NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

Minutes of a Regularly Scheduled Board Meeting

November 8, 2013
Santa Fe, New Mexico

Synopsis of Meeting Topics
Approval of Agenda
Policy Discussion
Action Items
Strategic Plan Updates
Reports

Board Members Present:
Michael Bodelson, Chair, Architect Member
Raymond Vigil, Vice Chair, Architect Member
Geoffrey Adams, Secretary/Treasurer, Educator/Architect Member
Jim Oschwald, Architect Member
Robert Calvani, Architect Member
Tara Rothwell-Clark, Architect Member
Sam Valencia, Public Member
Stacey George, Student Observer

Staff Present:
Wren Propp, Director/CFO
Katie Kruthaupt, Investigator
Melanie Gonzales, Admin. Assistant/Acting Admin. Services Coor.

Others Present:
Andrea Buzzard, Assistant Attorney General
Rick Sandoval, Zlotnick, Laws and Sandoval, P.C.
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I. Meeting Called to Order

Chair Bodelson called the meeting to order at the approximate hour of 9:07 a.m.

II. Quorum Roll Call and Introductions

Roll was taken and a quorum was determined to be present. Chair Bodelson introduced the Board’s newest member, Ms. Tara Rothwell-Clark; her specialty is healthcare design and currently works for Rio Grande Contract Furnishings in Las Cruces. Mr. Rick Sandoval from Zlotnick, Laws and Sandoval was present to verbally brief the Board on the FY 13 Audit. Also in attendance was the student observer, Stacey George, a graduate student from the University of New Mexico School of Architecture and Planning.

III. Approval of Agenda

Chair Bodelson asked for any modifications to the agenda. Mr. Calvani suggested adding “new business” into the agenda under policy discussion. Ms. Propp asked Chair Bodelson to delete stipulated agreement 2013_04 & 2013_05 from agenda.

Motion: Approval of the agenda as amended.
By: Robert Calvani
Second: Sam Valencia
Board Vote: Passed unanimously

IV. Policy Discussion

Ms. Propp asked Chair Bodelson to hear from Mr. Sandoval on the FY 13 audit before discussing the topics under policy discussion. Mr. Sandoval spoke on behalf of the auditor, Mr. Asa Laws; he briefly explained the results of the audit and notified the Board that there were no findings for the agency. Ms. Propp will e-mail the Board Members a copy of audit draft.

1. Reciprocity for Military Service Members & Spouses

Chair Bodelson appointed a “working group” of Board members Mr. Oschwald and Mr. Adams to work with Director, Ms. Propp. The three of them have been working on the change in the Uniform Licensing Act, which provides for reciprocity for military services members and spouses licensed elsewhere in licensed professions. Ms. Propp provided the Board with a proposed rule by the NM Acupuncture and Oriental Practitioners and explained how they are addressing this. Mr. Oschwald explained that the expedited reciprocity for military members, their spouses, and former military members is occurring across the country. The working group has been looking into how other architects’ board’s are implementing this request from the President and perceive that there are opportunities and challenges.
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Mr. Oschwald explained the Board’s challenges are the written requirements under the current Architectural Act, stating individuals who are seeking reciprocity in New Mexico come with an NCARB certificate. Across the country registrants don’t have these same credentials, giving an unfair advantage to military spouses. The Legislative intent is to have military spouses that are relocated to be gainfully employed quickly with fewer hurdles through reciprocity. This intent will challenge the Board’s current act and challenge reciprocity issues across the country. For example, Louisiana’s Board has instituted and implemented this change of law not only for military spouses but also military personnel trained by the military to be licensed. In the military there is no formal training for professional architects or professional engineers. There is no licensing or regulation system federally in place so the Board’s working group is looking into this very closely. Initially the working group thought of immediate reciprocity for individuals coming in to New Mexico and requiring them to meet the Board’s current requirements by their next renewal date. Mr. Oschwald proposed to the Board that the Board initially does not accept anyone that doesn’t meet New Mexico’s requirements.

Mr. Calvani agreed with Mr. Oschwald, saying that a spouse, with a four-year degree, of a military service member has an unfair advantage over a person with four-year degree who has completed the BEA process. The advantage is that the spouse can be licensed immediately. Chair Bodelson agreed as well but explained the Board is faced with this new statute and this is currently the law. Ms. Buzzard explained that the law also states that the person meets minimal licensing requirements that are substantially equivalent. Chair Bodelson asked Ms. Buzzard where she thinks the Board stands in terms of meeting the legal requirements. Ms. Buzzard said that Mr. Oschwald’s suggestion meets the legal requirements, because they must have an NCARB certificate in order to meet minimal requirements that are substantially equivalent to the licensing requirements in New Mexico. Chair Bodelson explained to the Board that this proposal will be presented to the NM Legislative session in February. Ms. Propp suggested that the Rules and Regulation Committee draft a rule on this topic and the Board should have a hearing on it in February. Mr. Oschwald asked if a rule is necessary considering New Mexico’s current statute allows for reciprocity avenues. Chair Bodelson’s main concern is to make sure the Board isn’t put in a position where it looks like the Board isn’t following procedure of the new law and opens it to criticism.

Considering the July 1, 2013 deadline on the Uniform Licensing Act requirement, Chair Bodelson suggested the Board formalizes something to identify what the Board’s process is and how the Board is meeting the intent of the law. Mr. Vigil agreed and in support of the law, the Board needs to clearly state the position of the Board and formulate a rule so when an event arises the Board may expedite the process. Mr. Adams agreed with Mr. Oschwald and explained that creating a process to expedite an application – such as calling a special session of the Education Committee to approve the application within a week -- will show a good faith effort by the Board to implement the law. Mr. Bodelson suggested Mr. Oschwald, Mr. Adams and Ms. Propp develop a policy draft that can be distributed to Board Members electronically and adopt the policy through a telephonic special Board meeting. He wants the special meeting to occur prior to the end of the year.
2. **NCARB Certification of Broadly Experienced and Broadly Experienced Foreign Architects**

Ms. Propp explained the letter she sent out to the list of people identified to be licensed elsewhere and would like to be licensed in New Mexico but without an NCARB certificate.

Mr. Oschwald explained to the Board that he, Mr. Vigil and Mr. Adams had a meeting and will now have a follow-up meeting with an invited group of individuals who are licensed in other states, but not licensed in New Mexico, and who are seeking to be licensed in New Mexico. Mr. Oschwald, Mr. Vigil and Mr. Adams are meeting with a representative of the National Council of Architectural Registration Boards (NCARB) to discuss NCARB's Broadly Experienced Architect (BEA) process. NCARB's representative will explain changes that have occurred and are going to occur and hear the invited group's stories so NCARB has a better understanding of the profile of individuals needing an NCARB BEA certificate. Mr. Adams wants the Board to be an advocate for the people's concerns with NCARB rather than an impediment. Mr. Adams stated that New Mexico's biggest issue location -- stuck between Colorado and Arizona -- both jurisdictions with less restriction on reciprocity. Mr. Adams stated the argument comes down to the requirements for licensure. Chair Bodelson reiterated the Board should be clear what the Board's roles and goals are because the Board is not advocating for architects, the Board is advocating licensure and maintaining standards. Ms. Rothwell-Clark volunteered to be an alternative for the upcoming meeting in December.

3. **State Use Act**

Ms. Propp explained to the Board that the Council for Purchasing from People with Disabilities has cancelled their meeting over the last three months so representatives of the Board have not been able to attend. When Council does have a meeting Board representatives will attend and discuss the Board's concern regarding the inclusion of an architect in a process where exclusions in the Procurement Code are required, such as for qualification-based selection. So far, no meetings have been published for the Board representatives to attend. Ms. Propp believes the Council is facing organizational problems. Ms. Propp informed the Board that she hired a company under the State Use Act, Horizons of NM, Adelante, to process the mailing of the renewal and show that the Board supports the State Use Act in its current form but shouldn't be including design professionals. Chair Bodelson informed the Board that Horizons of NM is a non-profit, that administers the State Use Act and theoretically is making the presentation that they're offering architectural services; which is the Board's main point of discussion with the counsel. Mr. Calvani clarified the issue that Horizons of NM provides services but not professional services. Ms. Propp said Santa Fe County Property Control Procurement Officer, Mr. Bill Taylor, asked for a list of architects to serve on a selection committee. Ms. Propp also informed the Board that at the Joint Practice Committee the representative from the Landscape Architects informed Ms. Propp that they follow the State Use Act only when they want to. Ms. Propp stated the Board needs to make sure the public is protected despite Horizons of New Mexico organizational challenges. Ms. Propp has been trying to communicate with Mr. Larry Maxwell, from State Purchasing, who also serves on the Council, but hasn't been able to get a hold of him. Chair
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Bodelson requested Ms. Propp to stay current with the Council to find out when their next meeting will be.

V. Action Items

1. Approval of Minutes August 2, 2013

Motion: To approve the August 2, 2013, minutes as presented.
By: Bob Calvani
Second: Sam Valencia
Board Vote: Passed unanimously

2. Approval of Minutes September 24, 2013, Special Meeting

Motion: To approve the September 24, 2013, special meeting minutes as presented.
By: Jim Oschwald
Second: Bob Calvani
Board Vote: Passed unanimously

3. Reciprocity, Reinstatement and Exam Applicants

RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIROCITY

**Committee Review August 2, 2013**

- Peter Eichenlaub, Houston, TX
- Brady W. Harding, Dayton, OH
- Artin Aruthur Knadjian, Scottsdale, AZ
- Kevin Paul Landry, Atlanta, GA
- George Dare Lovett III, Houston, TX
- Eric Nielsen, Bentonville, AR
- Gregory Dean Register, Durango, CO
- John E. Selmer, Shreveport, LA
- Brent Matthew Smith, Plano, TX

**Committee Review September 6, 2013**

- Kevin R. Bodily, Idaho Falls, ID
- Joseph R. Galbraith, Wauwatosa, WI
- Don Hutchison, Boise, ID
- Helen A. Heitman, Corrales, NM
- Burke A. Jones, Wichita, KS
- Eric Perea, El Paso, TX
- David M. Snyder, Davidson, NC
- Martha Tuzson Stockton, Austin, TX
- Mirek Edward Szadkowski, Lacey, WA

**Committee Review October 18, 2013**

- Matthew J. Brinza
- Nicholas J. Eckhart
- Greg M. Guerin
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Chanhassen, MN  Louisville, KY  Heartland, TX
Edward C. Jerdonek  Ryan P. McKay  Mark McKechnie
Louisville, KY  Columbia, MD  Medford, OR
William J. Nieport  Angela Marie Odom  Donald R. Small
Crestwood, KY  Mobile, AL  Austin, TX

David John Wilgus
Bentonville, AR

Motion: To approve reciprocity applicants as recommended by the Exam and Reciprocity Committee:
By: Geoffrey Adams
Second: Sam Valencia
Board Vote: Passed unanimously

APPLICANTS FOR REGISTRATION BY EXAMINATION
RECOMMENDED FOR LICENSURE PENDING COMPLETION OF THE A.R.E

Steven J. Alano  Sandra Elizabeth Johnson  Joshua David Mauldin
Albuquerque, NM  Albuquerque, NM  Las Cruces, NM

Motion: To approve recommended examination applicants for New Mexico Architectural as listed:
By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously

APPLICANTS FOR REINSTATEMENT THROUGH RECIPROCITY

H. Carleton Godsey
Louisville, KY

Motion: To approve reinstatement of New Mexico Architectural registration of applicants.
By: Geoffrey Adams
Second: Bob Calvani
Board Vote: Passed unanimously

4. NCARB/ CALA Mutual Recognition Agreement
Mr. Calvani explained that this is an agreement between the United States and Canada called the Mutual Recognition Agreement based on similarities between the two country’s educational standards and their IDP Program as well as completion of the Exams. Currently Canada has an Exam. By January 1st, 2014, NCARB would like more than half the U.S. jurisdictions to vote and approve the MRA. Mr. Calvani explained at NCARB’s annual meeting it was adopted 47-3. To comply, a person has to have a letter of good standing, at least 2,000 hours of post licensure experience in their location,
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proof of citizenship in either Canada and/or United States, and have a current NCARB certificate. Mr. Calvani explained that Canada’s Exam tested on professional things and not mechanical systems, structures etc. In Canada’s law they cannot get tested on subjects they’ve been tested on before. NCARB contacted Mr. Calvani to ask the Board what they thought of this agreement. Mr. Oschwald explained that this agreement feeds back to the NAFTA agreement. Mr. Calvani doesn’t see the Canada agreement being an issue for the Board. Ms. Propp informed the Board that there is currently one architect the Board licensed from Canada.

Motion: To sign Mutual Recognition Agreement between NCARB & CALA.
By: Bob Calvani
Second: Sam Valencia
Board Vote: Passed unanimously

Mr. Calvani discussed the quorum issue because there is an upcoming meeting in San Antonio. He spoke to people from other states and they informed him that they are all able to attend as long as they don’t discuss Board business at National and/or Regional meetings. Mr. Oschwald informed the Board that there could be a possibility that individuals who are on committees that need to attend meetings for their assignments might likely result in a quorum, which is something they cannot avoid. Chair Bodelson expressed that this is something that needs to be brought up to the Governor’s office. Ms. Propp explained to the Board that she will invite Mr. Campbell to attend the Governor’s meeting but she would encourage someone from the Board be present as well. Chair Bodelson said he will attend this meeting with Ms. Propp and Mr. Campbell. Mr. Valencia asked that those going to the Governor’s office describe to the Governor’s office that Board business wouldn’t be discussed. Mr. Calvani reiterated that NCARB business is discussed and stated that NCARB has resolutions that impact the Board but not necessarily carrying through Board business, there is a separation. A quorum has been sent to regional and national meetings in the past. Chair Bodelson stated Board members’ serving on NCARB committees affects the Board on who can attend, which is an inequity. Mr. Vigil pointed out that the perception could be viewed as a political issue. Mr. Calvani asked that the representatives have a solid argument to inform the Governor’s office on what goes on in regional meetings and how it’s valuable for Board members to attend.

VI. Strategic Plan Updates
   1. Information Technology Transition
Ms. Propp explained that she spoke to Mr. Rick Brynes from DoIT regarding the transition of the Board’s database and network over to DoIT. However this hasn’t occurred because DoIT has been working on a project with Department of Finance and Administration. Ms. Propp informed the Board we received the BAR (Budget Adjustment Request) of $14,000 to pay DoIT for this transition. The Board has already paid for this transition.
Official Payments Company, the private business offering online renewal/credit card sales is not yet operating with the Board, however Ms. Propp heard October 30th from OPC sales representative that she is working on the Board’s contract with the State
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Procurement Agency. Ms. Propp was hopeful by December 1st the online renewal system will be in operation. Ms. Propp explained that DoIT is also working on online verification to tie in to the Board’s website. Chair Bodelson encouraged Board members to utilize the online renewal system.
Ms. Propp informed the Board that 40 renewal statements have already been processed since being mailed out October 31, 2013 versus four statements in previous renewal seasons.

VII. Executive Reports

1. Chair’s Report - Bodelson
Chair Bodelson welcomed Ms. Rothwell-Clark to the Board and thanked Mr. Alejandro for his years of service to the Board. Chair Bodelson spoke to an Oklahoma registrant on the Board’s same renewal cycle. Oklahoma has a process where their Board sponsors continuing education units as a training/seminar throughout the year and in different locations. The Oklahoma Board sponsors the training but facilitate manufacturing companies who wish to be presenters. Chair Bodelson asked the Board to consider trying a sponsorship once or twice in the State, down south or up north. The manufacturing firms willing to participate coordinate everything, so there is no expense to the Board.
Chair Bodelson discussed the CE audits on renewal statements; he asked the audit committee to double the number of audits it does. The Chair has designated individuals to conduct the audits in the past. Ms. Propp explained the audit process is used by the Microsoft random selection program. Chair Bodelson asked Mr. Adams and Mr. Oschwald to conduct the audit again this renewal system. Chair Bodelson asked Board members to recommend individuals to serve on public project selection committees.

2. Secretary/Treasurer’s Report - Adams
Ms. Propp assisted Mr. Adams and briefly discussed the Single Year CAFR report of what the Board has spent to date and described where the BAR was reflected. Ms. Propp pointed out that there is budget for travel every year and isn’t reflected because it isn’t spent.

3. Director’s Report – Propp
Ms. Propp informed the Board that there is a certificate of appreciation for Mr. Alejandro to be signed. The chair will prepare a letter thanking him for his service and the input he provided.

A. Renewal
Ms. Propp informed the Board renewals were sent out and 40 returns have been processed. Ms. Propp informed the Board she received a call from someone in Hobbs, thanking the Board for the involvement requiring a professional designer on a commercial re-roofing contract. Chair Bodelson stated to send an e-mail to CID to notify them on the positive comments the Board received.

B. Website Report
Ms. Propp showed the website report tracking and the views it received.

4. Exam and Reciprocity-Adams

A. Registrant/ Applicant
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REGISTRANT/RECIPROCITY/CANDIDATE REPORT
AUGUST 2, 2013, THROUGH NOVEMBER 6, 2013

REPORT CATEGORIES

1. Number of Active Registrants.................................................................2,244
2. Number of In-State Registrants.................................................................717
3. Number of Out-of-State Registrants.........................................................1,527
4. Number of Reciprocity Applicants Pending...............................................12
5. Number of ARE Candidates who completed IDP........................................149
6. Number of ARE Candidates who have taken an exam, not in 3 years or more..70
7. Number of ARE Candidates who have not taken any exam........................37
8. Number of Early Eligibility ARE Candidates............................................65
9. Number of Early Eligibility ARE Candidates who have not taken an exam.....21
11. New Registrations for the Period..............................................................32
    a. Resulting from Examination..............................................................4
    b. Resulting from Reciprocity..............................................................28

Historical Perspective: Active Registrants by Year

FY 05 = 2,020
FY 06 = 1,945
FY 07 = 2,098
FY 08 = 2,087
FY 09 = 2,244
FY 10 = 2,058
FY 11 = 2,211
FY 12 = 2,065
FY 13 = 2,205

Historical Perspective: Applicants in the Examination Process

FY 05 = 155
FY 06 = 125
FY 07 = 141
FY 08 = 151
FY 09 = 173
FY 10 = 153
FY 11 = 158
FY 12 = 207
FY 13 = 194
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JARED WINCHESTER
ALBUQUERQUE, NM

Mr. Adams suggested to Ms. Kruthaupt to tabulate each category to “Active” and “Inactive”. The Exam and Reciprocity Committee are working with Ms. Propp and Ms. Kruthaupt to come down to a conclusion about what to recommend to the Board regarding exam candidates who have not tested for several years.

5. Enforcement Subcommittee-Bodelson

Mr. Calvani asked the Board if a Canadian licensed architect, having two different locations and two different forms, be in charge of taking the project from programming to construction, being familiar and well aware of the project. Mr. Adams stated how people are sending plans to India to be done. Mr. Adams explained the fluid of environment in terms of where you need to be to be able to work on things. Mr. Vigil stated that in Arizona they have a separation of individual licensing and firm licensing. Mr. Calvani commended Ms. Kruthaupt for her work of cases pending. Mr. Calvani asked the Board if once a conclusion is brought up and a case is settled, can it be announced to the Board and discuss the case to the Board. Mr. Vigil said understanding more about the individual cases would be helpful from a professional practice point of view. Ms. Propp informed the Board that the statute does not allow information on cases to be provided prior to notice of contemplated action being issued. Mr. Valencia suggested without providing names, why can't the issues be discussed. Mr. Adams asked the committee and Ms. Buzzard if an intern is working in a firm and becomes aware that someone in the office is identifying themselves as an architect, but is not licensed in New Mexico, is the intern in trouble if they don’t report that person? Chair Bodelson said licensed individuals are obligated to make a report. Ms. Propp read the Code of Conduct for architects. Chair Bodelson suggested making this an agenda item to expand case trends and key the matrix by the type of violation.

6. Rules and Regulations- Bodelson

Chair Bodelson discussed the upcoming legislative session. Senator Griego had volunteered to help the Board with any changes to the act that the Board wants to bring to him. Senator Griego had said he would carry them for the Board. Ms. Propp asked if Chair Bodelson wanted to try to propose changes at the upcoming legislative session. Chair Bodelson said yes and wants to collect other changes that have been noted along the way. Ms. Propp wanted this for 2015 – to ask for amendments to the statute because this year’s session is short. Ms. Propp encouraged bringing it up this upcoming session but said the Board should have a special meeting prior to going into the legislative session to have a final read through. Ms. Buzzard informed the Board that if something is considered outside the financial issues, it has to be on the Governor’s authority. Chair Bodelson wanted to see if there is avenue to proceed this year. Ms. Propp suggested if
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the Board doesn’t proceed for this year’s session to discuss this in February in Albuquerque at the next Board meeting.

7. Finance and Operations Committee- Adams
   a. Current Budget Status Report
   Mr. Adams covered this under the Secretary/ treasurer’s report.

8. Strategic Planning- Bodelson
   Chair Bodelson discussed the IT transition and asked Ms. Rothwell-Clark if Strategic Planning is something that would interest her to work on, such as helping the Board get updated with registrants, using the website as the Board’s open door, and questioning where the Board is going with its interface with the registrant community as technology changes. Ms. Rothwell-Clark agreed to be on this committee.
   Mr. Vigil brought the rent increase up to the Board because the two-year window will close in February 2014. Chair Bodelson asked Mr. Valencia’s perspective on the real-estate aspect in Santa Fe office rentals. Mr. Valencia believed the Board is in a good negotiating position. Chair Bodelson asked Mr. Vigil if he is willing to speak to the landlord again, Mr. Vigil agreed. Ms. Propp informed the Board that Property Control has to be notified before opening negotiations with the landlord. Mr. Vigil stated if the landlord won’t negotiate the rent than the janitorial services need to be put back in place on the original agreement. Mr. Valencia volunteered to offer his assistance to view the lease and inform the Board whether or not the Board is paying too much.

9. Joint Practice- Oschwald
   Mr. Oschwald informed the Board that the Joint Practice Committee handed the torch over to the Landscape Architect Committee, who will be carrying the charge on the State Use Act. The Joint Practice committee discussed procurement at their meeting. The administrator from the Landscape Architect Board stated they choose whether to follow the State Use Act. Mr. Vigil asked what authority the Joint Practice Committee had to make changes or is it a lobbying or discussion group? Mr. Oschwald explained the Committee was originated to discuss issues that overlap the four professions, for example, regulation or licensing issues and bringing awareness or concerns forward regarding various issues. Ms. Propp read the statute of the purpose of the Joint Practice Committee. Mr. Oschwald pointed out to Chair Bodelson that there is a vacancy in the Joint Practice Committee. Chair Bodelson offered the vacancy position to Ms. Rothwell-Clark, which she accepted.

Before the Board voted to adjourn, it discussed old business, including:
   Mr. Adams will organize the room at the University of New Mexico for the next Board meeting in February.
   Mr. Valencia asked when the Governor’s meeting will be regarding travel because Mr. Valencia would like to attend and explain why traveling for these meetings benefit him.
   Mr. Vigil asked Ms. Rothwell-Clark to organize a Board meeting in Las Cruces or southern New Mexico after the February meeting or for the Board to travel elsewhere throughout New Mexico for a Board meeting. Chair Bodelson asked Ms. Rothwell-Clark to ask and organize a meeting somewhere in southern New Mexico, Ms. Rothwell-Clark accepted the task.
XIII. Adjourn

Motion: To adjourn the meeting at 11:48 AM.
By: Bob Calvani
Second: Sam Valencia
Board Vote: Passed Unanimously

Whereupon the regular open meeting of the New Mexico Board of Examiners for Architects adjourned by Chair Bodelson at the approximate hour of 11:48 AM.

Respectively submitted,

Michael Bodelson, Chair

Geoffrey Adams, Secretary/Treasurer

Date 2/14/14

Date 02/14/14