



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

To: Mr. Tyson Ducote
Executive Director
Louisiana State Board of Architectural Examiners

From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: March 9, 2026

Subject: Louisiana State Board of Architectural Examiners
Proposed Amendments to 46:I.2201, 2211, 2213, and 2215
Chapter 22- Louisiana Architecture Education and Research Fund

I. SUMMARY

The Louisiana State Board of Architectural Examiners (the “*Board*”) proposes amending LAC 46:I.2201, 2211, 2213, and 2215 (the “*Proposed Amendments*”) relative to the Louisiana Architecture Education and Research Fund.

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2026.¹ The Notice invited public comment through February 13, 2026, 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 February 23, 2026. The OLRP invited public comments on the Proposed Amendments February 23, 2026 through March 9, 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 law.³ An Occupational Regulation is a “rule defined in the Administrative Procedure Act (“*APA*”) 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

¹ Louisiana Register Vol. 52, No.1 pg. 94-95

² Id. at 95

³ LSA-R.S. 49:260 (D)(2)

⁴ LSA-R.S. 49:260 (G)(4)

the 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 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 fees.⁶ The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

As set forth below, the OLRP has determined the Board's Proposed Amendments govern the internal management of the Board 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. BOARD'S AUTHORITY

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.⁷ The Louisiana legislature created the Louisiana Architecture Education and Research Fund (the "*Fund*") to better prepare students for internships and future careers as architects by authorizing the Board to make awards to universities in this state accredited by and in good standing with the National Architectural Accrediting Board (NAAB).⁸ Additionally, it is within the Board's authority to allocate up to ten percent of all license renewal and delinquent fees each fiscal year to support the Fund.⁹

III. ANALYSIS

The Board proposes amendments to Rules 2201, 2211, 2213, and 2215 to (i) allow proposals for awards to include digital deliverables, (ii) clarify that failure to submit the final report will result in forfeiture of a portion of the award and for ineligibility for future awards unless good cause is shown, (iii) provide for exceptions to excuse non-use of funds received during the academic year received, (iv) clarify permissible and non-permissible use of funds awarded, and (v) clarify when the final report must be submitted.

The Board is statutorily authorized to adopt and amend rules and regulations concerning the practice of architecture.¹⁰ Additionally, it is within the Board's authority to allocate a portion of

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

⁶ LSA-R.S. 49:951 (8)

⁷ LSA-R.S. 37:141; LA R.S. 37:144

⁸ LSA- R.S. 37:144(G)(1)

⁹ Id.

¹⁰ Id.

licensing and delinquent fees to universities in this state to support students.¹¹ Specifically, the Board is authorized to allocate funds for the:

- (i) integration of practice and education in the professional NAAB degree curriculum;
- (ii) implementation of a path to licensure resulting in an architectural license at the time of graduation from a NAAB-accredited professional degree program;
- (iii) facilitation of enrollment and completion of training requirements for the Intern Development Program (IDP) as administered by the National Council of Architectural Registration Boards (NCARB);
- (iv) assistance of students and interns in preparation for the taking of the Architectural Registration Exam (ARE); or
- (v) methods for raising awareness of the responsibilities of architects and of the ways that public health, safety, and welfare are impacted by architects.¹²

As such, it is within the Board’s authority to establish rules and eligibility requirements for universities seeking awards from the Fund.

Additionally, 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, the Proposed Amendments establish and clarify the rules for the receiving of proposals for awards, reviewing proposals, making awards, determining how awards may be used, and reporting outcomes from expenditures.

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.

IV. DETERMINATION

The Board is a state regulatory and disciplinary body created to regulate the practice of architecture.¹³ The 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.¹⁴ 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.

¹¹ Id.

¹² Id.

¹³ LSA-R.S. 37:141; LA R.S. 37:144, LA R.S. 37:153

¹⁴ LSA-R.S. 37:141; LA R.S. 37:144

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

Farra Mughal, OLRP
Public Protection Division
Louisiana Department of Justice
olrp@ag.louisiana.gov