practice architecture in the U.S. visit [www.ncarb.org/get-licensed](http://www.ncarb.org/get-licensed).



**Patterson, Kathryn**

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**From:** Jerry Carter <jcarter@ncees.org>  
**Sent:** Wednesday, September 26, 2018 6:14 AM  
**Subject:** [EXT] FTC Document  
**Attachments:** license\_portability\_policy\_paper.pdf

All:

Last year I was asked to participate on a conference call with the chair of a study commission being conducted by the Federal Trade Commission (FTC) regarding occupational licensure laws and regulations. In addition to the chair, there were multiple attorneys on the phone from various areas of the country. We had a pleasant discussion about the NCEES process for regulating engineers and surveyors and I noted that a main emphasis of the Council had been the development of model governance documents which have been around since the inception of the organization. This study group has just released a paper based on its study of increasing the portability of occupational license and on pages 13-14, the NCEES *Model Laws* and *Model Rules* are cited as an example that other occupational groups may wish to use.

Please review the report as it provides a sense of the thoughts of the FTC and their ongoing pursuit or eliminating regulations where possible.

If there are questions, please let me know.

Jerry



# FTC Releases Report on Licensure Portability

Blog Post created by **Maurice Brown** on Sep 25, 2018

Like • 0 Comment • 0

The Federal Trade Commission recently released a report exploring means of reducing the burden on licensed workers moving to across state lines. The report, *Options to Enhance Occupational License Portability*<sup>1</sup>, was completed as part of the FTC's Economic Liberty Task Force<sup>2</sup>. The findings from the report build on a round table held by the Task Force last year that examined the effects of state-based occupational licensure requirements on mobility (see the <sup>3</sup>August 2017 edition of Fast Facts for details). The FTC looked at interstate compacts and model laws that states can use to improve the portability of occupational licenses. Model laws promote uniformity in several aspects of practice, including scope of practice, disciplinary standards, and portability. The report cites examples of model laws used by NCARB, the American Institute of Certified Public Accountants<sup>4</sup> (AICPA), the National Association of Boards of Pharmacy<sup>5</sup> (NABP), and the National Council of Engineers for Engineering and Surveying<sup>6</sup> (NCEES). Furthermore, the FTC recognizes the NCARB Certificate as a "vehicle for multi-state practice" and "a factor for expedited licensing."

Through this report, the FTC makes recommendations to licensees, professional organizations, and organizations of licensing boards to improve license portability- model laws; interstate compacts; mutual recognition models, expedited licensure; etc. NCARB employs several of these methods and is continuing to work towards streamlining licensure requirements, while ensuring the public's protection.

We encourage you to read the entire report posted below. Feel free to reach out to us at [council-relations@ncarb.org](mailto:council-relations@ncarb.org) with any questions.

## ATTACHMENTS



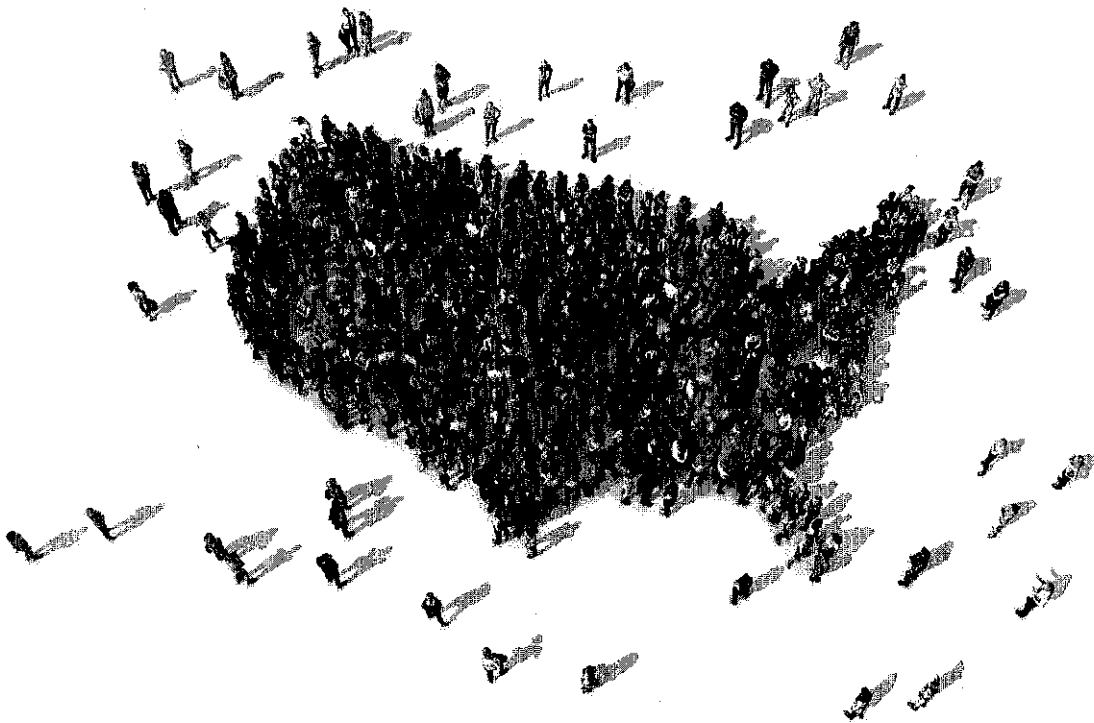
**Options to Enhance Occupational License Portability.pdf**

1.2 MB Preview

**Visibility:** Member Board Community • 81 Views

**Policy Perspectives**

# **Options to Enhance Occupational License Portability**



**Federal Trade Commission**  
September 2018

# FEDERAL TRADE COMMISSION

September 2018

Joseph J. Simons	Chairman
Maureen K. Ohlhausen	Commissioner
Noah Joshua Phillips	Commissioner
Rohit Chopra	Commissioner
Rebecca Kelly Slaughter	Commissioner

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This policy paper represents the views of the FTC staff, and does not necessarily represent the views of the Commission or any individual Commissioner.

The Commission has voted to authorize the staff to issue this policy paper.

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Policy Perspectives

# Options to Enhance Occupational License Portability

Bilal Sayyed, Director, Office of Policy Planning

Tara Isa Koslov, Former Acting Director, Office of Policy Planning  
Chief of Staff, Office of the Chairman

Author

Karen A. Goldman, Office of Policy Planning

This Policy Perspective was developed under the auspices of the FTC's Economic Liberty Task Force, convened by former Acting Chairman Maureen K. Ohlhausen.<sup>1</sup>

Inquiries concerning this Policy Perspective should be directed to Karen A. Goldman, Office of Policy Planning, at (202) 326-2574 or [kgoldman@ftc.gov](mailto:kgoldman@ftc.gov).

This Policy Perspective is available online at  
[www.ftc.gov/policy/reports/policy-reports/commission-and-staff-reports](http://www.ftc.gov/policy/reports/policy-reports/commission-and-staff-reports)  
The online version of this report contains live hyperlinks.

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<sup>1</sup> See *infra* p. iv.

## **About the Economic Liberty Task Force**

The Economic Liberty Task Force<sup>2</sup> addresses regulatory hurdles to job growth, entrepreneurship, innovation, and competition, with a particular focus on the proliferation of occupational licensing. The Task Force was convened in March 2017 by former Acting Chairman Maureen K. Ohlhausen as her first major policy initiative for the agency. The Task Force builds on the FTC's long history of urging policymakers to reduce or eliminate unnecessary occupational licensing requirements.

Nearly 30 percent of American jobs require a license today, up from less than five percent in the 1950s. For some professions, occupational licensing is necessary to protect the public against legitimate health and safety concerns. But in many situations, the expansion of occupational licensing threatens economic liberty. Unnecessary or overbroad restrictions erect significant barriers and impose costs that harm American workers, employers, consumers, and our economy as a whole, with no measurable benefits to consumers or society. Based on recent studies, the burdens of excessive occupational licensing—especially for entry- and mid-level jobs—may fall disproportionately on our nation's most economically disadvantaged citizens.

To aid in the FTC's analysis of these issues and develop policies for addressing them, the Task Force has hosted a series of public events on issues related to occupational licensing. It has also collaborated with state elected leaders and other officials who share the goal of occupational licensing reform. The FTC's Economic Liberty Task Force looks forward to continuing this work and bringing greater attention to these important issues. Occupational licensing reform is good for competition, workers, consumers, and the American economy.

### **Economic Liberty Task Force Members**

Maureen K. Ohlhausen, Former Acting Chairman; Commissioner

William F. Adkinson, Jr.	Daniel J. Gilman	Patricia Schultheiss*
Katherine Ambrogio	Karen A. Goldman	Haidee Schwartz
Gustav P. Chiarello	Tara Isa Koslov	Kelly Signs
Neil Chilson*	James F. Mongoven	Michael Vita
Timothy A. Deyak*	Derek Moore	Melissa Westman-Cherry
James Frost	Christine Noonan Sturm	John P. Wiegand
Svetlana Gans*	David R. Schmidt	

\*No longer with the FTC.

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<sup>2</sup> See Fed. Trade Comm'n, *Economic Liberty: Opening Doors to Opportunity*, <https://www.ftc.gov/policy/advocacy/economic-liberty>.



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## EXECUTIVE SUMMARY

Occupational licensing, which is almost always state-based, inherently restricts entry into a profession and limits the number of workers available to provide certain services. It may also foreclose employment opportunities for otherwise qualified workers. This reduction in the labor supply can restrain competition, potentially resulting in higher prices, reduced quality, and less convenience for consumers.

For some professions, licensing can nevertheless serve a beneficial role in protecting the health and safety of the public. However, even when state licensure serves a useful role, some aspects of licensure may create significant and unintended negative effects. In our increasingly mobile and interconnected society, state-by-state occupational licensing can pose significant hurdles for individuals who are licensed in one state, but want to market their services across state lines or move to another state. The need to obtain a license in more than one state can reduce interstate mobility and practice, and may even lead licensees to abandon an occupation when moving to another state. These effects fall disproportionately on licensees who are required to move frequently, such as military spouses. The challenges of multistate licensure are also particularly acute for professionals who are more likely to provide services across state lines, such as telehealth or accounting services. The deleterious effects of state-by-state licensing are not borne only by those who wish to provide services in a new state. This thicket of individual state licensing regulations can reduce access to critical services or increase their prices to ordinary consumers.

Recognizing the costs to both consumers and licensees of overly burdensome multistate licensing requirements, the FTC's Economic Liberty Task Force held a Roundtable, *Streamlining Licensing Across State Lines: Initiatives to Enhance Occupational License Portability*, to examine ways to mitigate the negative effects of state-based occupational licensing requirements.<sup>3</sup> This *Policy Perspective* builds on the key points that emerged from the Roundtable regarding the development of effective license portability initiatives.

The earliest initiatives to improve license portability were model laws, some of which have been adopted by almost all U.S. jurisdictions. More recently, a number of occupations, primarily in the health professions, have developed interstate compacts authorized by the compact clause of the U.S. Constitution. Unlike model laws, which need not be identical, interstate compacts, as contracts between the states, must be adopted verbatim; thus, they offer great uniformity and

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<sup>3</sup> See Fed. Trade Comm'n, *Streamlining Licensing Across State Lines, Initiatives to Enhance Occupational License Portability* (July 27, 2017), <https://www.ftc.gov/news-events/events-calendar/2017/07/streamlining-licensing-across-state-lines-initiatives-enhance>. All of the materials from the Roundtable, including a video of the proceedings, are available on this webpage. A transcript is also available. Fed. Trade Comm'n, *Roundtable Transcript, Streamlining Licensing Across State Lines, Initiatives to Enhance Occupational License Portability* (July 27, 2017), [https://www.ftc.gov/system/files/documents/public\\_events/1224893/ftc\\_economic\\_liberty\\_roundtable\\_license\\_portability\\_transcript.pdf](https://www.ftc.gov/system/files/documents/public_events/1224893/ftc_economic_liberty_roundtable_license_portability_transcript.pdf) [hereinafter Roundtable Tr.].

stability, but limited flexibility. In addition to model laws or interstate compacts for individual occupations, the U.S. Department of Defense's State Liaison Office has proposed a number of initiatives to encourage state adoption of measures to improve portability for military spouses in multiple licensed occupations. Regardless of the legal structure of a portability initiative, strong support from within the profession is likely to be critical to nationwide adoption.

Adoption and effectiveness of a licensure portability initiative also depend on how it achieves portability. Model laws and interstate compacts generally rely on either a "mutual recognition" model, in which a multistate license issued by one state affords a privilege to practice in other member states, or a procedure for expedited licensure in each member state. Mutual recognition of a single state license poses a lower barrier to cross-state practice than expedited licensure, and thus could be more effective in enhancing cross-state competition and improving access to services. On the other hand, expedited licensure could ease relocation to another state. A successful portability initiative could be crafted to achieve both goals.

Whether a portability initiative is based on mutual recognition or expedited licensure, supporters can build confidence in an initiative by incorporating coordinated information systems and procedures to ensure that licensees are held accountable for complying with state law wherever they provide services. Harmonizing state licensing standards also builds confidence in the qualifications of those who provide services in a state pursuant to the initiative. By selecting the least restrictive licensing standards that can gain the support of states nationwide, developers of portability initiatives can limit unnecessary restrictions on labor supply and reduce barriers to competition that arise from state licensing.

For occupations that generally require state licensing as a public protection measure, FTC staff encourages stakeholders – such as licensees, professional organizations, organizations of state licensing boards, and state legislatures – to take steps to improve license portability. Each type of portability initiative has advantages and disadvantages, and all take time and effort to develop and implement. However, a thoughtful consideration of the needs of a profession and the consumers it serves is likely to lead to a solution that can gain the support of licensees, licensing boards, the public, and state legislatures. Moreover, by enhancing the ability of licensees to provide services in multiple states, and to become licensed quickly upon relocation, license portability initiatives can benefit consumers by increasing competition, choice, and access to services, especially with respect to licensed professions where qualified providers are in short supply.

## I. Introduction

Because states require licensing for more occupations, the percentage of U.S. jobs that require licensure has increased from less than five percent in the 1950s to between 25 and 30 percent today.<sup>4</sup> This marked shift has made occupational licensing a major component of labor regulation, and has profound implications for competition in the provision of services to consumers.<sup>5</sup> Thus, the Federal Trade Commission has had a long-standing interest in the competitive effects of occupational licensing.<sup>6</sup>

Although for some professions licensing can serve a beneficial role in protecting the health and safety of the public,<sup>7</sup> it generally limits the number of workers who can provide certain services. This reduction in the labor supply erects entry barriers in labor markets, which can restrain competition, potentially resulting in higher prices and reduced access to services.<sup>8</sup> Moreover, while licensing may increase the wages of licensees at the expense of higher prices paid by consumers, studies show that it does not improve quality.<sup>9</sup>

<sup>4</sup> See, e.g., Morris M. Kleiner & Evgeny Vorotnikov, *Analyzing occupational licensing among the states*, 52 J. REG. ECON. 132 (2017); MORRIS M. KLEINER, THE HAMILTON PROJECT, REFORMING OCCUPATIONAL LICENSING POLICIES 5 (2015), [http://www.hamiltonproject.org/assets/legacy/files/downloads\\_and\\_links/reforming\\_occupational\\_licensing\\_morris\\_kleiner\\_final.pdf](http://www.hamiltonproject.org/assets/legacy/files/downloads_and_links/reforming_occupational_licensing_morris_kleiner_final.pdf).

<sup>5</sup> See, e.g., Maury Gittleman et al., *Analyzing the Labor Market Outcomes of Occupational Licensing*, 57 INDUS. RELATIONS 57 (2018) (“occupational licensing has become an increasingly important factor in the regulation of services in the United States”).

<sup>6</sup> See *infra* notes 20-22 and accompanying text.

<sup>7</sup> Such considerations may be especially important in the health professions, where the risk of harm from an unqualified provider may be considerable and consumers may have difficulty determining whether a provider is qualified. See, e.g., FTC STAFF, POLICY PERSPECTIVES: COMPETITION AND THE REGULATION OF ADVANCED PRACTICE NURSES (“APRNs”) 12-13 (2014), <https://www.ftc.gov/system/files/documents/reports/policy-perspectives-competition-regulation-advanced-practice-nurses/140307aprnpolycypaper.pdf> (describing information asymmetries between professionals and consumers and other reasons supporting the importance of licensure in health care).

<sup>8</sup> See, e.g., Kleiner & Vorotnikov, *supra* note 4, at 134, 155 (2017) (the restriction in the supply of labor created by occupational licensing has long been known to increase the price of services paid by consumers, which are transferred to licensed workers in the form of higher wages); Morris M. Kleiner et al., *Relaxing Occupational Licensing Requirements: Analyzing Wages and Prices for a Medical Service*, 59 J.L. ECON 261 (2016) (explaining that “occupational licensing may function as a barrier to entry that drives up wages in the licensed profession and increases the price of products and services that are produced by licensed workers”); Gittleman et al, *supra* note 5, at 57 (those with a license earn higher pay and are more likely to be employed).

<sup>9</sup> See, e.g., KLEINER, *supra* note 4, at 12-13, 15 (a review of studies finds that occupational licensing has little effect on the quality of products or services, but it may function “as if the government were granting a monopoly in the market for the service, with the long-term impacts being lower-quality services, too few providers, and higher prices”); Sean Nicholson & Carol Propper, *Medical Workforce*, in HANDBOOK OF HEALTH ECONOMICS, Vol. 2, ch. 14, 885 (2012) (empirical studies of the effects of licensing in medical labor markets “conclude that licensing is associated with restricted labor supply, an increased wage of the licensed occupation, rents, increased output prices, and no measurable effect on output quality.”).

It is particularly hard to justify licensing-related barriers to entry when a practitioner qualified and licensed by one state wishes to provide identical services in another state. Because licensing rules are almost always state-based,<sup>10</sup> it can be difficult for a qualified person licensed by one state to become licensed in another state. For some occupations, state licensing standards vary considerably, so applicants licensed in one state may need additional education or training to qualify to practice in another state.<sup>11</sup> Even when a profession's underlying standards are national and state licensing requirements are similar throughout the United States, the process of obtaining a license in another state is often slow, burdensome, and costly.<sup>12</sup> Indeed, a recent study shows that occupational licensure requirements may substantially limit the interstate mobility of licensed workers, especially for occupations with state-specific licensing requirements.<sup>13</sup>

State-based licensing requirements are particularly burdensome for licensees who provide services in more than one state, and thus need multistate licensing. They are also especially hard on military families, because trailing spouses often follow service members who are required to move across state lines, and therefore must bear the financial and administrative burdens of applying for a license in each new state of residence. The need to obtain a license in another state can sometimes even lead licensees to exit their occupations when they must move to another state.<sup>14</sup>

<sup>10</sup> See, e.g., *Dent v. West Virginia*, 129 U.S. 114 (1889) (upholding the right of the state of West Virginia to license physicians); Health Resources & Services Admin., U.S. Dep't of Health & Human Services ("DHHS"), SPECIAL REPORT TO THE SENATE APPROP. COMM., TELEHEALTH LICENSURE REPORT, Requested by Senate Rep't 111-66 (2010) ("For over 100 years, health care in the United States has primarily been regulated by the states. Such regulation includes the establishment of licensure requirements and enforcement standards of practice for health providers, including physicians, nurses, pharmacists, mental health practitioners, etc."); NAT'L CONFERENCE OF STATE LEGISLATURES, THE STATE OF OCCUPATIONAL LICENSING: RESEARCH, STATE POLICIES AND TRENDS 2 (2017), <http://www.ncsl.org/research/labor-and-employment/report-the-state-of-occupational-licensing.aspx> ("An occupational license is a credential that government—most often states—requires a worker to hold in certain occupations.").

<sup>11</sup> See, e.g., Roundtable Tr. at 14-15 (Rogers) (although experienced teachers can get a certificate in a new state with little difficulty, inexperienced teachers "have to start literally all over with assessments and course requirements, and it's a very, very frustrating experience"); *id.* at 26 (Rogers) (for teacher certification, "there are so many variations with the states").

<sup>12</sup> See, e.g., DHHS, *supra* note 10, at 9 ("The basic standards for medical and nursing licensure have become largely uniform in all states. Physicians and nurses must graduate from nationally approved educational programs and pass a national medical and nursing licensure examination."); American Medical Association, Medical Licensure ("The process of obtaining a medical license can be challenging and time consuming. . . . Physicians seeking initial licensure or applying for a medical license in another state should anticipate delays due to the investigation of credentials and past practice as well as the need to comply with licensing standards."), <http://www.ama-assn.org/ama/pub/education-careers/becoming-physician/medical-licensure.page>.

<sup>13</sup> See Janna E. Johnson & Morris M. Kleiner, *Is Occupational Licensing a Barrier to Interstate Migration*, Working Paper 24107, NAT'L BUREAU ECONOMIC RES. (Dec. 2017).

<sup>14</sup> See U.S. Dep't of the Treasury & U.S. Dep't of Defense, Supporting our Military Families: Best Practices for Streamlining Occupational Licensing Across State Lines 6-11 (2012), [http://archive.defense.gov/home/pdf/Occupational\\_Licensing\\_and\\_Military\\_Spouses\\_Report\\_vFINAL.PDF](http://archive.defense.gov/home/pdf/Occupational_Licensing_and_Military_Spouses_Report_vFINAL.PDF).

Multistate licensing requirements can also limit consumers' access to services. For example, licensure requirements can prevent qualified service providers from addressing time-sensitive emergency situations across a nearby state line or block qualified health care providers from providing telehealth services to consumers in rural and underserved locations.<sup>15</sup>

Recognizing the costs to both consumers and licensees of multistate licensing requirements, the FTC's Economic Liberty Task Force held a Roundtable, *Streamlining Licensing Across State Lines: Initiatives to Enhance Occupational License Portability*, to examine ways to mitigate the effects of state-based occupational licensing requirements that make it difficult for those licensed by one state to obtain a license in another state and compete across state lines.<sup>16</sup>

To assist state licensure boards, professional organizations, state legislatures, and others seeking to improve licensure portability, this *Policy Perspective* builds on the key points that emerged from the Roundtable regarding the development of effective license portability initiatives that can help reduce barriers to entry, enhance competition, and promote economic opportunity. After explaining the interest and experience of the FTC in occupational license portability, the *Policy Perspective* considers: (1) how the importance of license portability to an occupation and consumers affects development and adoption of a portability initiative; (2) the use of interstate compacts and model laws to improve licensure portability; (3) portability procedures—a comparison of mutual recognition of a single state license with expedited licensure in multiple states; (4) the need for harmonization of licensing requirements; (5) disciplinary action across state lines; and (6) license portability for military families.

The *Policy Perspective* also analyzes options in light of their potential competitive effects. FTC staff encourages the use of options that will enhance portability while imposing the fewest restrictions on competition and labor supply, because such restrictions can lead to higher prices, lower quality, and reduced access for consumers, as well as fewer job options for service providers.

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<sup>15</sup> See, e.g., *Occupational Licensing: Regulation and Competition: Hearing Before the Subcomm. on Regulatory Reform, Commercial and Antitrust Law of the H. Comm. on the Judiciary*, 115<sup>th</sup> Cong. 1, 8-9 (2017) (statement of Maureen K. Ohlhausen, Acting Chairman, Federal Trade Commission), [https://www.ftc.gov/system/files/documents/public\\_statements/1253073/house\\_testimony\\_licensing\\_and\\_rbi\\_act\\_sept\\_2017\\_vote.pdf](https://www.ftc.gov/system/files/documents/public_statements/1253073/house_testimony_licensing_and_rbi_act_sept_2017_vote.pdf); KLEINER, *supra* note 4, at 15 ("To the extent that licensing slows both the influx of new workers and greater competition, consumers are not able to take advantage of services at the lowest cost."); Dep't of the Treasury Office of Economic Policy, Council of Economic Advisers, Dep't of Labor, *Occupational Licensing: A Framework for Policymakers* 12-16 (2015), [https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing\\_report\\_final\\_nonembargo.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf).

<sup>16</sup> See *supra* note 3.

## II. Interest and Experience of the Federal Trade Commission

Competition is at the core of America's economy,<sup>17</sup> and vigorous competition among sellers in an open marketplace gives consumers the benefits of lower prices, higher quality products and services, and increased innovation. To this end, the FTC is charged under the FTC Act with preventing unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce.<sup>18</sup> In addition, Section 6 of the FTC Act generally authorizes the FTC to investigate and report on market developments "in the public interest" and make recommendations based on those investigations.<sup>19</sup> This authority supports the FTC's research, education, and competition advocacy efforts.

The Commission and its staff have focused on occupational regulations that may unreasonably impede competition for more than thirty years. FTC staff have conducted economic and policy studies on occupational licensing<sup>20</sup> and focused inquiries into laws and regulations relating to licensing for various occupations.<sup>21</sup> Building on this work, in 2017 the FTC formed the Economic Liberty Task Force ("ELTF"), which has examined a broad range of licensing issues, including occupational license portability.<sup>22</sup> This *Policy Perspective* arises from the ELTF efforts, especially the 2017 Roundtable, *Streamlining Licensing Across State Lines: Initiatives to Enhance Occupational License Portability*.<sup>23</sup>

<sup>17</sup> *Standard Oil Co. v. FTC*, 340 U.S. 231, 248 (1951) ("The heart of our national economic policy long has been faith in the value of competition.").

<sup>18</sup> Federal Trade Commission Act, 15 U.S.C. § 45.

<sup>19</sup> 15 U.S.C. § 46.

<sup>20</sup> See, e.g., CAROLYN COX & SUSAN FOSTER, BUREAU OF ECON., FED. TRADE COMM'N, THE COSTS AND BENEFITS OF OCCUPATIONAL REGULATION (1990), [http://www.ramblemuse.com/articles/cox\\_foster.pdf](http://www.ramblemuse.com/articles/cox_foster.pdf).

<sup>21</sup> See FTC Staff Comment to the Hon. Laura Ebke, Nebraska State Senator 2 (Jan. 17, 2018), [https://www.ftc.gov/system/files/documents/advocacy\\_documents/federal-trade-commission-staff-comment-nebraska-state-senate-regarding-nebraska-lb299-occupational/v180004\\_ftc\\_staff\\_comment\\_to\\_nebraska\\_state\\_senate\\_re\\_lb\\_299\\_jan-18.pdf](https://www.ftc.gov/system/files/documents/advocacy_documents/federal-trade-commission-staff-comment-nebraska-state-senate-regarding-nebraska-lb299-occupational/v180004_ftc_staff_comment_to_nebraska_state_senate_re_lb_299_jan-18.pdf) (referring to FTC advocacy comments on nurses, eye doctors and vendors of optical goods, lawyers and other providers of legal services, dental hygienists, and real estate brokers).

<sup>22</sup> See, e.g., *Occupational Licensing: Regulation and Competition: Hearing Before the Subcomm. on Regulatory Reform, Commercial and Antitrust Law of the H. Comm. on the Judiciary*, 115<sup>th</sup> Cong. 1, 3, 6-7 (2017) (statement of Maureen K. Ohlhausen, Acting Chairman, Federal Trade Commission), [https://www.ftc.gov/system/files/documents/public\\_statements/1253073/house\\_testimony\\_licensing\\_and\\_rbi\\_act\\_sept\\_2017\\_vote.pdf](https://www.ftc.gov/system/files/documents/public_statements/1253073/house_testimony_licensing_and_rbi_act_sept_2017_vote.pdf).

<sup>23</sup> See *supra* note 16 and accompanying text.

### III. Importance of License Portability to an Occupation and Consumers

Professional organizations and associations of state licensing boards often spearhead license portability initiatives. If those stakeholders believe interstate mobility is important to the profession, the development and implementation of a successful license portability initiative is more likely to succeed.<sup>24</sup> Without such agreement, a portability initiative may stall.<sup>25</sup>

Agreement on the need for interstate mobility is often driven by changes in technology that allow licensees to provide services to remote customers, and the growth of licensees and firms with a nationwide presence.<sup>26</sup> For occupations that depend on interstate mobility, license portability not only benefits licensees who wish to practice across state lines, but also consumers who seek better access to services or expect licensees to provide services nationwide. In such occupations, the need for interstate mobility likely outweighs local concerns, such as minor variations in the qualifications of licensees from different states.

Developing a license portability initiative and obtaining nationwide adoption takes time. Initiatives with broad support often arise from a profession's long-term efforts to streamline licensing.<sup>27</sup> For example, the founding policy and governance documents of several organizations of licensing boards have recognized the need for interstate mobility for decades or even a century.<sup>28</sup> Perhaps because the need for interstate mobility is integral to these professions,

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<sup>24</sup> See, e.g., National Council of Architectural Registration Boards ("NCARB"), Comment to the FTC (2017), at 2, [https://www.ftc.gov/system/files/documents/public\\_comments/2017/07/00024-141093.pdf](https://www.ftc.gov/system/files/documents/public_comments/2017/07/00024-141093.pdf) [hereinafter NCARB Comment] (NCARB facilitates license transfer because "[e]ase of mobility is an essential business requirement for an architect and is of paramount importance to the profession."). State programs that ease licensing of many occupations when a military spouse is required to move to a new state have enjoyed widespread support, and have been adopted by states. See Roundtable Tr. at 23 (Beauregard) (DoD found "that states were very accommodating" in finding ways to ease licensure of military spouses).

<sup>25</sup> See, e.g., Roundtable Tr. at 16 (K. Thomas) (explaining that states were not adopting the original Nurse Licensure Compact because of a lack of agreement on licensing standards and other matters).

<sup>26</sup> See, e.g., Roundtable Tr. at 9 (Masters) (the drivers for licensure portability include advances in technology such as cell phones and computers that facilitate practicing across state lines); Roundtable Tr. at 18 (Webb) (agreement on the need for licensure mobility in the Uniform Accountancy Act arose from "technology [that] was allowing the profession to provide services across state lines from one spot to clients in many states. And the idea that the licensure model that kind of depended heavily on presence in a state might not work so well in the future.").

<sup>27</sup> See, e.g., Roundtable Tr. at 17 (Webb) (the mobility effort for certified public accountants ("CPAs"), which began in 1997, was a joint effort of the American Institute of Certified Public Accounts and the National Association of State Boards of Accountancy); *id.* at 19 (Webb) ("we've worked hard for the last 20 years to get this done").

<sup>28</sup> See, e.g., Doug McGuirt, *The Professional Engineering Century*, PE MAG. 24, 27 (June 2007) (The National Council of Examiners for Engineering and Surveying ("NCEES") "worked throughout the 1920s to coordinate reciprocal relations among the state licensing boards" and began issuing reciprocal licenses in 1925. NCEES developed a model law establishing uniform licensing guidelines and recordkeeping procedures to improve license portability, and 29 jurisdictions had adopted the model law by 1932). See also *infra* notes 67-69, 77-79 and accompanying text.



their license portability provisions already have been implemented nationwide.<sup>29</sup> Moreover, their policies appear to be able to evolve to address changes in practice and technology, to reduce state-based differences in licensing and disciplinary standards, and to reach a consensus on how to streamline procedures. The effectiveness of portability in these professions suggests both that a number of viable models for increased portability exist, and that additional professions can likely benefit from the approaches taken by the professions with greater portability experience.

## IV. Legal Structures: Interstate Compacts and Model Laws

Most license portability initiatives for individual occupations have been based on one of two types of legal structures: interstate compacts and model laws. While the legal structure does not dictate whether an initiative improves portability by mutual recognition of a single state license by all member states, or expedited licensure in multiple states,<sup>30</sup> it has important effects on the extent to which states can modify the proposed portability initiative both at adoption and in the future.

### A. Interstate Compacts

Interstate compacts, which are authorized by the U.S. Constitution, art. I, § 10, cl. 3,<sup>31</sup> are formal, binding contracts between two or more states that are neither purely state nor purely federal in nature. States acting in their sovereign capacity enter into these contracts by enacting proposed compact legislation.<sup>32</sup> States must adopt such proposed legislation verbatim, and all compact states must agree to any modifications. Because compacts cannot be unilaterally amended, they “can provide member states with a predictable, stable, and enforceable mechanism for policy control and implementation.”<sup>33</sup> Because of these characteristics, compacts historically have been used to address matters requiring a long-term, stable solution such as boundary disputes, water rights, and regional transportation systems spanning multiple states.<sup>34</sup> There are more than two

<sup>29</sup> See *infra* notes 66, 69, 72 and accompanying text.

<sup>30</sup> See *infra* note 97 and accompanying text.

<sup>31</sup> “No state shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State, or with a foreign Power[.]” U.S. Constitution, art. I, § 10, cl. 3. See Roundtable Tr. at 9 (Masters) (“And while that clause seems to say that all compacts require the consent of Congress, the Supreme Court has made it clear that that’s only the case where the compact infringes on some enumerated power that is reserved to the federal government under the US Constitution.”). None of the existing occupational licensure compacts have required the consent of Congress.

<sup>32</sup> See MICHAEL L. BUENGER ET AL., *THE EVOLVING LAW AND USE OF INTERSTATE COMPACTS* xxi, 1, § 2.1.2 (2d ed. 2016).

<sup>33</sup> *Id.* at 26.

<sup>34</sup> See *id.* at §§ 1.2.3, 1.3.1.

hundred interstate compacts, but only a few, relatively recent ones address occupational licensing.<sup>35</sup>

Occupational licensure compacts typically provide procedures that improve license portability among compact jurisdictions, such as mutual recognition or expedited licensure; address licensing standards and procedures; and enhance sharing of applicants' and licensees' records and disciplinary histories among compact states. However, compacts generally do not alter the scope of practice provisions of state practice acts.<sup>36</sup>

Federal grants to state professional licensing boards specifically encouraged the development and implementation of licensure compacts in the health professions, many of which have relied on the expertise of the National Center for Interstate Compacts of the Council of State Governments to develop a compact.<sup>37</sup>

Presently, there are licensure compacts for seven occupations, six of which are health professions. Three of the compacts are in operation, carrying out the licensure portability functions specified in the compact legislation. Two compacts are in effect, but are not operational because the administrative structure necessary for implementation is under development. The other two compacts have not been adopted by enough states to go into effect.<sup>38</sup>

- **Nurse Licensure Compact ("NLC").**<sup>39</sup> The NLC, which was the first interstate licensure compact, was initially implemented in 1999 and was substantially revised in 2015.<sup>40</sup> It was "designed to reduce barriers, to make it easier for nursing to meet the

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<sup>35</sup> See *id.* at § 9.10; Roundtable Tr. at 9 (Masters); National Center for Interstate Compacts ("NCIC"), Fact Sheet on Interstate Compacts, <http://www.csg.org/knowledgecenter/docs/ncic/FactSheet.pdf>; NCIC Compacts Database, <http://apps.csg.org/ncic/Default.aspx>.

<sup>36</sup> See Roundtable Tr. at 10 (Masters) ("The interstate compacts regulating health professions do not impact state practice acts, and are only geared toward the procedure by which professionals can gain occupational licensure across state lines.").

<sup>37</sup> See 42 U.S.C. § 254c-18; Office for the Advancement of Telehealth, U.S. Dep't Health & Human Services, Funding Opportunity Announcement HRSA-16-014 (2016); Recognition of EMS Personnel Licensure Interstate CompAct ("REPLICA"), <https://www.nremt.org/rwd/public/document/replica> (describing funding for REPLICA from the Dep't of Homeland Security, Office of Health Affairs, and subject matter expertise from the NCIC, Council of State Governments).

<sup>38</sup> See, e.g., BUENGER ET AL., *supra* note 32, at §§ 4.6, 7.3.3.7.1 (most interstate compacts specify the number of states that must adopt the compact legislation for the compact to go into effect, while some provide a date certain or are silent on the matter). Once effective, implementation of an occupational licensure compact may require formation of a compact commission, adoption of rules, and development of administrative structures as specified by the legislation. Implementation allows the compact to become operational with respect to the functions set forth in the legislation. See, e.g., *infra* notes 42, 46, 48, 50 and accompanying text.

<sup>39</sup> See NURSE LICENSURE COMPACT (May 4, 2015), [https://www.ncsbn.org/NLC\\_Final\\_050415.pdf](https://www.ncsbn.org/NLC_Final_050415.pdf).

<sup>40</sup> See Health Resources & Services Admin., *supra* note 10, at Attachment 1 (NLC first implemented by Maryland on July 1, 1999); BUENGER ET AL., *supra* note 32, at 261, § 9.10.1 (describing revision of the original Nurse Licensure Compact in 2015 after it had been adopted by 25 states); Sandra Evans, *The Nurse Licensure Compact: A Historical Perspective*, 6 J. NURS. REG. 11 (2015).

needs of the health care delivery system and the needs of patients.”<sup>41</sup> The revised NLC, sometimes referred to as the Enhanced Nurse Licensure Compact (“eNLC”), has been adopted by 30 states. It superseded the original NLC and became operational on January 19, 2018.<sup>42</sup>

- **Interstate Compact on Licensure of Participants in Live Racing with Pari-Mutuel Wagering** (the “National Racing Compact”).<sup>43</sup> Fifteen states are members of the National Racing Compact, which is operational and went into effect in 2000.<sup>44</sup>
- **Interstate Medical Licensure Compact (“IMLC”).**<sup>45</sup> Twenty-four states and one territory have entered into the IMLC, which began expediting licensing of physicians in 2017.<sup>46</sup>
- **The Physical Therapy Licensure Compact (“PTLC”).**<sup>47</sup> The PTLC, which has been enacted by 21 states, went into effect in April 2017 after adoption by the tenth state, and is expected to go into operation shortly.<sup>48</sup>
- **Recognition of Emergency Medical Services Licensure Interstate Compact (“REPLICA”).**<sup>49</sup> REPLICA, which has been adopted by 14 states, became effective in May 2017 after adoption by the tenth state.<sup>50</sup>

<sup>41</sup> Roundtable Tr. at 33 (K. Thomas).

<sup>42</sup> See National Council of State Boards of Nursing, Licensure Compacts, <https://www.ncsbn.org/compacts.htm> (accessed Aug. 3, 2018); The Interstate Commission of Nurse Licensure Compact Administrators (“ICNLCA”), Final Rules § 301 (Dec. 12, 2017), <https://www.ncsbn.org/eNLCFinalRulesadopted121217.pdf> (“The Compact shall be implemented on January 19, 2018.”). Because of the substantial revision of the original NLC, the eNLC set forth in detail the how states would make the transition to the new compact and when the new compact became effective. States that were members of the prior compact were deemed to have withdrawn from it six months after the effective date of the eNLC. See NLC, art. X. sec. a; BUENGER ET AL., *supra* note 32, at 261.

<sup>43</sup> INTERSTATE COMPACT ON LICENSURE OF PARTICIPANTS IN LIVE RACING WITH PARI-MUTUEL WAGERING, <http://www.racinglicense.com/modellegislation.html>.

<sup>44</sup> See National Racing Compact, Participating Jurisdictions (in addition to the 15 members, nine other jurisdictions participate but have not passed legislation to become members of the compact), <http://www.racinglicense.com/accepted.html>; National Racing Compact, About the National Racing Compact: History, <http://www.racinglicense.com/history.html>.

<sup>45</sup> INTERSTATE MEDICAL LICENSURE COMPACT (Oct. 27, 2015), <https://imlcc.org/wp-content/uploads/2018/04/IMLC-Compact-Law.pdf>.

<sup>46</sup> See IMLC, <http://www.imlcc.org/> (accessed Aug. 3, 2018); IMLC, FAQs, <https://imlcc.org/faqs/> (accessed Aug. 3, 2018).

<sup>47</sup> PHYSICAL THERAPY LICENSURE COMPACT (Oct. 2015), [http://www.fsbpt.org/Portals/0/documents/free-resources/LicensureCompactLanguage\\_20170105.pdf](http://www.fsbpt.org/Portals/0/documents/free-resources/LicensureCompactLanguage_20170105.pdf).

<sup>48</sup> See Physical Therapy Licensure Compact, <http://www.fsbpt.org/FreeResources/PhysicalTherapyLicensurecompact.aspx> (accessed June 23, 2018); [http://www.fsbpt.org/Portals/0/documents/free-resources/PTLC\\_Milestones\\_Updated20160706.pdf](http://www.fsbpt.org/Portals/0/documents/free-resources/PTLC_Milestones_Updated20160706.pdf) (PTLC will become operational after bylaws and rules are finalized).

<sup>49</sup> RECOGNITION OF EMERGENCY MEDICAL SERVICES LICENSURE INTERSTATE COMPACT (Sept. 2014), <https://content.nremt.org/static/documents/replica/EMS-Personnel-Licensure-Interstate-Compact-model.pdf>.

- **Psychology Interjurisdictional Compact (“PSYPACT”).**<sup>51</sup> PSYPACT has not yet been adopted by enough states to go into effect.<sup>52</sup>
- **Advanced Practice Registered Nurse Compact (“APRN Compact”).**<sup>53</sup> The APRN Compact is not yet in effect.<sup>54</sup>

## B. Model Laws and Model Rules

Model laws were among the earliest initiatives to improve license portability. Some have been adopted by almost all states and other U.S. jurisdictions.<sup>55</sup> They serve many of the same purposes as interstate compacts. As explained by the Uniform Law Commission (“ULC”), one of the purposes of a model law is to promote uniformity, and “[a]n act may be designated as ‘model’ if the act’s principal purposes can be substantially achieved even if the act is not adopted in its entirety by every state.”<sup>56</sup> The model laws that address occupational license portability have been developed by professional associations and associations of licensing boards, not the ULC.<sup>57</sup> Although the ULC has not undertaken any projects on occupational licensure portability, a uniform act could be a good vehicle for such an initiative, because uniform acts have the backing of the ULC and are generally more widely adopted than ULC model laws that do not receive such support.<sup>58</sup>

Unlike standalone interstate licensure compacts, occupational license portability provisions in model laws are often only a small part of a model state practice act that covers all aspects of practice, including scope of practice and disciplinary standards.<sup>59</sup> Addition of portability

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<sup>50</sup> See Recognition of EMS Personnel Licensure Interstate CompAct, <https://www.nremt.org/rwd/public/document/replica> (accessed Aug. 3, 2018) (“The compact administration is now working to implement the law.”).

<sup>51</sup> PSYCHOLOGY INTERJURISDICTIONAL COMPACT (Jan. 2016), [https://cdn.ymaws.com/www.asppb.net/resource/resmgr/psypact\\_docs/Psychology\\_Interjurisdiction.pdf](https://cdn.ymaws.com/www.asppb.net/resource/resmgr/psypact_docs/Psychology_Interjurisdiction.pdf).

<sup>52</sup> See Psychology Interjurisdictional Compact, <http://www.asppb.net/page/PSYPACT>.

<sup>53</sup> ADVANCED PRACTICE REGISTERED NURSE COMPACT (May 4, 2015), [https://www.ncsbn.org/APRN\\_Compact\\_Final\\_050415.pdf](https://www.ncsbn.org/APRN_Compact_Final_050415.pdf).

<sup>54</sup> See APRN Compact, <https://www.ncsbn.org/aprn-compact.htm>; Roundtable Tr. at 17 (K. Thomas).

<sup>55</sup> See *infra* notes 64, 69, 72 and accompanying text.

<sup>56</sup> See Uniform Law Commission, *Statement of Policy Establishing Criteria and Procedures for Designation and Consideration of Uniform and Model Acts* § 2(e), <http://www.uniformlaws.org/Narrative.aspx?title=Criteria%20for%20New%20Projects>.

<sup>57</sup> Model laws providing for occupational licensure are not in the database of the ULC, which is limited to uniform and model laws drafted by the ULC. See <http://www.uniformlaws.org/Acts.aspx>. There appears to be no centralized database or list of model laws affecting occupational licensing.

<sup>58</sup> See Bruce H. Kobayashi & Larry E. Ribstein, *The Non-Uniformity of Uniform Laws*, 35 J. CORP. L. 327, 330 (2009) (“fewer states adopt [ULC] proposals that [ULC] does not push for uniform adoption (which [ULC] designates as “model” acts) than proposals that [ULC] urges for uniform adoption”). In addition to developing its own projects, the ULC also considers proposals from outside organizations. See ULC, *New Project Proposals*, [http://www.uniformlaws.org/Narrative.aspx?title=New Project Proposals](http://www.uniformlaws.org/Narrative.aspx?title=New%20Project%20Proposals).

<sup>59</sup> See *infra* notes 63, 70, 76, 81 and accompanying text.

provisions to a practice act may encourage adoption by state legislatures, and also promote adoption of uniform licensing requirements.<sup>60</sup> In some cases, license portability provisions are included in model rules, rather than model laws, encouraging adoption by state licensing boards without legislative action.<sup>61</sup>

The number of model laws that incorporate license portability provisions cannot be readily determined because there is no centralized database of model laws with portability provisions.<sup>62</sup> In connection with the Roundtable, FTC considered a diverse set of these initiatives. These efforts vary in both the rationale behind their adoption and the procedures they use to achieve greater portability.

In 1998, to eliminate “artificial barriers to the interstate practice and mobility of certified public accountants” arising from differing state requirements for licensing, the American Institute of Certified Public Accountants (“AICPA”) and the National Association of State Boards of Accountancy (“NASBA”) added provisions to enhance interstate mobility to the Uniform Accountancy Act (“UAA”).<sup>63</sup> These provisions, which are based on the substantial equivalency of state licensing standards for individuals, have been adopted by 55 jurisdictions, including 50 states, the District of Columbia, and four U.S. territories.<sup>64</sup> The high level of adoption reflects technological advances that have allowed accountants to provide services across state lines electronically, as well as sustained support from the AICPA and NASBA.<sup>65</sup> In 2014, building on the popularity of the individual mobility initiative, the two organizations added provisions for firm license mobility to the UAA; these have been adopted by 21 states.<sup>66</sup>

For older license portability initiatives, a model law or rule may be secondary to streamlining procedures arising from a professional organization’s governance documents, policies, or programs. For example, the National Association of Boards of Pharmacy (“NABP”) was founded

<sup>60</sup> See AICPA – NASBA, UNIFORM ACCOUNTANCY ACT I-1-2 (2018) [hereinafter UAA] (describing how a 1916 model bill to regulate the practice of public accountancy became the 1984 predecessor to the UAA, to which mobility provisions were added in 1997). See also Roundtable Tr. at 17-18 (Webb) (“the UAA was the vehicle for moving this mobility effort”); *id.* at 28 (Webb) (“[W]e already had a model or a uniform act that was being promoted. And the idea, one of the goals is to promote uniformity. The availability of the practice privilege if your state adopts the uniform standards for licensure is a way to move the whole process.”). See also *infra* notes 70-81 and accompanying text.

<sup>61</sup> See *infra* notes 74-76 and accompanying text. Alternatively, model rules may provide details on portability that were not set forth in the model law’s portability provision. See NASBA, UNIFORM ACCOUNTANCY ACT MODEL RULES, art. 6, Rule 9; art. 23 (2018) (Interstate practice, Substantial Equivalency).

<sup>62</sup> See *supra* note 57.

<sup>63</sup> UAA, *supra* note 60, at I-2. While “Uniform” is in its title, the UAA is not a uniform act drafted by the ULC.

<sup>64</sup> See *id.*; *id.* at I-8, ¶ 3; *id.* at sec. 23; Roundtable Tr. at 19 (Webb) (see also presentation materials).

<sup>65</sup> See *supra* notes 26 and 27.

<sup>66</sup> See Roundtable Tr. at 19 (Webb) (firm mobility provisions have been adopted by 21 jurisdictions; see also presentation materials); AICPA, *CPA Firm Mobility* (June 19, 2018) <https://www.aicpa.org/advocacy/state/cpafirmmobility.html> (addition of firm mobility provisions in 2014).

in 1904 “around building a license transfer process for pharmacist licensure.”<sup>67</sup> Indeed, Article II of the *NABP Constitution* states that the “purpose of the Association is to provide for the interstate transfer in pharmacist licensure[.]”<sup>68</sup> Since the *NABP Constitution and Bylaws* require members to participate in the NABP Electronic Licensure Transfer Program, all jurisdictions have implemented NABP’s portability program.<sup>69</sup> The license transfer provisions are also set forth in the *Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy*.<sup>70</sup>

Similarly, in the 1920s, the National Council of Examiners for Engineering and Surveying (“NCEES”) began programs to facilitate reciprocal recognition of the licenses of engineers and surveyors in member states.<sup>71</sup> These efforts, and a centralized recordkeeping service established in 1932,<sup>72</sup> led to NCEES’ current “Model Law” programs for expedited licensure by comity of professionals who meet certain requirements.<sup>73</sup> The expedited comity provisions for “Model Law Engineers,” “Model Law Surveyors,” and “Model Law Structural Engineers” are set forth in

<sup>67</sup> National Association of Boards of Pharmacy (“NABP”), Comment to the FTC (2017), at 1-2, [https://www.ftc.gov/system/files/documents/public\\_comments/2017/07/00016-141084.pdf](https://www.ftc.gov/system/files/documents/public_comments/2017/07/00016-141084.pdf) [hereinafter NABP Comment].

<sup>68</sup> NABP, Constitution and Bylaws (2017), <https://nabp.pharmacy/wp-content/uploads/2016/06/Constitution-Bylaws-2017.pdf> (Constitution, art. II).

<sup>69</sup> See NABP Comment, *supra* note 67, at 2 (“As required by the *NABP Constitution and Bylaws*, all NABP members participate in e-LTP and the NABP Clearinghouse.”); NABP Bylaws, art. II (“Active member boards shall utilize the NABP Clearinghouse to process requests for the transfer of examination scores and licenses . . .”). While all states participate in the Electronic Licensure Transfer Program, some have additional requirements such as a jurisprudence examination or maintenance of the license of original examination as a basis for transfer). See NABP, Licensure Transfer, <https://nabp.pharmacy/programs/licensure-transfer/>.

<sup>70</sup> See NABP, Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy (2017), <https://nabp.pharmacy/wp-content/uploads/2017/11/NABP-Model-Act-2017.docx> (Model Act sec. 303, Qualifications for Licensure Transfer); NABP Comment, *supra* note 67, at 2.

<sup>71</sup> See McGuirt, *supra* note 28, at 24, 27 (during the 1920s NCEES worked to coordinate reciprocal relations among state licensing boards, leading to the use of “reciprocal cards” accepted by all member states in 1925).

<sup>72</sup> See *id.* at 29; Craig N. Musselman et al., *Licensure Issues of Strategic Importance to the Civil Engineering Profession – and ASCE*, PROC. AM. SOC. ENGINEERING EDUC. ANN. CONF. 8 (2016), <https://www.asee.org/public/conferences/64/papers/14392/download> (“The Council Record Program provides a very significant benefit to engineers who practice in multiple jurisdictions in that, if the individual is deemed a “Model Law Engineer,” expedited comity is provided in most, not all, jurisdictions.”).

<sup>73</sup> See NCEES, Model Law designation, <http://ncees.org/records/model-law-designation/>.

NCEES' Model Rules<sup>74</sup> and Manual of Policy and Position Statements;<sup>75</sup> it is anticipated that these provisions will be added to NCEES' Model Law in 2020.<sup>76</sup>

In the field of architecture, reciprocal licensing goes back to the 1919 charter of the National Council of Architectural Registration Boards ("NCARB").<sup>77</sup> Under the charter, a core part of NCARB's mission is "to foster consistent rules and regulations that facilitate interstate practice."<sup>78</sup> The NCARB Certificate, a credential for architects who meet certain education, examination, and experience requirements, was first offered in 1937 and is now the primary vehicle for multistate practice.<sup>79</sup> The certificate alone is sufficient to allow reciprocal licensing in about half the states, while most other Boards consider it as a factor for expedited licensing.<sup>80</sup> Requirements for certification are set forth in NCARB's model law and model regulations for the practice of architecture, which also encourage adoption of consistent licensing requirements and provide for acceptance of the NCARB Certificate by member states.<sup>81</sup>

### C. Modifying Interstate Compacts and Model Laws

An important difference between model laws and interstate licensure compacts is that the former need not be identical, while the latter, as contracts between the states, must be adopted verbatim.<sup>82</sup> While the core features of model laws are typically the same, they can accommodate

<sup>74</sup> NCEES, Model Rules §§ 210.20(B), 230.60(F) (2015), <https://ncees.org/wp-content/uploads/ModelRules-2017.pdf>.

<sup>75</sup> NCEES, Manual of Policy and Position Statements, Professional Policies 5 & 6, and Position Statement 17 (2016), <https://ncees.org/wp-content/uploads/Policy-manual-2017.pdf>.

<sup>76</sup> See NCEES Model Law, [https://ncees.org/wp-content/uploads/Model\\_Law\\_2017.pdf](https://ncees.org/wp-content/uploads/Model_Law_2017.pdf); Craig N. Musselman et al., *A Primer on Engineering Licensure in the United States*, Sec. 4, PROC. AM. SOC. ENGINEERING EDUC. ANN. CONF. (2011).

<sup>77</sup> See NCARB Comment, *supra* note 24, at 1 ("NCARB was formed in 1919 with the specific goal of facilitating reciprocal licensing clearly articulated in its charter.").

<sup>78</sup> *Id.* at 1, 4.

<sup>79</sup> See NCARB Comment, *supra* note 24, at 2, 4; NCARB Certificate, <https://www.ncarb.org/advance-your-career/ncarb-certificate>.

<sup>80</sup> See NCARB Comment, *supra* note 24, at 4.

<sup>81</sup> See *id.*; see also NCARB, Legislative Guidelines and Model Law, Model Regulations (2016-2017), [https://www.ncarb.org/sites/default/files/Legislative\\_Guidelines.pdf](https://www.ncarb.org/sites/default/files/Legislative_Guidelines.pdf) (Legislative Guideline IV, Qualification for Registration under Reciprocity Procedure; Model Law sec. 3, Registration Qualifications; Model Regulations, § 100.501, Registration of NCARB Certificate Holders).

<sup>82</sup> See BUENGER ET AL., *supra* note 32, at 37 ("While compacts have many of the characteristics of uniform and model laws, in contrast to compacts, states are not required to enact uniform laws or model acts verbatim. . . . [therefore] uniform and model acts do not constitute a contract between the states even if adopted by all states in the same form."). Cf. Roundtable Tr. at 36 (Masters) ("The unique thing about compacts is that the language, because it's contractual, has to be substantially similar. And so unlike other types of legislation, legislators aren't free to just amend the statute . . ."). See also UAA, *supra* note 60, at I-3 ("Whether the UAA is considered for adoption wholly or only in part, adjustments may also be appropriate in light of other laws in effect in the particular state in question.").

not only variations between states, but also incremental changes to meet changing needs.<sup>83</sup> Some organizations of state licensing boards and professional organizations propose such changes periodically, leading to nationwide evolution of a model law over time.<sup>84</sup> In other cases, such changes have been achieved through the use of model rules adopted by state licensing boards.<sup>85</sup>

Since changes in interstate compacts must be adopted by all member jurisdictions to be effective, changing an interstate licensure compact can be difficult; it may require the adoption of an entirely new compact, as was the case with the NLC.<sup>86</sup> Accordingly, once enacted, compacts “may be static for long periods of time.”<sup>87</sup> Indeed, a recognized cost of uniformity via compact is impeding evolution of state law.<sup>88</sup>

This problem can sometimes be avoided. If an interstate licensure compact provides for a compact commission with the power to promulgate rules with the force and effect of state law, changes can be made much more rapidly, without the involvement of state legislatures.<sup>89</sup> But while compact commissions may have the power to make binding changes equivalent to state law expeditiously, this can be controversial because commission rules may override contrary

<sup>83</sup> Craig N. Musselman et al., *A Primer on Engineering Licensure in the United States*, sec. 2, PROC. AM. SOC. ENGINEERING EDUC. ANN. CONF. (2011) (no state statute or rule is identical to the NCEES model law or rule, but states “have made significant efforts to assure that their statute and rules are reasonably consistent with the Model Law and Model Rules such that duly qualified professional engineers who are residents in that state will be able to be licensed in other states.”).

<sup>84</sup> See, e.g., UAA, *supra* note 60, at I-3 (“Beginning with the 1992 edition, the Uniform Accountancy Act has been designed as an ‘evergreen’ document.”); UAA, letter to interested parties, at 1 (“To keep the UAA ‘evergreen,’ a continuous process of refreshing the document is necessary.”).

<sup>85</sup> See NABP Comment, *supra* note 67, at 3 (explaining that changes at the state level often occur via the regulatory process because state boards can move expeditiously, without waiting for a state legislature to convene); Federation of Associations of Regulatory Boards (“FARB”), Comment to the FTC (2017), at 2, [https://www.ftc.gov/system/files/documents/public\\_comments/2017/07/00015-141083.pdf](https://www.ftc.gov/system/files/documents/public_comments/2017/07/00015-141083.pdf) (regulatory boards can efficiently promulgate relevant rules and regulations). While the ability to modify a model law may improve consistency or accommodate differing needs of states, it can also reduce uniformity, contrary to the purpose of the model law. See BUENGER ET AL., *supra* note 32, at § 2.1.1.

<sup>86</sup> See Roundtable Tr. at 29 (K. Thomas) (describing the difficulty of getting all member jurisdictions to adopt a change to the NLC, leading to a decision to develop a new compact with a commission with rulemaking authority); BUENGER ET AL., *supra* note 32, at 261 (describing provisions in the 2015 revision of the NLC for the transition from the original version); FARB, *supra* note 85, at 3 (“The effectiveness of such arrangements is limited by the fact that every state must enact verbatim legislation . . .”).

<sup>87</sup> BUENGER ET AL., *supra* note 32, at 27.

<sup>88</sup> See, e.g., Larry E. Ribstein & Bruce H. Kobayashi, *Uniform Laws, Model Laws and Limited Liability Companies*, 66 U. COLO. L. REV. 947, 949 (1995) (“[U]niformity may impose costs, such as impeding evolution of state law. These costs are likely to outweigh the benefits of uniformity for laws for which interstate variation does not impose excessive information or compliance costs.”).

<sup>89</sup> See NLC, art. VII, sec. g(1) (giving the compact commission the power to promulgate uniform rules with the force and effect of law, binding on all party states); BUENGER ET AL., *supra* note 32, at § 9.10.1 (the NLC’s compact commission has “the authority to make uniform rules, but makes it more efficient by allowing the rules to become effective without a duplicative requirement that each state adopt the uniform rules in addition to adoption by the compact governing body.”).



state laws adopted by elected legislatures.<sup>90</sup> Nonetheless, to provide some flexibility, recent interstate compacts addressing occupational licensing have provided for a compact commission with the power to promulgate rules with the force and effect of state law.<sup>91</sup>

#### D. Achieving Nationwide Licensure Portability: Comparison of Interstate Compacts and Model Laws

License portability can be achieved either with a model law or with an interstate compact. Model laws have a longer track record, and some have been adopted or implemented by nearly all states.<sup>92</sup> Interstate licensure compacts also hold considerable promise for improving interstate license portability and streamlining multistate practice, but whether states will adopt them nationwide remains to be seen.

Experts on compacts acknowledge that “it is difficult to get state legislatures to adopt compacts because of the strict requirement of substantive sameness between all member states and the tendency of parochial interests to trump consideration for interstate cooperation.”<sup>93</sup> Achieving nationwide adoption, however, is difficult even when the requirement of uniformity is less strict.<sup>94</sup>

Whether a portability initiative is based on a compact or a model law, strong support from its developers and licensees likely is critical to achieving nationwide adoption.<sup>95</sup> Without widespread agreement, supporters of interstate licensing initiatives need a deep understanding of the objections of those who are opposed, so that they can attempt to address their concerns and increase support for the portability initiative.<sup>96</sup> In addition, the extent to which an initiative is

<sup>90</sup> See BUENGER ET AL., *supra* note 32, at 50-51 (explaining that a compact may provide that rules promulgated by its commission have the force and effect of statutory law and are binding on member states unless a majority of the states’ legislatures reject the rule); Roundtable Tr. at 28 (Masters) (compact commission rulemaking is controversial when states see it as a surrender of sovereignty; thus, it is necessary to make clear to legislators that the rulemaking covers portability initiative procedures, not the substance of a state practice act); *id.* at 31 (J. Thomas). (“There’s concern that this commission is going to draft laws and do something to take over the practice of medicine. It really just governs the process.”).

<sup>91</sup> See APRN COMPACT, art. VII, sec. g(1); IMLC sec. 2(m); PTLC, sec. 7(C)(5); PSYPACT, art. II, sec. W; REPLICA, sec. 2(O). A compact commission is also considered essential to effective administration of a compact. See, e.g., Roundtable Tr. at 34 (J. Thomas), *id.* at 34 (K. Thomas).

<sup>92</sup> See *supra* Sec. IV.B.

<sup>93</sup> BUENGER ET AL., *supra* note 32, at 27.

<sup>94</sup> For example, one study found that, on average, uniform laws developed by the ULC have been adopted by only 20 jurisdictions out of 53. See Larry E. Ribstein & Bruce H. Kobayashi, *An Economic Analysis of Uniform State Laws*, 25 J. LEGAL STUD. 131, 135 (1996).

<sup>95</sup> See *supra* Sec. III. See also Kobayashi & Ribstein, *supra* note 58, at 330; Ribstein & Kobayashi, *supra* note 94, at 131, 182, 187.

<sup>96</sup> See Roundtable Tr. at 35 (K. Thomas) (it is important “to know who your supporters are and know who may be working against you, and try to resolve issues”).

adopted and effective may turn as much on an initiative's procedures for achieving portability and the consistency of state licensing requirements, as the overall legal structure of the initiative.

## V. Portability Procedures: Mutual Recognition and Expedited Licensure

Multistate portability initiatives have used two procedures to improve portability: "mutual recognition" and expedited licensure. Under a mutual recognition model, licensees only need one state license (a multistate license), which gives them a privilege to practice in other states that have entered into the initiative. By contrast, initiatives based on expedited licensure require application for a license in each intended state of practice, but make the process more efficient than it otherwise would be. Both model laws and interstate licensure compacts have employed these two approaches.<sup>97</sup>

### A. Mutual Recognition

Mutual recognition by all member states of multistate licenses issued by any member of the initiative is a simple, efficient approach for multistate practice. Applicants who meet certain criteria<sup>98</sup> need apply for only a single state license; in general, no additional fees, paperwork, or review are required.<sup>99</sup> Mutual recognition initiatives may also allow licensees to exercise a

<sup>97</sup> Interstate licensure compacts that rely on a mutual recognition model include: the NLC (*see* Roundtable Tr. at 15 (K. Thomas)); the APRN COMPACT (*see id.* at 17 (K. Thomas)); PTLC (*see* PTLC secs. 2(4)), 4; REPLICA (sec. 4); and PSYPACT (art. IV (telepsychology), art. V (temporary practice)). The UAA is an example of a model law portability initiative that uses a mutual recognition model (privilege to practice). *See* Roundtable Tr. at 18-19 (Webb). The IMLC is an example of a compact that uses an expedited licensure process. *See* Roundtable Tr. at 11 (J. Thomas). Examples of model law portability initiatives that use expedited licensure include the NABP, *supra* note 70 (Model Act sec. 303 (license transfer is a process whereby a licensed pharmacist obtains a license in another state)), NABP, *supra* note 67 ("the license transfer process is expedited"); NCEES, *supra* note 74 and accompanying text; and NCARB, *supra* notes 79-80 and accompanying text. The National Racing Compact ("NRC") is unlike other initiatives in that its compact committee, rather than a state, issues licenses ("national licenses") that are recognized by other compact states and may be recognized by noncompact states. *See* NRC, Model Legislation, sec. 7(3), sec. 11(A)(1) (2014), <http://www.racinglicense.com/modellegislation.html>; NRC, History, <http://www.racinglicense.com/history.html>.

<sup>98</sup> For example, nurses must qualify for a multistate license to practice across state lines under the NLC. *See* Roundtable Tr. at 16 (K. Thomas) (Under the NLC, "to have a multistate license, you have to meet these uniform requirements. And we're talking about pretty basic things like passing a national licensure exam, the NCLEX, and having a social security number, having an FBI criminal background check."). Alternatively, states may not have separate licenses for single and multistate practice, allowing licensees to exercise a privilege to practice in other states on the basis of substantial equivalency of the state's licensure requirements or the individual's qualifications based on criteria established by the portability initiative. *See* UAA, *supra* note 60, at sec. 23(a)(1), (2). A variation on this approach is requiring applicants seeking authorization for multistate practice to meet criteria for a certificate issued by an association of licensing boards or other relevant organization; the certificate provides a privilege to practice in other compact jurisdictions. *See* PSYPACT, arts. II, secs. L, Q, IV sec. B(6), V sec. B(6).

<sup>99</sup> None of the mutual recognition initiatives discussed in note 97 require additional paperwork for multistate practice except for the PTLC. Although the PTLC does not require licensure in every state of practice, it requires licensees to notify the compact commission of their intent to practice in another state; the commission then grants a compact privilege to the licensee upon payment of applicable fees. *See* PTLC secs. 3(C), (D), 4(A)(5), (6).

privilege to practice without notice to other member states, because the legislation ensures that licensees are automatically considered to be within each state's jurisdiction for purposes of disciplinary authority.<sup>100</sup> The ease of multistate practice under a mutual recognition model may explain why it is favored by a number of professions that frequently use telework and electronic communications, or require emergency movements across state lines.<sup>101</sup>

While a mutual recognition model provides an efficient mechanism for practicing in multiple states without obtaining multiple licenses, licensees typically must apply for a new license when they move to another state or establish a principal place of business in another state.<sup>102</sup> Initiatives address this issue in different ways, and the extent of streamlining varies. The UAA provides for reciprocity and routine issuance of a new license for CPAs who apply for a license in a new state of principal place of business if they personally possess qualifications that are substantially equivalent to the Act's licensure provisions.<sup>103</sup> On the other hand, under the NLC, licensees moving from one member state to another must rely on each state's endorsement or other procedures for licensing of out-of-state applicants.<sup>104</sup> The NLC, however, eliminates the period

<sup>100</sup> See, e.g., Roundtable Tr. at 25 (Webb) (notice is not necessary under the UAA because it is a complaint-based system); UAA, *supra* note 60, at I-9, ¶ 9 (UAA provides "a no notice, no fee, and no escape approach for granting practice privileges across state lines for CPAs and CPA firms from states meeting UAA standards as well as for CPAs who individually meet UAA standards"), *id.* at sec. 23(a)(3) (licensees exercising the privilege to practice in another state are under the disciplinary authority of that state's Board); Roundtable Tr. at 25 (K. Thomas) (tracking practitioners was unrealistic, and unnecessary because the compact is notified about complaints immediately); *but see id.* at 25 (Masters) (the PTLC has provisions to notify each state when a licensee is practicing in it); *supra* note 99 (discussion of PTLC). See also *infra* notes 112, 123 and accompanying text (discussion of coordination of enforcement and disciplinary actions).

<sup>101</sup> See Roundtable Tr. at 18 (Webb) (discussing the UAA); *id.* at 15 (K. Thomas) (NLC arose from "changes in health care delivery including telehealth technologies . . . and nurses having a need to practice in multiple states from one central location"); *id.* at 16 (K. Thomas) (APRNs who provide mental health services often use telecommunications to provide services in rural areas across state lines); PSYPACT, art. I (the purpose of PSYPACT is to regulate the practice of telepsychology and temporary in-person services across state lines), art. IV (setting for the "Compact Privilege to Practice Telepsychology"); REPLICA sec. 1 ("This Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties . . .").

<sup>102</sup> See, e.g., NLC art. IV, sec. c ("If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior state will be deactivated . . .").

<sup>103</sup> See Roundtable Tr. at 19 (Webb) ("the UAA was changed to allow for expedited reciprocity if you personally had qualifications that matched those of the [UAA]"); UAA, *supra* note 60, at sec. 6(c)(2) (comment: . . . "With substantial equivalency established, however, this application process for an individual would essentially be routine and just a matter of filing an application and paying an appropriate fee.").

<sup>104</sup> See U.S. Dep't of the Treasury & U.S. Dep't of Defense, *supra* note 14, at 12-13 (nurses moving across state lines must apply for licensure by endorsement and pay any applicable fees; "[a]lthough the NLC and NURSYS provide some standardization to the licensure by endorsement process, they do not ensure straightforward license portability for nurses moving across state lines and do not eliminate many of the non-uniform aspects of the application process[.]"). State endorsement processes can reduce the burden of obtaining a license and enhance competition. See, e.g., Comment from FTC staff to the New York State Education Department (April 6, 2018), <https://www.ftc.gov/policy/advocacy/advocacy-filings/2018/04/ftc-staff-comment-new-yorks-proposal-allow-licensure> (supporting a proposed amendment that would permit experienced, licensed Canadian dentists to use the

when a nurse might be unlicensed and unable to work by allowing licensees to practice under the existing multistate license during processing of the application by the new state of residence.<sup>105</sup>

## B. Expedited Licensure

Under an expedited licensure model, multistate practice is a multistep process in which applicants must obtain a license in each intended state of practice. Typically, the process begins when applicants provide their credentials to a central repository for storage and transfer. Repository officials or officials from the principal state of licensing then determine whether an applicant qualifies for expedited treatment.<sup>106</sup> If deemed qualified, applicants receive expedited treatment in other member jurisdictions. Although the process involves multiple steps, the use of centralized databases and processes for confirming an applicant's qualifications may reduce paperwork and review time, especially after the initial determination of qualification.<sup>107</sup> Fees, however, may be higher, because payments to each state board and a central administrative body may be required.<sup>108</sup> Although multistate practice under an expedited licensure model generally involves more paperwork than a mutual recognition model, expedited licensure procedures may facilitate a move to another state.<sup>109</sup>

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same endorsement procedures that practicing dentists in other U.S. states follow to become licensed in New York State).

<sup>105</sup> See, e.g., NLC art. IV, sec. c(1) ("The nurse may apply for licensure in advance of a change in primary state of residence"); Roundtable Tr. at 23 (K. Thomas) (under the NLC, applicants may receive a temporary license while their application for licensure in a new home state is being processed); See ICNLCA, Final Rules sec. 403(1) (Dec. 12, 2017) ("A nurse who changes his or her primary state of residence from one party state to another party state may continue to practice under the existing multistate license while the nurse's application is processed and a multistate license is issued in the new primary state of residence.").

<sup>106</sup> For some professions, the determination of qualification for expedited licensure is made by a central organization. See, e.g., NCARB, *supra* note 79 and accompanying text; NCEES, *supra* note 73 and accompanying text. IMLC's expedited process is based on a letter of qualification issued by the state of principal licensure. See Roundtable Tr. at 11 (J. Thomas). Initiatives that use mutual recognition models also use central databases to facilitate handling of credentials, but access is unnecessary for multistate practice. See, e.g., Roundtable Tr. at 26 (K. Thomas) (describing the database administered by the National Council of State Boards of Nursing); NLC, art. VI (requiring party states to participate in a coordinated licensure information system that includes information on licensure and disciplinary history).

<sup>107</sup> See, e.g., Roundtable Tr. at 12 (J. Thomas) (upon receiving a letter of qualification and a fee, "a state shall issue a license"), 32-33 (some of the first applicants for expedited licensure under the IMLC received their licenses in a very short time); NABP Comment, *supra* note 67, at 3 ("Currently, the average processing time for a transfer application is less than 3 days. In some cases, license transfer applications are processed on the same day of receipt of the application."). Note that for some initiatives, a licensee may need to apply for a determination of eligibility for expedited treatment more than once. See Interstate Medical Licensure Comm'n ("IMLCC"), Rule on Expedited Licensure, sec. 5.6(1)(b) (2017) ("A letter of qualification is valid for 365 days from its date of issuance to request expedited licensure in a member state.").

<sup>108</sup> See, e.g., Roundtable Tr. at 12 (J. Thomas) (the fee for expedited licensure through the IMLC is \$700, \$400 of which goes to the IMLCC; in addition, the applicant must pay the licensing fee for each state of licensure).

<sup>109</sup> See, e.g., *supra* note 97 (discussion of expedited licensure pursuant to the processes of NABP, NCEES, and NCARB). Cf. IMLC sec. 4(c) ("The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.").

### C. Easing Barriers and Maintaining Accountability under Mutual Recognition and Expedited Licensure Initiatives

Mutual recognition of a single state license poses a lower barrier to cross-state practice than expediting licensure in multiple states. Those who favor expedited licensure tend to emphasize each state's ability to take adverse disciplinary action under its own license. Expedited licensure initiatives assert that their approach strikes the right balance between reducing the burden of multistate licensure and maintaining accountability at the state level.<sup>110</sup>

By contrast, initiatives that provide a privilege to practice under a single license tend to emphasize the ease of multistate practice,<sup>111</sup> and maintain that their systems protect the public by giving each state enforcement authority and providing for coordination of investigations and disciplinary actions.<sup>112</sup> For such initiatives, ease of multistate practice is further enhanced when licensees are not required to notify member states in which they are not licensed that they are practicing there. Such an arrangement likely will be the most effective in enhancing cross-state competition, improving access to services, and reducing the tendency of licensing to increase prices.

The nature of a profession, particularly the relative importance of multistate practice compared to relocation to another state, may be an important consideration in choosing a procedure for achieving license portability. On the other hand, a portability initiative could be crafted to achieve both goals—easing multistate practice through use of a mutual recognition model, while also expediting licensure upon relocation in another state. As discussed in the next section, the latter may depend on whether states' licensing standards are substantially equivalent, or can be harmonized pursuant to the portability initiative.

## VI. Harmonization of Licensure Requirements

To instill confidence in the qualifications of practitioners licensed by other states and to encourage adoption of portability measures, both mutual recognition and expedited licensure initiatives have moved toward harmonization of state licensing standards in core areas. Generally, these include education, examination, and disciplinary and criminal history; some

<sup>110</sup> See, e.g., Roundtable Tr. at 11 (J. Thomas) ("For states to be able to take action on a physician whose standard of care falls below the minimum standard, they need to act on a license. And so a reciprocal process would not work. We felt that each state would have to issue a license, but we would expedite the process, and we'd make the process much more efficient.").

<sup>111</sup> See, e.g., Roundtable Tr. at 16 (K. Thomas) (under mutual recognition model, nurses do not have to apply for licensing in multiple states, pay fees in those states, and wait for approval before employment); *id.* at 24 (K. Thomas) (mutual recognition model makes "it easier for the licensees and easier for the bureaucrats who have to process all of this work").

<sup>112</sup> See *infra* notes 123-125 and accompanying text.

professions also have experience requirements.<sup>113</sup> While similar standards foster the acceptance of each state's licensees by other states, the standards need not be identical; rather, substantial equivalence of licensing requirements may be sufficient to generate confidence in out-of-state licensees, even under a mutual recognition model.<sup>114</sup> Initiatives that expedite licensure also seek harmonization, to assure states considering adoption of an initiative that applicants licensed under expedited procedures will have met comparable standards.<sup>115</sup>

The licensing standards set by portability initiatives are often as demanding as those of the most restrictive states, or even higher.<sup>116</sup> For example, the IMLC requires physicians to be board certified to qualify for expedited licensure; no individual jurisdiction has such a requirement.<sup>117</sup> Representatives of such initiatives assert that higher standards are necessary to encourage widespread adoption by many states.<sup>118</sup> They also point out that licensees who do not meet these standards may still qualify for an individual state license without a privilege to practice in other states, or may be able to obtain a license without the use of expedited procedures.<sup>119</sup>

<sup>113</sup> The revised NLC (eNLC) includes certain uniform licensing requirements that were not in the original NLC, such as graduation from an approved nursing program, passing a standardized licensure examination, having an unencumbered state license, and having an FBI criminal background check. *See* Roundtable Tr. at 16 (K. Thomas) (explaining that these requirements were included in the revised version of the NLC because adoption of the original NLC had stalled and states said that the lack of uniform license requirements was a barrier to adoption); NLC art. III, secs. b, c (May 4, 2015). The UAA focused on standardizing the "three Es," education, examination, and experience. *See* Roundtable Tr. at 18 (Webb); UAA, *supra* note 60, at I-9, ¶ 8 (uniformity among jurisdictions, especially with regard to examinations, education, and experience requirements, is a fundamental principle of the legislative policies of the AICPA and NASBA).

<sup>114</sup> *See supra* notes 64, 98 and accompanying text (discussing the UAA's substantial equivalency standard and its adoption by 53 jurisdictions). The UAA relies on an the NASBA National Qualification Appraisal Service to determine whether state requirements for CPA licensure are substantially equivalent to those of other states, as well as whether individuals' qualifications are substantially equivalent. *See* UAA, *supra* note 60, at sec. 23(a); UAA, *supra* note 60, at App. B.

<sup>115</sup> *See* Roundtable Tr. at 11 (J. Thomas) (states considering adoption of the IMLC needed standards for licensure of applicants for expedited licensing that all states could agree on); Craig N. Musselman et al., *A Primer on Engineering Licensure in the United States*, Sec. 3, 4, PROC. AM. SOC. ENGINEERING EDUC. ANN. CONF. (2011) (describing education, examination, and experience requirements for receiving "expedited comity" as a Model Law Engineer).

<sup>116</sup> *See, e.g.,* Roundtable Tr. at 30 (K. Thomas) (the NLC "set[s] the highest standard . . . to make states comfortable with that mobility").

<sup>117</sup> *See* Roundtable Tr. at 29 (J. Thomas) (the IMLC "sets the bar higher than the usual licensure standard" and requires physicians to be board certified); IMLC § 2(k)(4).

<sup>118</sup> *See* Roundtable Tr. at 29 (J. Thomas) (to encourage states to join the compact, IMLC requires board certification "because the states felt that if they were going to enter into this compact, it needed to be a higher bar."); *infra* note 121.

<sup>119</sup> *See* Roundtable Tr. at 16 (K. Thomas) (under the NLC, "[s]tates can still evaluate individuals for single-state license" that would not provide a privilege to practice in other states); *id.* at 29 (J. Thomas) (although the vast majority of physicians can meet the IMLC's standard for expedited licensure, those who cannot can still "apply through the traditional route to get a license in the traditional way").

Nonetheless, some oppose the imposition of higher standards and the extent to which these higher standards may exclude or deter some otherwise qualified applicants.<sup>120</sup> While many support certain requirements imposed by most states, such as criminal background checks,<sup>121</sup> a substantive standard not imposed by most states could inhibit adoption of an initiative and reduce practitioners' use of portability procedures in participating states. Moreover, higher licensing standards exacerbate the tendency of licensing to restrict the labor supply and reduce competition, which may further increase prices, without any countervailing quality, health, or safety benefits.<sup>122</sup> Thus, in designing a license portability initiative, developers of the initiative should aim for the least restrictive licensing standard that can gain the support of states nationwide.

## VII. Authority for Disciplinary Action Across State Lines

For portability initiatives in which a single state license provides a privilege to practice in all member jurisdictions, mechanisms to ensure that disciplinary action may be taken against a practitioner, regardless of where a violation occurs, are essential to acceptance and adoption of the initiative. Because a state can only revoke a license that it issued, portability initiatives that operate under a mutual recognition model generally have procedures for member states to bring adverse actions that can affect not only the privilege to practice in the state where the violation occurred, but also an out-of-state practitioner's license. The initiative may require the state of licensing to evaluate out-of-state conduct under its own laws, or the laws of the other state.<sup>123</sup> To help coordinate investigations and adverse actions in member jurisdictions, license portability

<sup>120</sup> See *id.* at 29 (J. Thomas) ("there's been criticisms that [the IMLC] is meant to keep certain individuals out. That's actually not the case. It's meant to just set a higher standard of safety.").

<sup>121</sup> See *id.* at 30 (K. Thomas) ("So one of the big issues for us was criminal backgrounds. And states would not feel comfortable with any state that did not do an FBI criminal background check. In particular, felonies were a big concern to the states that wouldn't join before."). Cf. *id.* at 12-13 (J. Thomas) (explaining that instituting FBI criminal background checks has been challenging because not all states that joined the IMLC meet the statutory requirements to obtain FBI criminal background checks of applicants; such states cannot serve as a state of principal license).

<sup>122</sup> See, e.g., Nicholson & Propper, *supra* note 9, at 885; Morris M. Kleiner & Robert T. Kudrle, *Does Regulation Affect Economic Outcomes: The Case of Dentistry*, 43 J.L. ECON. 547, 576-77 (2000) (stricter state licensing standards did not improve dental health outcomes, but did raise the prices of dental services).

<sup>123</sup> For example, under the UAA, CPAs providing services in a state under a privilege to practice must comply with that state's practice act and are automatically subject to the disciplinary authority of the Board of that state. Moreover, the Board of the state of licensure is required to investigate complaints made by Boards of other states, and also has the authority to discipline licensees who violate the laws of other states when providing services in them. See Roundtable Tr. at 19 (Webb) (describing the authority of states to take action against a licensee's privilege to practice, and the requirement that home states investigate and discipline licensees for violations of other states' laws); UAA, *supra* note 60, at sec. 23(a), (b). Similarly, under the NLC, party states are rapidly notified about complaints and have the authority to take action against a nurse's privilege to practice in their states. In addition, the Board of the state of licensure must take action under its own laws regarding conduct in other states as if the conduct occurred in-state. See Roundtable Tr. at 25 (K. Thomas); NLC art. III, secs. d, e; art. V, sec. a(1).

initiatives typically require states to report complaints and adverse actions to a central database of licensee information, as well as to the state of licensing.<sup>124</sup> Such provisions may provide for “stronger and more efficient state board enforcement in the context of modern cross-border and electronic commerce in which state lines are often blurred.”<sup>125</sup>

Portability initiatives that expedite licensure, rather than allow multistate practice under a single license, may also enable member states to coordinate information about licensees’ conduct and adverse actions, even though every state where a practitioner practices has the authority to take action based on its own license. For example, the IMLC requires certain information about licensees’ conduct and disciplinary actions to be submitted to a central database.<sup>126</sup> It also allows a state to investigate, by itself or jointly with other states, violations of state medical practice acts that occurred in other member states.<sup>127</sup> Moreover, when the state of principal license revokes or suspends a physician’s license, the physician’s licenses in other member states are automatically placed on the same status; a disciplinary action by *any* IMLC member board can lead to disciplinary action by other member jurisdictions.<sup>128</sup>

## VIII. Streamlining Licensure in Multiple Occupations: Portability Initiatives for Military Families Required to Move to Another State

While license portability initiatives can streamline licensing upon a move to a new state, some initiatives primarily address multistate practice rather than the mechanics of relicensing in a new state. Moreover, many occupations have not taken steps to improve license portability. The burden of obtaining a license in a new state, which may be costly and delay employment, falls disproportionately on populations that move frequently. Because military families typically move every two to four years, the burden of applying for a new license with each move across

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<sup>124</sup> See, e.g., Roundtable Tr. at 27 (K. Thomas) (people who are under investigation in one state cannot escape by moving to another state, because of the information in the database); NLC art. III, sec. d (notice of adverse action to coordinated licensure information system and home state); art. VI secs. a, c (requiring member states to participate in a coordinated licensure information system covering licensure and disciplinary history, and to report significant investigative information and any adverse action); UAA, *supra* note 60, at sec. 12(k) (requiring Boards to report disciplinary actions against CPAs with a privilege to practice in other states to state boards or a multistate enforcement network).

<sup>125</sup> UAA, *supra* note 60, at I-2.

<sup>126</sup> See, e.g., IMLC sec. 8; Roundtable Tr. at 12 (J. Thomas) (“any complaint in any of the compact states is shared automatically with other states . . . [the compact] provides better information sharing” when physicians have licenses in multiple jurisdictions).

<sup>127</sup> See, e.g., IMLC sec. 9.

<sup>128</sup> See IMLC sec. 10.



state lines is high for the 35 percent of military spouses in the labor force who work in occupations that require state licensing.<sup>129</sup>

The U.S. Department of Defense State Liaison Office (“DoD-SLO”) has worked with states to reduce barriers to licensing for relocated military spouses working in many or most occupations requiring licensing.<sup>130</sup> The DoD-SLO has encouraged states to use one or more of three options to enhance license portability for military spouses: (1) facilitating endorsement of existing licenses from jurisdictions with substantially equivalent requirements (avoiding the need for re-examination); (2) providing temporary licenses for spouses who do not qualify for endorsement; and (3) expediting the process of getting a license.<sup>131</sup> Fifty-six percent of the states have adopted statutory provisions requiring all three approaches, and all states now require at least one mechanism to aid military spouses.<sup>132</sup>

However, certain professions, such as teaching, are not covered by most states’ provisions for streamlining licensing of military spouses. Teachers seeking licensure in a new state often must take additional courses and tests, and the process takes time and is costly—especially for young teachers with little experience.<sup>133</sup> Thus, the DoD-SLO is working with states to remove specific impediments to licensing of transitioning military spouses for teaching and other occupations that are not otherwise covered by their streamlining initiative.<sup>134</sup> For some occupations, the DoD-

<sup>129</sup> See Roundtable Tr. at 20 (Beauregard); U.S. Dep’t of the Treasury & U.S. Dep’t of Defense, *supra* note 14, at 3, 7, 9.

<sup>130</sup> See Roundtable Tr. at 20-21 (Beauregard). A statutory provision facilitating licensure of military spouses may apply to many or all licensing boards within a regulatory agency that oversees the licensing boards. See, e.g., U.S. Dep’t of the Treasury & U.S. Dep’t of Defense, *supra* note 14, at 16 (discussing legislation to facilitate the licensure by endorsement process for military spouses that is applicable to 77 occupations regulated by the Colorado Department of Regulatory Agencies).

<sup>131</sup> See Roundtable Tr. at 21 (Beauregard). The processes for expedited licensure for these initiatives is not the same as those discussed above. Rather, an application may be expedited by other means, including allowing military spouses to use time-saving options, such as submitting photocopies of state certificates and test scores; setting deadlines for adjudication of applications from military spouses; or giving individual boards authority to approve a license based on an affidavit from the applicant that the information provided is true and that verification has been requested. See, e.g., U.S. Dep’t of Defense, Removing Certification Impediments for Transitioning Military Spouse Teachers, Best Practices, 1, <http://download.militaryonesource.mil/12038/USA4/2016/best-practices/Sp-Teacher-Certification-BPI5.pdf>; Roundtable Tr. at 23 (Beauregard).

<sup>132</sup> See Roundtable Tr. at 21 (Beauregard); Beauregard, FTC Presentation, at 4, [https://www.ftc.gov/system/files/documents/public\\_events/1224893/slides\\_-\\_marcus\\_beauregard\\_dod\\_-\\_slo.pdf](https://www.ftc.gov/system/files/documents/public_events/1224893/slides_-_marcus_beauregard_dod_-_slo.pdf).

<sup>133</sup> See U.S. Dep’t of Defense, Removing Certification Impediments for Transitioning Military Spouses, 1, <http://download.militaryonesource.mil/12038/USA4/2017/one-pagers/Sp-Teacher-Certification-OP19.pdf>; Roundtable Tr. at 14 (Rogers) (although almost all jurisdictions have signed the Interstate Agreement of the National Association of State Directors of Teacher Education and Certification, which provides a database of state requirements, licensure of teachers is very complex and state certification requirements vary, so it is very difficult for inexperienced teachers such as young military spouses to become licensed in a new state).

<sup>134</sup> See Roundtable Tr. at 22 (Beauregard). See USA4 MilitaryFamilies, DoD-SLO, *Removing Certification Impediments for Transitioning Military Spouses*, [http://www.usa4militaryfamilies.dod.mil/MOS/f?p=USA4:ISSUE:0::::P2\\_ISSUE:9](http://www.usa4militaryfamilies.dod.mil/MOS/f?p=USA4:ISSUE:0::::P2_ISSUE:9). The DoD-SLO has also commissioned a study to find out more about how the states have implemented their statutory measures to facilitate

SLO also is addressing the issue by supporting interstate licensure compact provisions that facilitate licensing of military members and their spouses.<sup>135</sup>

A potential bonus from the DoD-SLO's initiatives is that some of the procedures that have proven useful for expediting licensing of military spouses could be adopted for general use, to speed licensing for anyone. For example, temporary licensing, allowing submission of photocopies of state certificates and test scores until official copies can be obtained, and conditionally approving applications without waiting for a board meeting, could be made more broadly available to all applicants.<sup>136</sup>

## IX. Conclusion

Occupational licensing can protect consumers from health and safety risks, generally in situations where consumers lack sufficient information to assess the qualifications of professionals. That said, licensing occupations also restricts competition. By establishing the entry requirements for an occupation, licensing regulations tend to reduce the number of market participants. In turn, this reduction in supply leads to a loss of competition, potentially resulting in higher prices and lower quality and convenience of services.

A key barrier imposed by licensing is the inability of qualified professionals licensed by one state to work in another state. There is little justification for the burdensome, costly, and redundant licensing processes that many states impose on qualified, licensed, out-of-state applicants. Such requirements likely inhibit multistate practice and delay or even prevent licensees from working in their occupations upon relocation to a new state. Indeed, for occupations that have not implemented any form of license portability, the harm to competition from suppressed mobility may far outweigh any plausible consumer protection benefit from the failure to provide for license portability.

Moreover, a slow and burdensome process for cross-state practice is unnecessary. There are many options to enhance license portability. Individual states have adopted initiatives to streamline licensing of military spouses in many occupations. Some professions have developed model laws or interstate compacts that improve licensure portability nationwide. These examples of successful portability suggest further liberalization and reform is both possible and beneficial.

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licensure for military members and spouses, and how effective these requirements have been. *See* Roundtable Tr. at 21 (Beauregard).

<sup>135</sup> *See, e.g.*, Roundtable Tr. at 22 (Beauregard); Licensing Compacts Recognizing Military Requirements,

<sup>136</sup> *See* Roundtable Tr. at 24 (J. Thomas) (discussion of expediting licensure of physicians in Minnesota).

Accordingly, for occupations that generally require state licensing as a public protection measure, FTC staff encourages stakeholders such as licensees, professional organizations, organizations of licensing boards, and state legislators to consider the likely competitive effects of options to improve license portability. As stakeholders evaluate those options, we suggest that they consider the following points:

- Both model laws and interstate compacts have been used to improve licensure portability for individual occupations
- For reducing barriers to multistate practice, consider the use of a mutual recognition model, in which licensees need only one state license to practice in other member states and are not required to give notice of their intent to practice in another state
- Alternatively, consider easing multistate practice by expediting licensure in each intended state of practice
- Take steps to ease licensure upon relocation to a new state, whether by expediting the process or by allowing licensees to practice in the new state of residence under an existing multistate license during processing of the application
- Harmonize state licensure standards, using the least restrictive standard that can gain the support of states nationwide
- State-based efforts to reduce barriers to licensing of relocated military spouses often address multiple occupations that require licensing
- At the state level, consider expanding the use of temporary licensing and other procedures that have helped reduce the burden of licensing for relocated military spouses to all applicants licensed by another state

Each type of portability initiative has advantages and disadvantages, and all take time and effort to develop and implement. However, a thoughtful consideration of the needs of a profession and the consumers it serves is likely to lead to a solution that can gain the support of licensees, licensing boards, the public, and state legislatures. Moreover, by enhancing the ability of licensees to provide services in multiple states, and to become licensed quickly upon relocation, license portability initiatives can benefit consumers by increasing competition, choice, and access to services, especially where providers are in short supply.

## X. Appendix

### Panelists

**FTC Roundtable, *Streamlining Licensing Across State Lines, Initiatives to Enhance Occupational License Portability* (July 27, 2017)**

Katie Ambrogio, Attorney Advisor, Office of Policy Planning (moderator)

Marcus J. Beauregard, Director, Defense State Liaison Office, Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy U.S. Department of Defense

Karen A. Goldman, PhD, Attorney Advisor, Office of Policy Planning (moderator)

Rick Masters, Special Counsel to the National Center for Interstate Compacts, Counsel of State Governments

Philip S. Rogers, EdD, Executive Director, National Association of State Directors of Teacher Education and Certification

Jon Thomas, MD, MBA, Chair, Interstate Medical Licensure Compact Commission

Katherine Thomas, MN, RN, FAAN, President, National Council of State Boards of Nursing

Virgil Webb, Assistant General Counsel, Association of International Certified Professional Accountants

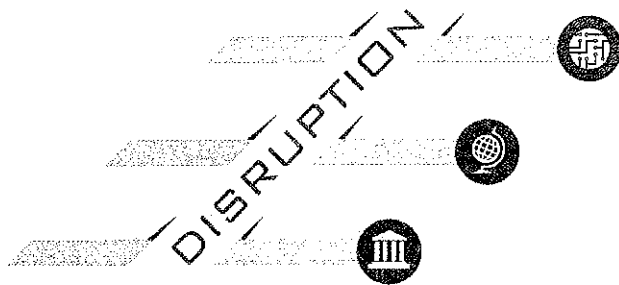


## Patterson, Kathryn

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**From:** Missy Sutton <msutton@CLARB.ORG>  
**Sent:** Thursday, October 18, 2018 2:33 PM  
**To:** Patterson, Kathryn  
**Subject:** [EXT] And now our work begins... (Annual Meeting recap)

Click [here](#) if you are having trouble viewing this message.



As another successful Annual Meeting is closed out, we'd like to especially thank the Ontario Association of Landscape Architects (OALA) staff for their incredible welcome and support as the host board. Just before the Annual Meeting began, CLARB supported OALA and joined a meeting at Parliament to discuss OALA's formal request for a Practice Act which would protect landscape architects and provide an advantage when seeking work outside of the province. Ontario is hoping to be the first Canadian province to have both a Title and Practice Act.

*Front row, left to right: OALA Registrar Ingrid Little, OALA Executive Director Aina Budrevics, OALA President Jane Welsh, CLARB CEO Joel Albizo*  
*Second row, left to right: CLARB Member Engagement Manager Missy Sutton, CLARB Senior Director of Strategy Veronica Meadows, Minister of Training, Colleges and Universities Merrilee Fullerton, MPP (Kanata—Carleton), CLARB President Christine Anderson, CLARB President-Elect Phil Meyer*



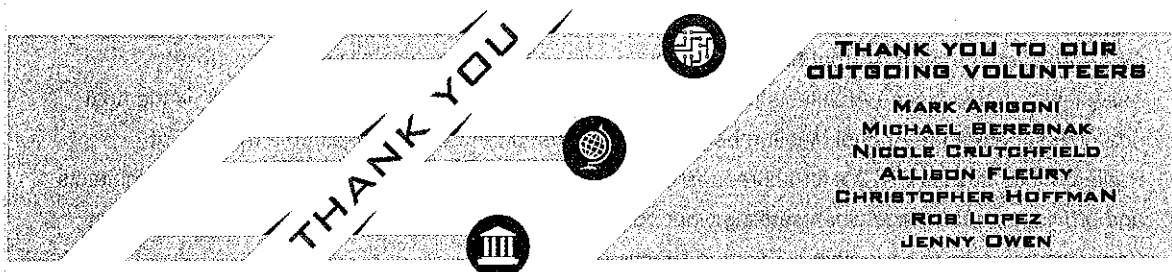
*"I have attended over 10 Annual Meetings, but this was my first meeting in the last three years. The Annual Meetings keep getting better and better. I have been to other Annual Meetings, and CLARB is far ahead in terms of what it delivers!" -Member Board Member*

**Leading up to** the Annual Meeting session on the friction analysis results, a [webcast](#) was held to introduce the data and potential future of regulation. In Toronto, members continued to demonstrate incredible support and ideas on advancing these plans. Stay tuned next month for a breakdown of the work attendees completed on this topic along with the full session and analysis report.

If you are looking for session content to follow-up on or to use as refresher material throughout the year, all **session slides** are [now available](#).

Additionally, the full **"Understanding the Successful Student"** report is [available to review](#). This is the result of the pilot study research done at University of Guelph over the last two years to examine the characteristics of success in students who take the L.A.R.E. prior to graduation.

**New licensure support tools** are also available to assist in preparing your board and guiding you to success. These two new best practices checklists are packed with tips on how to [work with legislators](#) and [prepare for committee testimony](#). CLARB's members-only [research and resources page](#) is a one-stop destination for tools your board can use.



**And a warm welcome to CLARB's newly-elected leadership.** We are pleased to announce the results of this year's elections and introduce your [Board of Directors](#) and [Committee on Nominations](#). A full press release listing [each volunteer and their position](#), which links to individual press releases, has been distributed to the landscape architectural community. **Please take a moment to congratulate and thank them for their service to CLARB.**

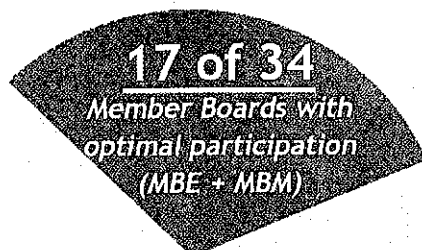
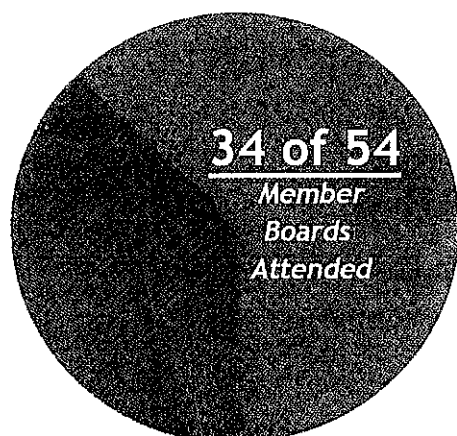
This year's recipient of the [Presidential Recognition Award](#) was Jenny Owen, presented by President Anderson, for her outstanding leadership and service within the MBE community to advance and promote CLARB's mission.

CLARB's membership is **passionate, driven and future-focused** with an understanding of a common goal across all jurisdictions. Earlier this year, the Board of Directors made formal recommendations to evolve CLARB's leadership structure through a resolution to amend the bylaws which required a passing vote of the majority of the membership at the Annual Meeting. Although there was broad support for these

recommendations, the resolution did not pass and the Board of Directors will address next steps at its December meeting.

*"The information shared by the various presenters was generally thought-provoking and useful. I appreciate the hard work of CLARB staff to bring in various speakers and organize different types of sessions. That kept the meeting more lively." - Member Board Executive*

## ANNUAL MEETING PARTICIPATION



### OVERALL MEETING SATISFACTION

4.8 out of 5 (MBE)

4.6 out of 5 (MBM)

### TOP 3 SESSIONS

Leadership Academy

Planning for 2019

Exercising Your Voice

**And now our work begins...** what is the **one thing** you plan to focus on for the next year? Will you be working more closely with your ASLA counterpart? Will you be preparing your board and staff to speak with legislators using the licensure tool checklists? Will you be seeking to eliminate additional friction as you come across it? **Doing one thing is a great start and will begin your path to disruption.**



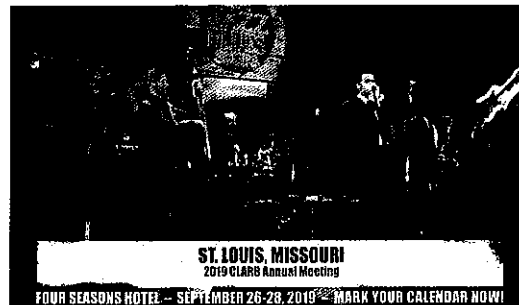
## UPCOMING EVENTS

Web Licensure Summit: [November 8, 2018](#)

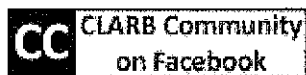
Leadership Academy: [Oct. 9 - November 6, 2018](#)

Annual Meeting: [September 26 - 28, 2019](#)

*Set a calendar reminder now and plan to join  
your peers at these exciting events.*



Questions? Thoughts? How can CLARB better support you? Contact [Missy Sutton](#), Member Engagement Manager.



Council of Landscape Architectural Registration Boards (CLARB)

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
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## Member Board Chairs and Executives Leadership Summit

Representatives from 46 of the 55 U.S. architectural licensing boards that make up the National Council of Architectural Registration Boards' (NCARB) membership gathered in St. Louis, Missouri, on October 12-13 for the biennial Member Board Chairs & Executives Leadership Summit. Over the two-day meeting, attendees reviewed a draft of NCARB's revised Strategic Plan, explored the work of the Model Law Task Force, and provided feedback on current and potential NCARB services including advocacy resources, investigations, and communication tools.

The comments and suggestions received from Member Board Chairs (MBCs) and Executives (MBEs) at the summit will continue to inform NCARB's priorities in the coming years. To learn more, please read the full event summary on the [Member Board Community](#) .

## Quality Service Commitment

*From NCARB Chief Operating Officer Mary de Sousa*

I would like to express appreciation to our MBE community for the valuable feedback received during the recent Leadership Summit in St. Louis. While we heard positive feedback about the responsiveness of our Customer Relations team, it is clear that there is room for further improvement in the quality of the Records we transmit to you for licensure decisions.

In the past year, we enhanced the Member Resources transmittal system by adding a real-time online feedback feature to replace a previously manual process. Developed in partnership with the MBE Committee, the goal of this enhancement was to provide more efficiency for you and your staff in processing Records transmitted from NCARB.

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years of protecting  
the health, safety, and  
welfare of the public.*

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Washington, DC 20006  
202/783-6500

[WWW.NCARB.ORG](http://WWW.NCARB.ORG) 

Thanks to your use of this automated feature, we have gathered data regarding the following:

1. Insight into quality control
2. Identification of issues at a macro level, rather than one-by-one
3. Transparency and accountability to each Member Board
4. A new dataset for the MBE Committee's Quality Assurance Audit

We are committed to reducing impediments and facilitating your licensure process. In its most recent quality assurance audit, the MBE Committee identified no major errors and only one Record that was categorized as having a "very minor error." The results of the FY18 transmittal feedback tool itself recorded that out of 15,030 Records transmitted, only 1.46 percent had any issue. While these results are strong, we will not be satisfied until there are no errors. Therefore, further improving the quality of transmitted Records will be the top priority of our business process reengineering efforts in the coming months.

Please contact Josh Batkin ([jbatkin@ncarb.org](mailto:jbatkin@ncarb.org)), Roxanne Alston ([ralston@ncarb.org](mailto:ralston@ncarb.org)), or me ([mdesousa@ncarb.org](mailto:mdesousa@ncarb.org)) with any additional insights about our services to you.

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## Licensing Verification Tool Update

The Licensing Verification Tool was launched in early October as part of our continued commitment to streamlining processes for our Member Boards. This tool gives board executives and staff the option to verify licensure for transmittals through an online portal available in their My NCARB account under the "Member Resources" section.

The licensing verification tool *is not* replacing the current 155 or 186 forms; the current paper forms are still available. You can find an [instructional video and FAQ](#) about the tool on the Member Board Community. For any questions related to this tool, please email [council-relations@ncarb.org](mailto:council-relations@ncarb.org).

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## NCARB in the News: Here's How Architectural Licensing Boards Can Uphold Ethical Practice

NCARB CEO Michael Armstrong published an opinion piece regarding ethical practice in *Architect* magazine in July 2018. Here is an excerpt:

"In June 2018, representatives from 51 U.S. licensing boards approved major updates to NCARB's *Model Rules of Conduct*, completing a three-year effort to review and strengthen the role of ethics in the regulation of architecture. Established in 1977, the *Model Rules of Conduct* had not been reviewed until 2015, when then-president Dennis S. Ward, FAIA, NCARB, established the Ethics Task Force.

The updated *Model Rules of Conduct* intentionally references workplace harassment as an issue of focus for disciplinary consideration, along with an obligation found in ethics codes of professions like medicine and law: to say something if you know something. Because the topic of ethics is at once obvious and complex, the *Model Rules of Conduct* also acknowledges the essential nature of due process before any disciplinary finding.

Now that the framework has been developed, it is up to licensing boards to lead change within their own jurisdictions. The next step toward curbing misconduct in the architectural field is for each individual board to adapt and implement the *Model Rules of Conduct*. As more boards take advantage of this tool to enforce ethical behavior, NCARB anticipates seeing architecture lifted to the same high standards held by other professions. And in turn, we hope that by creating an atmosphere of protection and respect, equity and diversity across the architecture profession will continue to improve.”

Read the full article in *Architect* ☞ magazine. For questions on how your board can adopt the *Model Rules of Conduct*, please contact our Council Relations team at [council-relations@ncarb.org](mailto:council-relations@ncarb.org) ✉.

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## Member Board Stakeholder Engagement Best Practice Spotlight

This month we'd like to highlight outreach efforts the Nebraska Board of Engineers and Architects implemented to share their board's value to the state. The Nebraska Board and staff have been looking into effective and efficient ways to increase awareness of the board. Writing a “Letter to the Editor” to all newspapers in the state introduced readers to the board and explained how the board protects health, safety, and welfare. In total, the board sent letters to 124 newspapers and four of the larger newspapers published the letter—including *The Grand Island Independent* ☞. The staff conservatively estimates the letters have the potential to reach 30,000 readers across Nebraska.

If your board is taking steps to engage stakeholders in your state, let us know! Contact Maurice Brown at [mbrown@ncarb.org](mailto:mbrown@ncarb.org) ✉ and we'll share your best practices with the Member Board Community.

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## Freedom by Design Update

NCARB is excited to continue its partnership with the American Institute of Architecture Students (AIAS) Freedom by Design™ (FBD) program. FBD encourages students to serve their communities by addressing accessibility issues with design solutions, and provides the opportunity to gain real-world experience by working with clients, learning from local licensed architects and contractors, and managing the practical impacts of architecture and design.

The recent submission window for grant funding closed on October 15, and 22 projects have been approved. NCARB has notified all the Member Board Executives in jurisdictions where a project has been approved. We encourage our Member Board Members to consider volunteering if a project is approved in their jurisdiction. Thank you to the Member Board Members who have already agreed to volunteer! Opportunities for engagement include:

- **Serving as a Design Mentor or Construction Mentor**  
All FBD design-build projects are required to have both an architect and contractor licensed in the state the build is taking place working as a mentor. Consider serving as a design mentor or recommending a licensed contractor for a local project.
- **Serve as a Secondary Mentor**  
Secondary mentors serve as an additional resource to FBD projects. As experienced architects, your advice, tips, and guidance could provide insight to students.
- **Serve as a Virtual Advisor**  
For those who still want to be involved in an FBD project but find the time or travel required to be a challenge, consider serving as a virtual advisor. Although virtual, you will still provide mentorship and motivation to students to complete their service projects.
- **Recommend Nearby Construction Mentors to FBD Chapters**  
You and your fellow board members have a long list of contacts within the architecture, engineering, and construction industries. Encourage those connections to reach out to AIAS and participate in FBD projects.
- **Serve as a Volunteer for a Nearby FBD Chapter**  
Contact your local AIAS chapter and learn how you can participate in a project's build day.

For more information on how you can get involved visit the [AIAS website](#) or email [council-relations@ncarb.org](mailto:council-relations@ncarb.org).

## FTC Report

We hope you have had an opportunity to read the Federal Trade Commission's (FTC) recently released report, [Options to Enhance Occupational License Portability](#), exploring means of reducing the burden on licensed workers moving across state lines.

Through this report, the FTC makes recommendations to licensees, professional organizations, and organizations of licensing boards to improve license portability, model laws, interstate compacts, mutual recognition models, and expedited licensure. NCARB employs several of these methods and for the first time, the FTC highlighted NCARB as a national model.

A summary and talking points highlighting key aspects of the report will be posted on the Member Board Community this month. Feel free to reach out to Marta Zaniewski ([mzaniewski@ncarb.org](mailto:mzaniewski@ncarb.org)) or Maurice Brown ([mbrown@ncarb.org](mailto:mbrown@ncarb.org)) with any questions.

## Legislative Update

With state legislatures returning to session in the coming weeks, we wanted to provide you an update on a couple bills and executive orders:

- **NM Executive Order 2018-48** ☞: New Mexico Governor Martinez recently released Executive Order 2018-48 directing state boards and commissions to take “appropriate action on occupational regulation.” This order, a follow up to a previous executive order issued this summer, requires boards to reduce fees to 75 percent of the national average or less, waive fees for low income individuals (i.e. SNAP recipients), and to develop a list of specific crimes considered when evaluating licensure applications. The most notable provision is the “consumer choice” requirement. Similar to the American Legislative Exchange Council (ALEC) **Occupational Licensing Consumer Act** ☞, New Mexico boards would be required to establish a “consumer choice” process in which an individual may practice an occupation without a license so long as 1) the individual or individual’s employer informs each prospective customer that the individual is not licensed by the state of New Mexico, and 2) the customer signs a written contract acknowledging the disclosure. Before the executive order moves forward, the consumer choice provision first needs approval from lawmakers. The same holds true for a section of the order seeking to make it easier for out-of-state professionals to practice in New Mexico. Some of the changes within the order can be done without the legislature—i.e. licensing fee reductions—but legislative approval is needed for the majority of the executive order. Specifically, occupations and trades targeted by the executive order, from barbers and surveyors to architects and funeral directors, that are covered by state law. Executive orders are enough to mandate changes in regulation, but not to change law. Lawmakers would have to approve one of the biggest changes in the order: the consumer choice provision. If legislature wants to approve the provisions of the outgoing governor’s order they have a little over two months to do so.
- **NJ A 2810** ☞ and **S 2963** ☞: Both New Jersey Assembly Bill 2810 and its companion Senate Bill 2963 are intended to establish active supervision of all professional and occupational licensing boards. Through the supervision proposed in A 2810, a regulatory officer may review any potentially anti-competitive regulation, action, or decision proposed by a board under the officer’s purview that meets the criteria established in the bill. In the case for the New Jersey State Board of Architects, a regulatory officer is defined as the attorney general or their designee. Both bills were passed by the initial committees: Assembly Bill 2810 recently passed the Assembly Regulated Professions Committee with minor revisions and Senate Bill 2963 has passed the Senate Committee on Commerce.

We will continue to closely monitor these legislative trends. You can access the full text of these bills, as well as track other bills and regulations, through the StateNet platform on the **Member Board Community** ☞ under the “**Advocacy** ☞” heading. As always, feel free to contact Marta Zaniewski ([mzaniewski@ncarb.org](mailto:mzaniewski@ncarb.org) ☞) or Maurice Brown ([mbrown@ncarb.org](mailto:mbrown@ncarb.org) ☞) regarding any legislative issues you would like us to monitor.

## Disciplinary Database

Last quarter, NCARB saw an increase in disciplinary data reporting from several boards that had not been reporting. NCARB has entered over 30 historical cases into the database for the Kentucky Board, and our Customer Relations team was able to provide special assistance to the Alaska, Arizona, Georgia, Illinois and Vermont boards. By working together to update disciplinary data, we can provide better reporting and transparency to all of our Member Boards.

If your board would like to add information to the Disciplinary Database, is not familiar with the disciplinary database, or needs a refresher on using the database, our Customer Relations team is ready to provide personalized training. Please contact Danielle Brokenborough at [dbrokenborough@ncarb.org](mailto:dbrokenborough@ncarb.org) or 202-879-0520.

Remember, it is never too late to report!

## FARB Forum

Registration for the Federation of Associations of Regulatory Boards (FARB) Forum in New Orleans is available now! The forum, held January 24-27, 2019, will focus on an analysis and articulation of government involvement in professional and occupational regulation. State regulatory boards are under increased political and legal scrutiny. It is time for the regulatory community to shine, to invite scrutiny and welcome the opportunities to address the need for government regulation. Learn more about the [2019 FARB Forum](#).

## Welcome New Member Board Members

We'd like to introduce the following new Member Board Members:

- **Aelan Tierney** joined the Massachusetts Board of Registration of Architects as an architect member.
- **Hypatia Alexandria** joined the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects as a public member.
- **Karen Reynes** joined the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects as a public member.

## Upcoming Meetings

NCARB committee work and volunteer engagement is in full swing. Please be sure to mark your calendars for the upcoming events:

- **Committee Summit:** November 30 – December 1, 2018, in Atlanta, GA. The following committees will attend:
  - Education Committee
  - Examination Committee
  - Experience Advisory Committee
  - Model Law Task Force
  - Policy Advisory Committee
  - Re-Think Tank
  - Think Tank
- **MBE Workshop:** March 7, 2019, in Nashville, TN
- **Regional Summit:** March 8 – 9, 2019, in Nashville, TN
- **2019 Centennial Annual Business Meeting:** June 19-22, 2019, in Washington, DC





# MBE/MBC 2018 Summit

## **2018 Member Board Chairs and Member Board Executives Leadership Summit Summary**

Representatives from 46 of the 55 U.S. architectural licensing boards that make up the National Council of Architectural Registration Boards' (NCARB) membership gathered in St. Louis, Missouri, on October 12-13 for the biennial Member Board Chairs & Executives Leadership Summit. Over the two-day meeting, attendees reviewed a draft of NCARB's revised Strategic Plan, explored the work of the Model Law Task Force, discussed plans for the 2019 Accreditation Review Forum, and provided feedback on current and potential NCARB services.

### **Preparing NCARB for the Future**

Following a warm welcome of NCARB's newest member, the Commonwealth of the Northern Mariana Islands, President Hoffman introduced Jay Younger of McKinley Advisors to lead a discussion of NCARB's refreshed Strategic Plan. A draft of the plan—which was developed through 18 months of feedback from board members, volunteers, customers, and staff—was shared with attendees to gather comments and suggestions. Focusing on the “evolution” of NCARB's mission and goals rather than “revolution,” the final version of the revised plan will be unveiled to members at the Centennial Annual Business Meeting in June 2019.

### **Developing New Services**

On Friday afternoon, attendees engaged in four workshops aimed at reviewing NCARB's current services for Member Boards and providing suggestions for future services. Building off of NCARB CEO Michael Armstrong's remarks at the June 2018 Annual Business Meeting, the workshops focused on the key areas of investigative services, advocacy resources, communications and outreach, and facilitating effective board meetings.

#### **I. Sharing with Stakeholders: Communicating the Work of Your Board Recap** *(Facilitated by Director of Marketing and Communications, Andy McIntyre and Content Producer, Marketing and Communications, Jenny Kaweck)*

During this workshop, attendees explored how to tailor communications based on primary audience and discussed how NCARB can help boards communicate more effectively. Member Board Chairs and Executives were asked to identify key stakeholders and communication limitations in their jurisdiction.

After discussing some existing NCARB resources, attendees also brainstormed potential communication tools that would be helpful as boards seek to reach out to licensees and candidates, as well as educate legislators and the public. Member Boards are encouraged to reach out to the Marketing & Communications team with any immediate communications needs or additional suggestions. NCARB will continue to review feedback from the workshop and begin

developing tools, with plans to release an Annual Report template for boards in the near future. The PowerPoint and handouts can be found [here](#).

## **II. Envisioning Effective Investigations**

*(Facilitated by Director of Examination, Jared Zurn)*

Envisioning Effective Investigations gave participants the opportunity to break up into small groups to answer broad questions related to their current processes for investigations and identification of pain points experienced during the investigation process. Each session culminated in a blue-sky discussion of what investigations could look like in the future. This was an exploratory session focused on gaining insight into current investigatory practices and to understand where Member Boards would like NCARB to help.

Early session questions focused on what the process currently looks like for Member Boards and what obstacles exist within these investigations. Each small group identified critical things to investigate as well as the pain points associated with those efforts. The groups were then prompted to identify what an "Investigation Utopia" might look like. The general sense is that a perfect investigations process would allow investigations to be proactive rather than reactive and that outside knowledge and resources would be available to support the boards in their investigation efforts. NCARB support could include: a pool of expert witnesses or a "knowledge bank" to support local investigators, training for investigators on best practices specifically related to investigations involving the built environment, and better real-time reporting of disciplinary action to and from the NCARB Disciplinary Database. Additionally, NCARB could provide resources for investigators such as a library of case study material and a catalogue or matrix of fines in an effort to support discipline being more consistently applied across jurisdictions.

### *Action items:*

- *Begin cataloging investigation processes of Member Boards to identify common practices.*
- *Begin data collection of fines levied for various infractions to build a resource for Member Boards.*
- *Develop future conversation opportunities for Member Boards about investigations support at NCARB.*

## **III. Advocacy in Action: What Resources can NCARB Offer?**

*(Facilitated by Assistant Director for Advocacy and External Engagement, Marta Zaniewski and President of Integrated Advocacy Solutions, Louis Finkel)*

During the 2018 Annual Business Meeting Member Boards heard about the importance of educating policymakers. Board members and executives shared successes they've had in their jurisdictions, and how they conveyed how they protect the public's health, safety and welfare. In St. Louis during the MBE and MBC Summit, we were able to further our discussion from Detroit, and offered a workshop titled "Advocacy in Action: What Resources can NCARB Offer?" During the workshop, we outlined specific education and communication resources that can help

member boards continue to engage and educate policymakers. Additionally, we used the workshop as an opportunity to ensure that NCARB continued to be a valuable resource for member boards as we continue to work together. The PowerPoint and handouts can be found [here](#).

#### *Action Items from the Workshop*

- *Develop 1-page document explaining what it takes to become an architect*
- *Develop high level talking points regarding reciprocity & the recent Federal Trade Commission report that highlighted NCARB as a model for licensure portability*
- *Share best-practices from other boards regarding engaging stakeholders (via Fast Facts)*
- *Develop/share an elevator speech for member boards to use when meeting with stakeholders*

#### **IV. Facilitating Effective Board Meetings**

*(Facilitated by Agile Coach, Christine Schubert and Region 3 Executive, Jenny Owen)*

The workshop provided tools to help Member Board Chairs and Executives have more effective and meaningful discussions during their board meetings. Attendees participated in activities which taught strategic conversation and prioritization of meeting topics techniques. Attendees also used a strategy grid to map a topic based on opportunity and risk. Each table then shared their findings and the highlights from their discussion with the group.

Attendees were then introduced to a strategic conversation canvas, which is an additional tool Member Board Chairs and Executives can use when preparing for a meeting. Part of this discussion included the concept of powerful questions and how they can lead to deeper exploration and discovery. Both the strategy grid and strategic conversation canvas can be used for meeting agenda development, meeting facilitation, and board strategic planning. Handouts from the workshop can be found [here](#).

#### *Action Items*

- *NCARB will explore additional facilitation trainings for Member Board Members and Chairs.*

#### **Understanding Model Law**

On day two, Member Board leadership received a sneak peek into NCARB's [Centennial Celebration](#). President Hoffman provided an overview of NCARB's current plans, which include a commemorative publication, historical microsite, and traveling exhibition. President Hoffman also provided updates on the legislative climate and the business development effort.

In addition, attendees took a deep dive into the work of NCARB's Model Law Task Force, which is in the midst of a multi-year effort to modernize *NCARB Model Law/Model Regulations* into a tool that can be used and adapted by all boards. To better understand the work of the task force, attendees participated in an activity to draft definitions of common words encountered in model

law and shared their hopes for what the final product will accomplish, all of which will be reviewed in depth by the Task Force.

### **Member Board Chairs and Member Board Executives Breakout Sessions**

During the Member Board Executives Breakout led by Chairwoman of the MBE Committee Elizabeth Bern and MBE Director Kathy Hillegas, MBEs had a lively discussion that covered a variety of topics chosen by those present for the discussion. The format of the workshop allowed participants to present a topic of interest which was then discussed by the whole group. The group spent time discussing administrative topics such as emergency licenses and disaster recovery plans. They also spent time discussing topics related to managing their board such as running efficient board meetings and protocol for communicating with board members. Other subjects touched on NCARB services, including transmittals and the Model Rules of Conduct. Overall, this was an information sharing session that allowed MBEs to ask questions related to their day-to-day work to learn more from one another. The Member Board Executives Committee will consider the topics that were introduced at this session while planning for the MBE Workshop at the 2019 Regional Summit.

#### *Action item*

- *Post notes from the session & list of all discussion topics to the MBE Community.*
- *Incorporate discussion topics ideas from this event into MBE Workshop at Regional Summit.*

During the Member Board Chairs Breakout, MBCs identified and discussed the topics that were the highest priorities for their boards. Led by first Vice-President Terry Allers and Secretary Bayliss Ward, the group prioritized eight key topics to discuss. Topping the list was incidental or unlicensed practice, followed by advocacy or legislative activity, communication strategies, educating code officials, technology and practice, responsible control, NCARB services, and experience requirements.

One theme for each of the topics is how boards can remain nimble and responsive to an ever-changing regulatory and practice environment. As noted by the group, unlicensed practice, the scope of architecture practice, and how architects work has continued to evolve, and boards are often unable to keep pace. The process by which boards update their rules and regulations is often timely, and many may hesitate to modify or add regulations given the deregulatory climate they are facing. The group recognizes that many of the issues are currently being discussed by the Futures Task Force and will require more in-depth strategic discussions to develop solutions.

Communication was also mentioned throughout the discussion. The group shared their own experiences and successes in communicating with a variety of stakeholders, and ways in which they could improve outreach efforts. The group agreed that being proactive and developing a comprehensive outreach strategy to public officials, licensees, the public, stakeholders including building code officials and fire marshals, should be a priority for boards moving forward.

The group commented on how productive the discussion had been, and the desire to have a space to continue discussions for the Member Board Chair community. The group suggested that NCARB create an additional online website within the current Member Board Community for chairs to help facilitate these discussions.

*Action Item*

- *Develop an online space on the Member Board Community specifically for Chairs to communicate with one another.*

**Accreditation Review Forum**

Member Board Chairs and Executives heard an update on the National Architectural Accrediting Board's (NAAB) upcoming 2019 Accreditation Review Forum from President Hoffman; First Vice President/President-elect Terry L. Allers, NCARB, AIA; and NAAB President Kevin Flynn, FAIA, NCARB, IES. In 2019, NCARB's Board of Directors will participate in collaborative efforts led by the NAAB to review and update the requirements and process for NAAB accreditation. The presentation covered what the forum is, why it's important to NCARB members, and how boards can provide input to the Board of Directors ahead of the event. Members are encouraged to share their feedback for the ARForum '19 here.

# HISTORY OF NCARB

NCARB is celebrating its centennial in 2019! In May 1919, during an American Institute of Architects (AIA) convention in Nashville, 15 architects from 13 states came together to form an organization that would become NCARB. Over the next year, NCARB will explore where our organization has been and where we're going. Stay tuned for glimpses into our past, present, and future, and follow along on social media with #NCARB100.

As expressed by its founding members, NCARB's stated goals were:

- To facilitate the exchange of information on examining, licensing, and regulating architects
- To foster uniformity in licensing and practice laws to facilitate reciprocal licensing
- To discuss the merits of various examining methods as well as the scope and content of licensing examinations
- To strive to improve the general educational standards of the architectural profession in the United States

NCARB has modified these goals slightly throughout the organization's history. After its founding, NCARB worked to establish the three components of architectural licensure: education, experience, and examination. NCARB produced the first national exam for architects in 1965. In 1976, NCARB introduced the first version of the experience program.

Since 1919, NCARB has been led by many distinguished architects. Learn more about NCARB's Past Presidents.

## Setting NCARB's Course for the Future

Earlier this month, NCARB held its biennial Member Board Chairs and Executives Leadership Summit in St. Louis, Missouri. Member Board leadership had the opportunity to provide important feedback regarding NCARB's programs and services, the draft of NCARB's refreshed Strategic Plan, and present challenges and opportunities at the board level.

**READ THE MESSAGE FROM THE CEO**



Attendees at the 2018 MBC/MBE Leadership Summit discussed how NCARB can expand its services, explored the work of the Model Law Task Force, and more.

### Recent News



- [Member Board Leaders Prepare for the Future of Regulation](#)
- [NCARB and National Building Museum Welcome Local Architecture Students for Design Competition](#)

### Top Blog Posts



- [NCARB Certificate Facilitates Mobility Across State Lines](#)
- [Celebrating the History of the ARE](#)
- [Get to Know the 2018-2019 Think Tank Members](#)

## October Highlights

### Expanding Information Access

After feedback from our boards, NCARB can now share information from portfolio applications for NCARB certification through the education alternative with boards for review.

**READ FACILITATING LICENSURE**

### Telling Our Story

NCARB leadership had the opportunity to sit down with key stakeholders in Kansas to explore the value of reasonable regulation and public protection.

**READ FOSTERING COLLABORATION**

## Message From The CEO

Dear Colleagues,

Each October in even-numbered years, the NCARB Board and senior staff set aside time to engage with key member stakeholders—the chairs and executives of our Member Boards. These meetings are essential to maintaining a relationship that is transparent, accountable, and often transformative. We use our hours together to “check in” with critical conversation on not only the status of NCARB programs and services, but also the needs and challenges of our Member Boards, ranging from capacity and funding issues to leadership training and strategies for engagement with government and citizen interests.

This year’s biennial Chairs and Executives Leadership Summit came at an especially opportune time: we are in the final stages of developing a refreshed Strategic Plan; we launched a sustained focus on volunteer and staff training regarding workplace sensitivity; we are on the cusp of our 100th Anniversary with an emphasis on looking forward as well as celebrating our past; and we are setting our sights on how NCARB can address “capacity gaps” at the jurisdictional level by evolving our existing service offerings to Member Boards.

Feedback from the attendees affirmed much of the direction we’ve charted and also gave us additional food for thought. The described approach to the draft Strategic Plan as “evolutionary, not revolutionary” was well-received. A room full of increasingly diverse leaders heard training that is applicable to their own workplace, as well as the NCARB workplace encompassing both volunteers and staff. The Member Boards received a preview of the Centennial history book pages featuring their individual histories, incentivizing further participation and cross-jurisdiction information exchange. The attendees also agreed that additional services from NCARB would be welcomed in the areas of investigative support, outreach and communications, and legislative engagement. Tips for effective meeting management and break-out sessions with chairs and with executives identified priorities for future discussion and collaboration.

We hold this meeting—in addition to our board and campus visits, larger meetings, and other outreach vehicles—because we believe that key relationships require constant care. We won’t always hear everything the first time or deliver everything as expected. But we can come close to these goals. In doing so, we walk the walk together—“going further” to help our Member Boards protect the public.

Best Wishes,

*Mike*

LET’S GO FURTHER



President Hoffman and CEO Armstrong welcomed representatives from the Northern Mariana Islands back into NCARB membership at the 2018 MBC/MBE Leadership Summit.

## CEO Outreach



### October

- Arkansas Board and Policymaker Meetings | Little Rock, AR
- AIA Arkansas Convention | Hot Springs, AR

### Upcoming in November

- Oklahoma Board Meeting | Oklahoma City, OK
- Missouri Board Meeting | Springfield, MO
- U.S./Canada/Mexico Tri-National Agreement Meetings | Mexico City, Mexico
- National Council of State Legislators/Council of State Governments Occupational Licensing Learning Consortium Meeting | Clearwater Beach, FL
- Member Board Executives Workshop | Atlanta, GA
- NCARB Committee Summit | Atlanta, GA



## Strategic Plan

### Facilitating Licensure

- A request from the Missouri Board has spurred an internal review of how to expand jurisdictional access to information supplied by applicants for certification via the alternative path for licensed practitioners lacking a degree from a National Architectural Accrediting Board (NAAB)-accredited program. In situations where the applicant has not acquired an architecture-related degree, applicants must supply an electronic portfolio of their work experience to be reviewed by the NCARB Certification Alternatives Review Team (CART), which supplies two architects to independently audit the portfolio for compliance with the *NCARB Education Standard*. The CART auditors guide the applicant as to what additional experience-related information must be supplied—beyond the basic experience requirements for licensure—as evidence for compliance in lieu of classroom education, to address the deficiency between the *NCARB Education Standard* and their actual education. Until recently, the applicant portfolio has not been shared by NCARB with inquiring jurisdictions; rather, the applicant would have to supply this information should a jurisdiction wish to independently review an application for reciprocal licensure. NCARB is now prepared to forward the portfolio information as requested by a reviewing jurisdiction. This change adds an additional layer of assurance that materials being provided to Member Boards have not been altered or amended.

### Fostering Collaboration

- Armstrong and staff visited Arkansas for meetings with the Board of Architects, Landscape Architects and Interior designers, as well as elected officials. Armstrong had an opportunity to meet Governor Asa Hutchinson, Lt. Governor Tim Griffin, Speaker of the House Matthew Sheppard, and senior staff from the attorney general's and governor's offices to discuss the role of the state board and how NCARB supports it. This was an opportunity to tell the story of our efforts to facilitate licensure while protecting the public, and to listen to the thoughts and concerns of policymakers. Also addressed the AIA Arkansas Annual Evolve Convention in Hot Springs to update the group on the evolution of NCARB programs and emphasize the importance of AIA and NCARB working together to ensure reasonable regulation of the profession.

Congratulations!



@marangelis

Unboxing my certification...!!! #licensing  
@NCARB #architect

## Organizational Development and Office Life

- The quarterly all-staff meeting had a surprise guest: new Information Services Director Rouel DeGuzman, slated to start his job in mid-November, was introduced to the entire NCARB team. Known as "Roo," he brings a wealth of technical and management expertise to NCARB. He will report to Guillermo Ortiz de Zarate, Chief Innovation and Information Officer. October also marked the organization's annual all-staff picnic, providing a needed break to reconnect and learn more about each other.
- Demolition at the new office site has commenced. Final decisions regarding design elements ranging from furniture to floor and wall coverings have been made. An initial clean-up day occurred on October 31, with a preview of storage options provided to staff. The office move is planned for March 2019.



NCARB staff danced, played games, and enjoyed each other's company at the annual all-staff picnic.

## Collateral Engagement



### October

- Five Executives Meeting | Washington, DC
- FARB 3rd Quarter FY19 Executive Board Meeting
- NAAAB Board of Directors Meeting | Annapolis, MD
- Five Collaterals Meeting | Annapolis, MD
- NCARB/AIAS Quarterly Leadership Meeting | Washington, DC
- ACSA Administrators Conference | Québec City, Québec, Canada
- ACSA Board of Directors Meeting | Québec City, Québec, Canada

## Senior Officer and Executive Office Outreach

- NCARB President/Chair of the Board David L. Hoffman, FAIA, NCARB, Hon. FCAARM, presented an update on NCARB and the licensure process at the AIA Kansas Annual Convention.
- Hoffman, First Vice President/President-elect Terry L. Allers, NCARB, AIA; Second Vice President Robert M. Calvani, FAIA, NCARB; and CEO Michael J. Armstrong attended the annual meeting of the National Architectural Accrediting Board (NAAB) and the Five Collaterals Council where discussions focused on planning for the 2019 Accreditation Review Forum and collateral updates.
- Hoffman, Allers, and Armstrong attended the board of directors meeting for the Association of Collegiate Schools of Architecture (ACSA) where the agenda addressed the status of topics addressed in September at the engagement with ACSA leaders and the NCARB Board. The discussion items included an update on legislative actions relating to deregulation, NCARB initiatives with the professional practice instructor community, status of the Integrated Path to Architectural Licensure (IPAL), and opportunities for future research.

## Spotlight on the Centennial

**As we celebrate our 100th year, we'll be sharing snippets of NCARB history. This month, take a look back at the national exam's evolution from paper-and-pencil to computer-based testing!**



A computerized ARE constituted an enormous risk for NCARB: in time required, in the hundreds of thousands of dollars invested, and in the will to make it happen. There came a critical period when the Council was bearing the dual financial burden of supporting the paper-and-pencil version while investing in the development and initial administration of the computer-delivered ARE.

The launch day finally arrived on February 24, 1997. Then-President Darrell L. Smith, FAIA, reported, "NCARB inaugurated the Architect Registration Examination, delivered and scored by computer. This event marked the culmination of 13 years of work by an incredible number of people from both the National Council of Architectural Registration Boards and the Educational Testing Service."

[Read the full story on our blog!](#)

## Administration

- The Human Resources team is partnering with all directorates on an organization health initiative. Based on data we have been collecting on workplace satisfaction, we are focused on making NCARB a "best place to work." The core goals of this initiative are to ensure ongoing alignment with our mission, maximize effectiveness of our efforts, and constantly enhance communication. High workplace satisfaction has many tangible results, including increased productivity, engagement, and staff retention.
- A new task force to spot audit continuing education (CE) courses is in development and expected to launch by December 1. In this new initiative, launched by President Hoffman and the Board of Directors, NCARB volunteers will be assessing whether stated course objectives satisfy Health, Safety, and Welfare (HSW) criteria. Outcomes will be reported to entities that approve the CE course(s).
- Black Spectacles study materials have been approved by our Test Prep Review Committee for five of the ARE 5.0 divisions. The committee is currently reviewing the materials for the sixth division. Two other vendors have submitted applications to have materials reviewed. More details will be shared after these reviews have been completed.



@DiCaraRubino

please give it up to Jonathan Ferrero @JATG80 who passed his final licensing exam and is on his way to becoming a fully registered architect in the state of New Jersey. Congratulations Jonathan -- great work! Next up: @NCARB

## Council Relations

- Supported the Member Board Chairs and Executives (MBC/MBE) Leadership Summit and facilitated a workshop to gather feedback regarding resources that NCARB can offer on advocacy and education efforts with key state stakeholders.
- Participated in the National Organization of Minority Architects' (NOMA) Annual Conference to engage with NOMA leadership and learn more about equity and diversity priorities for the organization.
- Identified and conducted key stakeholder interviews with various NCARB members and staff regarding the ongoing work with Benenson Strategy Group to gather data and research regarding public sentiment on regulation.
- Held quarterly collateral meeting with the American Institute of Architecture Students (AIAS) to discuss ongoing projects such as Freedom by Design and identify collaboration opportunities regarding the Integrated Path to Architectural Licensure (IPAL) program.
- Held strategy meeting with AIA National staff to identify and highlight priority states for the 2019 legislative session, and to ensure a proactive approach between the two organizations moving into the new year.



## Customer Relations

- Joined Experience + Education and Council Relations teams in support of NCARB at the NOMA conference and at an outreach event at AIA Chicago.
- Attended a meeting with members of the Missouri Board for discussion about service improvements.
- Participated in a quarterly NCARB/NAAB staff-to-staff meeting in a round-table discussion of topics affecting both organizations.

## Examination

- Released new forms (this year's set of questions that candidates will be tested on) for each division of ARE 5.0. The new forms included updated content on the 2017 family of AIA contracts, the 2015 International Code Council (ICC) family of codes, the new NCARB Model Rules of Conduct, and the new AIA Code of Ethics.
- In collaboration with Marketing & Communications and Information Systems teams, facilitated the first meeting of the FY19 Futures Task Force continuing their efforts to investigate how the profession and the regulatory environment may cause NCARB to evolve.
- Facilitated a workshop at the MBC/MBE Leadership Summit to learn how NCARB could best support boards' investigation efforts in the future.
- The Item Development Subcommittee continues its efforts reviewing ARE items and completing multiple assignments in advance of its early November meeting.

## Experience + Education

- Released a mini-monograph:
  - *Security Planning and Design Part VI: Biochemical and Radiological Building Protection*



Members of the Futures Task Force met at NCARB's office in Washington, DC, to explore how architectural regulation might evolve in the coming years.



@MNAELSLAGID

Planning on taking the Architect Registration Exam?  
@NCARB has published updated versions of the  
ARE 5.0 Guidelines and ARE 5.0 Handbook

## Information Systems

- Data Science team is currently working on natural language processing (NLP) to process NCARB phone calls. NLP is a form of artificial intelligence that tries to take human language and turn it into a structured format for analysis.
- NCARB's Lineup™ software sales team is preparing to attend the Institute for Credentialing Excellence (ICE) Exchange Conference next month in Austin, Texas, in hopes of networking with potential clients from the accreditation industry. Efforts to monetize NCARB software products are designed to establish new revenue streams to enhance services to Member Boards and customers. The ICE Exchange Conference seeks to facilitate the exchange of industry trends and best practices through networking.
- Lineup was nominated for the SURGE Innovation Pioneer Award by our very own Data Scientist Katherine Matthews. The purpose of this award is to shine light on people who have developed innovative products and deserve to be recognized. Lineup was selected as a finalist amongst three others. The winner will be announced on November 8 at this year's SURGE virtual conference.



@Farah\_Arch

#Blessed to have celebrated licensure with so many friends, family, colleagues, classmates & professional mentors this weekend! #Architect #RA #NCARB @ncarb

## October Outreach



### Schools

- 10/3 | Judson University
- 10/3 | University of Kansas
- 10/3 | University of California, Los Angeles
- 10/22 | Kean University
- 10/24 | Roger Williams University
- 10/25 | Rhode Island School of Design

### AIA Components

- 10/3 | AIA Chicago
- 10/3 | AIA Kansas City

### Conferences

- 10/2 | Association of Licensed Architects
- 10/2 | Licensing Advisors Retreat - Los Angeles
- 10/4 | Region 2 Education Summit
- 10/4 | AIA Kansas
- 10/4 | Licensing Advisors Retreat - Chicago
- 10/4-5 | Construct (CSI)
- 10/17-20 | NOMA Conference
- 10/20 | Chicago Architecture + Design College Day
- 10/21-23 | 2018 ICC Annual Conference & Expo
- 10/25-27 | ACSA Administrators Conference
- 10/26 | Region 1 Licensing Advisors Forum

## Marketing & Communications

- Coordinated NCARB's sponsorship of the 2018 Interschool Design Competition at the National Building Museum. Nearly 50 architecture students from local universities had just eight hours to design a mixed-use building in Washington, DC. Participating students received a free NCARB Record for one year and can use their experience toward the Architectural Experience Program® (AXP™), thanks to support from the Examination and Administration directorates.
- Director of Marketing & Communications Andrew McIntyre and Content Producer Jenny Kaweckl facilitated a workshop at the MBC/MBE Leadership Summit on communicating with stakeholders about the work of the licensing board.
- Collaborated with the New Jersey State Board of Architects to create an annual report, which will be used to communicate the important role the board plays in protecting the public. The report will be developed into a template that can be shared with all Member Boards.
- Developing content for NCARB's FY18 Annual Report, including committee and region reports, videos, and reports from FY18 officers.
- Supported the Experience + Education team's development of a new draft of the *Continuing Education Guidelines*.



NCARB's Centennial Advisory Committee reviews drafts of the historical publication to be unveiled at the June 2019 Annual Business Meeting.

- NCARB Centennial:
  - Displayed a sample of Member Board history submissions for the Centennial book at the MBC/MBE Leadership Summit.
  - Continued development of the Centennial "microsite," which will be hosted on [ncarb.org](http://ncarb.org).
  - Finalizing content for the Centennial book.

## Upcoming Outreach



### Schools

- 11/6 | California College of the Arts
- 11/6 | Academy of Art University
- 11/6 | Virginia Tech (WAAAC)
- 11/7 | University of Texas at Arlington
- 11/27 | Northeastern University

### Conferences

- 11/3 | Equity by Design
- 11/7-9 | Architecture Exchange East
- 11/8-10 | Texas Society of Architects Convention
- 11/28-29 | Architecture Boston Expo

## MEMORIAM

Dear Colleagues,

Just before we went to press on this edition of the NCARB Update, I was saddened to learn that former CEO Samuel T. Balen, who served our organization for 27 years including 18 as our executive, passed away on October 26. While Sam was in failing health, his passing was nonetheless a sudden event I was privileged to spend time with Sam and his late wife, Ruth, at their home in Oregon, where we taped the reminiscences of their years at NCARB. We will be editing this footage to show at our Centennial Annual Business Meeting in June. We had established a relationship with his son, Greg, who moved Sam to Colorado to be closer to Greg after Ruth passed last year. Greg was kind enough to supply the

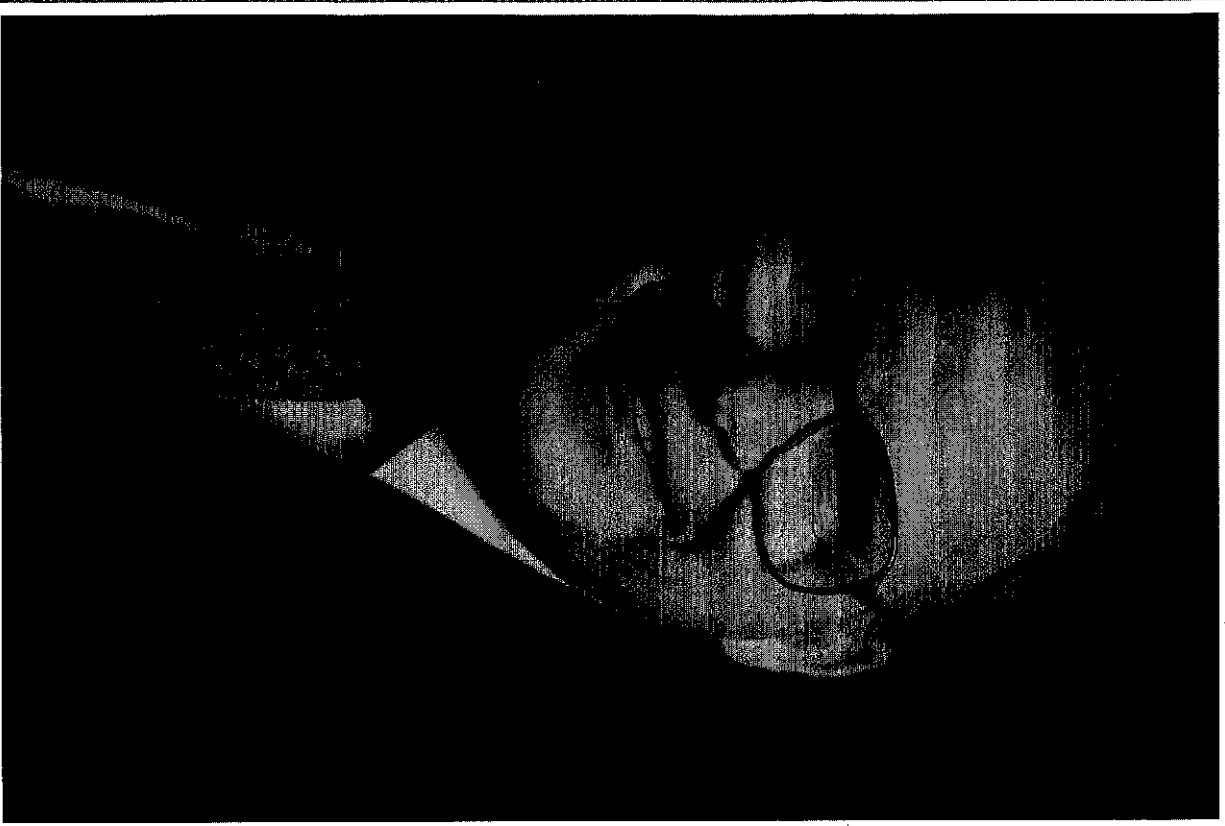
Sam was one of our three longest-serving CEOs with 18 years at the helm of NCARB from 1979 to 1997. He started at NCARB in 1969 overseeing the Record evaluation process, and moved up to second in command under former Executive Hayden Alims before taking the NCARB helm in 1979. He oversaw enormous change in the delivery of our products, as well as our evolution as a record keeper and convener of our regulatory stakeholders. Most importantly, Sam was a tireless advocate for our focus on protecting the public and in carving out our distinct and unique role within the architect community. For those who worked for him and served with him, Sam was known for his direct delivery, passion for the NCARB mission, and his enjoyment of fellowship with his colleagues in the United States and around the world. An architect himself, he and Ruth retired to a stunning property on the Oregon coast that he designed. It was my great honor to spend several hours with them and get a glimpse of their dedication not only to NCARB, but to each other.

In lieu of flowers, the family asks for contributions to the American Cancer Society and/or the Alzheimer's Association in the name of Samuel and Ruth Balen. Cards can be sent in care of Greg Balen to 14260 West 71st Ave., Arvada, CO 80004. Email messages can be sent to

We greatly appreciate Sam's contributions and the foundation he laid for our current and future success.

May you rest in peace, Sam.

*Mike*





**PDH AUDIT REPORT  
For November 15, 2018  
BOARD MEETING**

13 audits reviewed at each Board Meeting

**Mailed letter to licensee 10/03/2018**

**DEADLINE TO RECEIVE INFORMATION IS 11/05/2018**

<b>Name</b>	<b>Prof</b>	<b>Sent 1<sup>st</sup> letter (or email) need audit records</b>	<b>Rcv'd audit records</b>	<b>Board approved</b>	<b>Board NOT approved</b>	<b>Sent email reminder – need audit records</b>
Arthur, William Blount	PE	10/03/18	10/09/18			
Gaasland, Eric Nils	PE	10/03/18	10/22/18			
Griffith, George E.	LS	10/03/18	10/15/18			
Kalaher, Lisa Marie	AR	10/03/18	10/03/18			
Kokkino, Evangel	AR	10/03/18	10/15/18 – Log only			
Lege, Carey Paul	LS	10/03/18	10/10/18			
Mangan, Jason A.	PE	10/03/18	10/29/18			
Morschen, Loren	AR	10/03/18	10/16/18			
Powers, James Michael	LS	10/03/18	11/01/18			
Prann, Robert Aaron	R	10/03/18	10/10/18			
Rozmiarek, Joseph Montraville	PE	10/03/18	10/15/18			
Tobin, Ryan Christopher	PE	10/03/18	10/18/18			
Vivian, Thomas Ellis	PE	10/03/18	10/15/18			

\*\*\*\*\* - no information received from licensee

[illegible]

**Board Meeting Examinee Report***FE Examinees Passed FE Exam**Meeting Date: November 15, 2018*Page 1 of 1

<b>Name</b>	<b>Certificate #</b>	<b>Exam</b>
Ruppert, Samuel James	E-12581	FE
Williams, Morgan Maureen	E-12582	FE
Gunderson, Trevor	E-12583	FE
Edwards, Nicholas Alan	E-12584	FE
Woodworth, Ray	E-12585	FE
Van Keulen, Justin Daniel	E-12586	FE
Fredrick, Isaac L.	E-12587	FE
Urban, Rebeca Lynn	E-12588	FE
Volesky, Eric David	E-12589	FE
Robinson, Jacob Earl	E-12590	FE
Meintsma, Allison Mary	E-12591	FE
Roemen, Mitchell	E-12592	FE
Tran, Nav Ha	E-12593	FE
Wales, Jennifer Elyse	E-12594	FE
Dando, Adam Joseph	E-12595	FE

**Board Meeting Examinee Report****For FE Examinees For Approval****Meeting Date: November 15, 2018****Page** 1 **of** 4

<b>Name</b>	<b>Exam</b>
Ahlstrom, Zachary	FE
Al-wreidat, yousel Amin	FE
Babcock, Tyler Adam	FE
Blair, Samuel David	FE
Booton-Popken, Amanda J.	FE
Buck, Brady Brian	FE
Cameron, Benjamin L.	FE
Chmela, Lucas Daniel	FE
Coughlin, Natalie	FE
Coupe, Brittany S.	FE
Deveaux, Everette	FE
DeVos, Joshua Thomas	FE
Eitreim, Daniel	FE
Facciano, Griffin	FE
Fast, Joshua	FE
Frosig, Austin	FE
Gangelhoff, Jacob Daniel	FE
Geffre, Adam Lee	FE
Girard, Jenna Brooke	FE
Green, Quintan Evan	FE
Hage, Kinslee	FE
Hagge, Emily Louise	FE
Hale, Raymond	FE
Harm, McKimley	FE
Heck, Riley W	FE
Helfenstein, Victoria Jo	FE
Heuer, Alex James	FE
Hilmoe, Ezekial Eldon	FE
Holomshek, Andrew James	FE
Hotchkiss, Madelynn	FE
Johnson, Avery Hudson	FE
Jones, Gabriel Allen	FE
Kitoy, Ronald Lwamba	FE
Koepke, Alexander James	FE
Kusch, Aaron	FE
Landes, Scott	FE

**Board Meeting Examinee Report*****For FE Examinees For Approval*****Meeting Date:** **November 15, 2018**Page 2 of 4

Name	Exam
Lippert, Stetson Lane	FE
McBurney, Jonathan Bolton	FE
Mentele, Kurtis Dean	FE
Metzger, Grant Eugene	FE
Morrow, John William	FE
Nomeland, Jacob Robert	FE
Novellino, Rosanna Maria	FE
Peterson, Anthony James	FE
Peterson, Nicholas August	FE
Petrich, Geneva Lynn Marie	FE
Popham, Taylor Aaron	FE
Rawlings, Sarah Elizabeth	FE
Rehmeier, Tyler	FE
Rysavy, Merritt	FE
Selby, Clairissa Ruth	FE
Sextro, Zachary Douglas	FE
Skaff, Thomas Aquinas	FE
Skillingstad, Gage	FE
Smith, William Allen	FE
Stearns, John	FE
Stone, Blake	FE
Villbrandt, Tyler John	FE

**Board Meeting Examinee Report**

***For FS Examinees For Approval***

***Meeting Date: November 15, 2018***

***Page*** 3 ***of*** 4

Name	Exam
Petersen, Jason	FS

**Board Meeting Examinee Report***For PE Examinees To Be Approved**Meeting Date: November 15, 2018*Page 4 of 4

Name	City	State	Comments
Hinnerichs, Travis Jay	Yankton	SD	
Walters, Trenton	Spearfish	SD	

**Board Meeting Examinee Report***License by Exam*

Meeting Date: November 15, 2018

Page 1 of 1

Name	City	State	Profession	Comments
Weiss, Matthew James	Brookings	SD	AR	
Baker, Jennifer Marie	Ankeny	IA	R	
Burggraff, Zachary John	Sturgis	SD	R	
Schonteich, Leif Hans	Fargo	ND	R	



**Board Meeting Comity Report***For Individuals by Comity – AR/LA Licensed**Meeting Date: November 15, 2018*Page 1 of 4

<b>Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>License #</b>
Bartels, Arthur Albert	Minneapolis	MN	AR	13986
Bohrer, Richard P.	Bismarck	ND	AR	8829
Buzard, William Samuel	Powell	OH	AR	14052
Carrell, Joshua Wells	Antioch	CA	AR	14050
Chitwood, Debra M.	Mount Pleasant	SC	AR	14056
Downey, Christopher V.	Piedmont	CA	AR	13987
Escobar, James Louis	Maridian	ID	AR	14048
Jenefsky, Marc	Seattle	WA	AR	14053
Kollin, Michael	Long Beach	CA	AR	14051
Krager, Michael Leo	Chandler	AZ	AR	14049
Labeth, Michael Shane	Oklahoma City	OK	AR	14055
Ubl, Jeffrey John	Bismarck	ND	AR	9946
Johnson, Joshua James	Sioux Falls	SD	LA	10327
McKenzie, Jana Dewey	Fort Collins	CO	LA	14054

**Board Meeting Comity Report***For Individuals by Comity*

Meeting Date: November 15, 2018

Page 2 of 4

Name	City	State	Profession	Comment
Davis, Gerald Theophil	Peoria	AZ	LS	
Hopp, Christina M.	Ellsworth	WI	LS	
Warner, Dennis Joseph	Warba	MN	LS	
Cala, Arian	Webster	TX	PE	
Costello, David Andrew	The Woodlands	TX	PE	
Houghton, Nestor Jame	Mandeville	LA	PE	
Nelson, Michael Gregory	Richmond	MN	PE	
Peeva, Teodora	Ada	MI	PE	
Soppe, Travis	Boise	ID	PE	
Stiver, John Maury	Houston	TX	PE	
Tarbet, Valta Brent	Plano	TX	PE	
Vail, Amber Thyme	Littleton	CO	PE	

**Board Meeting Comity Report***For Individuals by Comity – PE Licensed*

Meeting Date: November 15, 2018

Page 3 of 4

Name	City	State	Profession	Comment
Ali, Alaa I.	West Palm Beach	FL	PE	14057
Altstadt, Steven Allan	Third Lake	IL	PE	14074
Bates, Brian Scott	Mount Pleasant	SC	PE	14058
Becker, Amy Kozel	Glen Ellyn	IL	PE	14059
Blenker, John S.	Albany	NM	PE	14060
Clarcq, Fletcher J.	Phoenix	AZ	PE	14061
Clinebell, Nickolaus Joseph	Newcastle	NE	PE	14062
Cook, Logan Joseph	Indianapolis	IN	PE	14075
Csonka, Samuel Lee	Pineville	LA	PE	14063
Custard, Traci J.	Omaha	NE	PE	14064
Dixon, Eric	Lincoln	NE	PE	14065
Downes, Alan Michael	Oconomowoc	WI	PE	14066
Dtuyvestein, Paul Jon	Missoula	MT	PE	14067
Engelstad, Randy Gavin	Fargo	ND	PE	14068
Fallick, Jay	Waverly	NE	PE	14069
Fischer, Hayden James	Castle Rock	CO	PE	14070
Fisher, Eric M.	Waunakee	WI	PE	14071
Forch, Cody	Carroll	IA	PE	14072
Freeman, Corry	Minneapolis	MN	PE	14073
Gibbs, Michael	Rigby	ID	PE	14076
Gleason, Michael F.	Naperville	IL	PE	14077
Hall, Erik R.	Harrisburg	SD	PE	14078
Hanslik, Jeffrey Todd	Tulsa	OK	PE	14079
Hebert, Larry Edward	San Pedro	CA	PE	14080

**Board Meeting Comity Report***For Individuals by Comity – PE Licensed*

Meeting Date: November 15, 2018

Page 4 of 4

Name	City	State	Profession	Comment
Higgins, James Kent	Lenexa	KS	PE	14081
Jehling, Bryan Paul	Tempe	AZ	PE	14082
Kolanko, Joseph Ted	Denton	TX	PE	14083
Kussmann, William	Apple Valley	MN	PE	14084
Lang, Eric Farrel	Murfreesboro	TN	PE	14085
Lewis, Taylor L.	Wichita	KS	PE	14086
Miriovsky, Jacob	Lincoln	NE	PE	14087
Molle, Ross	Benton	KY	PE	14088
Most, Paul Nathan	Garland	TX	PE	14089
Olsen, Roger Edwin	New Underwood	SD	PE	14090
Rank, Stephan E.	Parker	CO	PE	14091
Reinheimer, Gary Wayne	Bettendorf	IA	PE	14092
Rubik, Brian	Homer Glen	IL	PE	14093
Schwenk, David Bruce	Huntington Beach	CA	PE	14094
Smith, Jared H.	Haile	ID	PE	14095
Sullivan, Bradley William	Minneapolis	MN	PE	14096
Sullivan, Douglas Alan	West Des Moines	IA	PE	14097
Uyak, Mark A.	Mount Pleasant	SC	PE	14098
Waltz, Jean Ann	Harrisburg	SD	PE	14099
Wilson, Kory James	Andover	KS	PE	14100

**Board Meeting Firm Report***For Business to Approve*

Meeting Date: November 15, 2018

Page 1 of 2

Company Name	City	State	Profession	Comment
Gill Group, Inc.	Dexter	MO	PE	
MTX Systems Engineering, LLC	Houston	TX	PE	
Nestor Houghton Inc.	Mandeville	LA	PE	
Stiver Engineering	Houston	TX	PE	
WE Gundy & Associates, Inc.	Boise	ID	PE	

**Board Meeting Firm Report***For Business Licensed*

Meeting Date: November 15, 2018

Page **2** of **2**

<b>Company Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>License #</b>
Apex Engineering, PLLC	Calvert City	KY	PE	C-7893
Architectural Concepts Inc.	Bismarck	ND	AR	C-2617
Bryant Consultants, Inc.	Carrollton	TX	PE	C-7890
CFS Engineering, LLC	Denton	TX	PE	C-7892
Chris Downey, Architect	Piedmont	CA	AR	C-7855
Cornerstone Architectural Group	Seattle	WA	AR	C-7881
Cornerstone Architecture	Oklahoma City	OK	AR	C-7883
CST Industries, Inc.	Kansas City	MO	PE	C-7885
Design Resources Group	Fargo	ND	AR	C-7876
DWG Inc. Consulting Engineers	Mount Pleasant	SC	PE	C-7889
Integrated Process Solutions	Fosston	MN	PE	C-7891
Kollin Altomare Architects	Long Beach	CA	AR	C-7879
Logan Simpson Design Inc.	Tempe	AZ	LA	C-7882
Marasco & Associates, Inc.	Denver	CO	AR	C-7880
neUdesign Architecture	Meridian	ID	AR	C-7877
Novus Architects, Inc.	Mount Pleasant	SC	AR	C-7884
PrairieSons, Inc.	Brandon	SD	PE	C-7886
Structuneering	Houston	TX	PE	C-7854
STS Consulting Services, LLC	Longview	TX	PE	C-7853
TerraSite INC	Rapid City	SD	LA	C-7887
Truman Howell Architects & Associates, Inc.	Monticello	MN	AR	C-1440
Ubl Design Group, P.C.	Bismarck	ND	AR	C-7878
Unified Building Sciences & Engineering, Inc.	Richardson	TX	PE	C-1190
Walker Reid Strategies, Inc.	Lake Worth	FL	PE	C-7888

**Board Meeting Comity Second Review Report***Previous Comity Application(s) to be Reviewed**Meeting Date: November 15, 2018*Page 1 of 1

<b>Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>Comments</b>
Barnett, James Keith	Pea Ridge	AR	LS	

**TRAVEL  
MATRIX  
BOARD MEMBERS  
07/01/2018 through 12/31/2018**

<b>DATES</b>	<b>MEETING</b>	<b>PLACE</b>	<b>BOARD NAME</b>	<b>PAID BY</b>
11/30 – 12/01/2018	NCARB Exp. Committee Meeting	Atlanta, GA	Patterson	NCARB



## **Patterson, Kathryn**

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**From:** Governor of South Dakota  
**Sent:** Wednesday, October 10, 2018 10:33 AM  
**Subject:** RE: Holiday Season

Clarification - Friday, November 23.

**From:** Governor of South Dakota  
**Sent:** Wednesday, October 10, 2018 11:18 AM  
**Subject:** Holiday Season

Dear Friends,

Halloween is just days away! Linda and I have Halloween costumes ready and look forward to seeing all of the trick-or-treaters that come to the Governor's Mansion between 5:30 – 8 p.m., Wednesday, October 31. If you're in Pierre, I hope you and your children to stop by for our last Halloween as residents of 119 North Washington Avenue in Pierre.

October also means the holiday season is right around the corner. This year, I am granting administrative leave to Executive Branch employees on Friday, November 23 (the day after Thanksgiving). State offices in Executive Branch agencies will be closed on that day.

Additionally, I am also granting administrative leave on Monday, December 24 and Monday, December 31. State offices in Executive Branch agencies will be closed on these days.

Thank you for everything you do to serve the people of South Dakota.

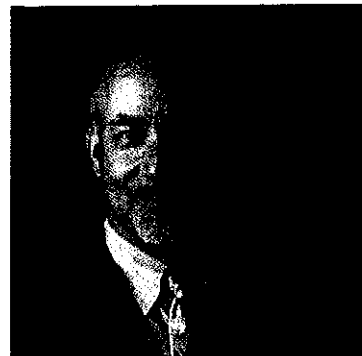
Happy Fall and Happy Holidays,

Dennis

October 26, 2018

NCARB Members  
(via electronic distribution)

Re: NCARB Board Elections



Greetings,

I am pleased to announce my candidacy for the office of Secretary of the Council and I ask for your support. As the current Regional 6 Director, it has been my privilege to participate with the Board on behalf of WCARB. I believe my experience and credentials will provide the Council with sound professional representation as we address the many complex issues facing our profession, our constituents and the regulatory environment in which our member boards must operate:

1. Over 30 years of professional practice and firm ownership.
2. NCARB certified since 1987 with licenses held in ten states.
3. 13 years of service on the California Architects Board including four terms as board president.
4. Active NCARB involvement since 2005 including committee participation and chair positions, NAAB accreditation team member, and Regional and National leadership.

Our most important role is to serve our three primary constituents: Member Boards, Licensure Candidates, and the Public's Health and Safety. We do this through the collaborative support of programs and processes designed to prepare the next generation of architects. In my various capacities with the California Board, the Western Conference and NCARB, I have remained committed to serving these important interests.

Each of us brings a unique and relevant perspective that will help find appropriate and creative responses to the issues before us and so I believe strongly in the value of collaboration to create successful results. I believe these values along with my professional experience and extensive NCARB involvement can be a significant asset to the Council's work and the member boards it serves.

For these reasons, I am requesting your vote when we meet in June and look forward to continuing my service to you and the Council. Attached is a brief summary of my experience. I look forward to seeing and talking with you during our upcoming meetings and invite you to reach out if you would like further information or if I can be of service.

Thank you,



Jon Alan Baker, FAIA, LEED AP

### Education

School of Architecture, Cal Poly, Pomona

### Professional Registrations

California Registered Architect #14513

Former Registrations: Arizona, Connecticut, Florida, Hawaii, Idaho, Nevada, New Mexico, Ohio, & Oregon

NCARB Certified

LEED Accredited Professional

### Regulatory Appointments & Affiliations

California Architects Board, Member & Past President	2005-2018
• Board President	2007-2009 & 2015-2017
NCARB (National Council of Architectural Registration Boards)	
• Awarded President's Medal	2016
• Board of Directors, Regional Director	2010-2012 & 2018-Present
• NAAB Accreditation Team	2010-Present
• Education Committee	2018-Present
• Chair – Procedures and Documents	2017-2018
• Chair – ARE Case Study Task Force	2014-2016
• Regional Leadership Committee	2007-2009 & 2015-2017
• COE (Committee on Examination)	2009-2016
• Chair - Continuing Education Strategic Workgroup	2011-2012
• Chair, Experience Advisory Committee (Formerly IDP)	2011-2013
• Governance Policies Workgroup	2010-2011
• ARE Committees	2008-2016
WCARB (Western Conference of Architectural Registration boards)	
• Regional Chair	2007-2009 & 2016-2018
• Region-6 Executive Committee	2007-2009 & 2016-2018
• Regional Director	2010-2012 & 2018-Present

### Professional Affiliations

American Institute of Architects,	
• College of Fellows Induction	2009
• Director, California Council	1994-1996
• San Diego Chapter, Board of Directors	1987-1995
Board President	1995
• Chair, AIA/AGC Joint Commission	2008-2011

### Community Service

New School of Architecture & Design	
• IPAL Advisory Committee	2015-Present
Downtown Community Planning Council, San Diego	
• Elected Planning Advisory Position	2014-Present
Education Foundation - Poway Unified School District	
• Board of Directors	2003-2012
Jr. Achievement of San Diego & Imperial Counties	
• Board of Directors	2007-2011