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To: Mr. Tyson Ducote
Executive Director
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From: Jessica Weimer
Louisiana Department of Justice
Occupational Licensing Review Program

Date: January 29, 2025

Subject: Louisiana State Board of Architectural Examiners
Proposed Amendments to LAC 46:I.2101 *et seq.*
Regarding Architects Selection Board

I. SUMMARY

The Louisiana State Board of Architectural Examiners (the “**Board**”) proposes amending LAC 46:I.2101 *et seq.* (the “**Proposed Amendments**”) concerning the organization and election procedures of the Architects Selection Board.

The Board published a Notice of Intent to promulgate the Proposed Amendments on October 20, 2025.¹ The Notice invited public comment through November 14, 2025, and no comments were received.²

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on December 2, 2025. The OLRP invited public comments on the Proposed Amendments December 19, 2025 through January 1, 2026 and received no comments.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law³. An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁴ Anti-Competitive behavior is an act, or series of acts, that have the

¹ Louisiana Register Vol. 51, No. 10 October 20, 2025 pgs.1696-1699

² Id. at 1698

³ LSA-R.S. 49:260(D)(2)

⁴ LSA-R.S. 49:260(G)(4)

effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

The Louisiana Administrative Procedure Act (“APA”) defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees⁶. The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule⁷. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area⁸.

As set forth below, the OLRP has determined the Board’s Proposed Amendments govern internal board management and therefore do not constitute occupational regulations with anticompetitive effects within the meaning of La. R.S. 49:260. Accordingly, the Board may promulgate the Proposed Amendments without further input from the OLRP.

II. ANALYSIS

The Louisiana State Board of Architectural Examiners is authorized to adopt and amend rules and regulations as necessary to safeguard life, health, and property and to promote the public welfare in the regulation of the practice of architecture.⁹

The Board proposes amendments to §§2103, 2107, 2109, 2113, 2115, 2117 and 2119 to revise and modernize procedures governing the nomination, election, voting, tabulation, contest, and vacancy processes of the Architects Selection Board. Collectively, the Proposed Amendments clarify existing requirements, authorize electronic submission, voting, notification, tabulation methods, and notice procedures, and update administrative responsibilities, while retaining underlying statutory framework for Board representation and elections.

The Proposed Amendments do not establish, modify, or eliminate licensure qualifications, scope of practice requirements, fees, renewal standards, disciplinary criteria, or enforcement thresholds applicable to regulated individuals or entities. Rather, they address internal board management, election administration, and procedural operations. Accordingly, the Proposed Amendments do not constitute occupational regulations as defined by La. R.S. 49:260 and do not restrict entry into a profession or occupation. There are no reasonably foreseeable anticompetitive effects, as the Proposed Amendments do not limit competition, reduce consumer choice, or create barriers to market participation. Therefore, the Board may proceed with promulgation of the Proposed Amendments in accordance with the Louisiana APA without further input from the OLRP.

⁵ Black’s Law Dictionary, 12th Edition p. 116

⁶ LA R.S. 49:951 (8)

⁷ Id.

⁸ Id.

⁹ LA R.S. 37:141; LA R.S. 37:144

III. DETERMINATION

The Board is a state regulatory and disciplinary body created to regulate the practice of architecture.¹⁰The Board holds the statutory authority to adopt and amend rules and regulations as necessary to safeguard life, health, and property and to promote the public welfare.¹¹

The Proposed Amendments are within the Board's statutory authority and adhere to clearly articulated state policy. However, the Proposed Amendments do not constitute occupational regulations with reasonably foreseeable anticompetitive effects within the meaning of La R.S. 49:260. Therefore, the Board may proceed with promulgation of the Proposed Amendments in accordance with the Louisiana APA without further input from the OLRP.

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¹⁰ LA R.S. 37:141; LA R.S. 37:144, LA R.S. 37:153

¹¹ LA R.S. 37:141; LA R.S. 37:144