

**Washington State
Board for Architects
Board Meeting**

**Tab 1
Call to Order**

**January 23, 2015
9:00 AM**

Department of Licensing
Black Lake Room 2209
Olympia, WA



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

**BOARD FOR ARCHITECTS
MEETING AGENDA
REGULAR BOARD MEETING**

DATE: January 23, 2015
TIME: 9:00 AM
LOCATION: Department of Licensing
405 Black Lake Blvd SW
Room 2209
Olympia, WA 98502

OPEN SESSION 9:00AM

1. Call to Order

- 1.1. Introductions
- 1.2. Order of agenda
- 1.3. Approval of minutes: November 7, 2014
- 1.4. Review Communications

2. Public Comment Opportunity

- 2.1. Budget discussion with Department of Licensing Director, Pat Kohler

3. New Business

- 3.1. NCARB Regional Summit attendance (March 12-14, 2015; Long Beach, CA) – identify possible attendees
- 3.2. NCARB Annual Meeting Attendance (June 17-20, 2015; New Orleans, LA) – identify possible attendees

4. Old Business

- 4.1. NCARB changes to Intern Development Program
- 4.2. Construction management
- 4.3. Review master action items list

5. Complaint Cases for Review*

- 5.1. Case Manager Recommendations
 - 5.1.1. 2013-03-0405-00ARC (Harm)
 - 5.1.2. 2014-06-0400-00ARC (Jones)
 - 5.1.3. 2014-06-0404-00ARC (Manley)
 - 5.1.4. 2014-10-0402-00ARC (Jones)

6. Legal Issues for Deliberation*

- 6.1. Orders to be presented

7. Disciplinary & Investigation Items

- 7.1. Closed session deliberation report (only necessary if closed session is held)
- 7.2. Disciplinary cases report
- 7.3. Administrative closure report

8. Assistant Attorney General's Report**9. Committee/Task Force Reports**

- 9.1. 2016 NCARB Annual Meeting

10. Board Executive's Report

- 10.1. Program Operations
 - 10.1.1. Legislative update
 - 10.1.2. Financial report
 - 10.1.3. Licensing and application statistics
 - 10.1.4. Year in Review 2014
- 10.2. Department of Licensing
- 10.3. Other Items

11. Other Business

- 11.1. Action items from this meeting
- 11.2. Agenda items for next meeting
- 11.3. Any other business

12. Adjournment

Architect Board Work Session – National Council of Architectural Registration Boards

*The Board may enter into closed session to discuss disciplinary proceedings.



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

**BOARD FOR ARCHITECTS
 MEETING MINUTES
 REGULAR BOARD MEETING**

DATE: November 7, 2014

TIME: 9:00 AM

LOCATION: Washington State University
 Carpenter Room 521
 Pullman, WA 99164

BOARD MEMBERS PRESENT: Rick Benner, Chair
 Roch Manley, Vice Chair
 Scott Harm, Secretary
 Colin Jones, Member
 Blaine Weber, Member
 Linda Szymarek, Public Member

STAFF PRESENT: Rick Storvick, Assistant Executive Director
 Autumn Dryden, Administrative Assistant

OTHERS PRESENT: Faculty and students of Washington State University

ABSENT: Neitha Wilkey, Member

1. Call to Order 9:17 AM

1.1. Introductions

Board members and staff introduced themselves.

1.2. Order of agenda

The agenda was amended as follows:

- Item 5.1.4, case 2014-05-0401-00ARC (Harm), was added to the agenda.

Mr. Jones made a MOTION to approve the agenda as amended. Mr. Manley seconded the MOTION and it passed.

1.3. Approval of minutes: September 19, 2014

Mr. Manley made a MOTION to approve the minutes as presented. Ms. Szymarek seconded the MOTION and it passed.

1.4. Review communications

No business.

2. Public Comment Opportunity

2.1. Meeting with students at 1 pm

The board and staff met with faculty and students from the architecture program. Board members answered questions on the board's role in regulating the profession and the licensing application process, and discussed proposed changes by the National Council of Architectural Registration Boards (NCARB).

3. New Business

3.1. 2015 meeting schedule – bring your calendars

Board meetings were scheduled for the following dates and locations:

January 23, 2015	TBD, Olympia
April 24, 2015	University of Washington, Seattle or Olympia
July 17, 2015	TBD, Olympia
October 15, 2015	Washington State University, Pullman

Representatives from the National Council of Architectural Registration Boards (NCARB) will attend the January 23 meeting.

Action Item: Mr. Storvick will coordinate NCARB's attendance at the January board meeting.

Action Item: Ms. Dryden and Mr. Jones will work with the University of Washington to either schedule a board meeting on campus or have a board member attend a professional practice class to meet with students.

3.2. NCARB's data sharing initiative

The board reviewed a request by NCARB to participate in their Data Sharing Program, which asks states to share licensing data with NCARB. NCARB's intent is to use the raw data to look at trends regarding the time to licensure, time to complete IDP and ARE, etc. If the board supports participation in the program, board staff will look at what specific data are requested and review the details with the boards advising assistant attorney general.

Mr. Weber made a MOTION to participate in the program with the condition to have the board's advising assistant attorney general review the initiative for potential privacy issues before entering an agreement with NCARB. Mr. Jones seconded the MOTION and it passed.

3.3. NCARB Member Board Chair/Member Board Executive meeting report
Mr. Benner and Mr. Storvick reported on the NCARB Member Board Chair/Member Board Executive meeting held October 31-November 1 in Indianapolis, IN. Meeting attendees discussed upcoming changes to NCARB, including overhauling and streamlining the Intern Development Program (IDP). NCARB plans to implement the reduction in the number of elective hours required for licensure in June 2015. Meeting attendees requested a slower implementation to allow states to make changes necessary to participate in the program. Currently 17 out of 54 jurisdictions would be ready by June 2015. The Washington board had concerns with how to implement the changes in Washington and will research the issue further.

Action Item: Staff will review the NCARB IDP proposals to determine how it would impact the Washington application process.

Action Item: Staff will survey IDP supervisors in Washington about IDP and elective hours.

3.4. NCARB 2016 meeting planning
The NCARB Annual Meeting will be held in Seattle in 2016. The board created a subcommittee (Mr. Harm, Mr. Manley, and Ms. Szymarek) to work with NCARB on meeting planning.

4. Old Business

4.1. Review master action items list

The board reviewed and discussed the master action items list.

4.2. Mandatory Construction management

Mr. Weber shared concerns over architects being removed from a project once plans are completed. The architect of record is responsible for a project through construction even if he/she is not allowed to participate. Washington state law does not include anything specifically about mandatory construction management.

Action Item: Staff will research other states' requirements regarding construction management.

Action Item: Staff will consider taking the issue of mandatory construction management to the Department of Licensing for legislation.

5. Complaint Cases for Review*

5.1. Case Manager Recommendations

5.1.1. 2013-09-0400-00ARC (Benner)

Mr. Benner recommended the case be closed with no further action because there was no violation of law or rule. Mr. Weber made a

MOTION to accept the case manager's recommendation. Mr. Jones seconded the MOTION and it passed.

5.1.2. 2012-12-0401-00ARC (Jones)

Mr. Jones recommended the case be closed with no further action because there was no violation of law or rule. Mr. Manley made a MOTION to accept the case manager's recommendation. Mr. Weber seconded the MOTION and it passed.

5.1.3. 2014-07-0401-00ARC (Benner)

Mr. Benner recommended the case be closed with no further action because the respondent complied. Mr. Harm made a MOTION to accept the case manager's recommendation. Mr. Jones seconded the MOTION and it passed.

5.1.4. 2014-05-0401-00ARC (Harm)

Mr. Harm recommended the case be closed with no further action because the respondent complied. Mr. Jones made a MOTION to accept the case manager's recommendation. Mr. Manley seconded the MOTION and it passed.

6. Legal Issues for Deliberation*

- 6.1. Orders to be presented
No business.

7. Disciplinary & Investigation Items

- 7.1. Closed session deliberation report
No business.
- 7.2. Current cases disciplinary report
Packet item; no action.
- 7.3. Administrative closure report
No business.

8. Assistant Attorney General's report

No business.

9. Committee/Task Force Reports

- 9.1. Building officials website subcommittee

Mr. Weber requested discussion at an upcoming meeting about the overlap in scope of practice between engineers and architects. He requested having an additional board member to assist him on a difficult case he's reviewing.

Action Item: Staff will consider the pros and cons of appointing a second board member to act as case manager with Mr. Weber.

10. Board Executive's Report

10.1. Program Operations

10.1.1. Legislative Update

No business.

10.1.2. Financial Report

The board reviewed the financial report and discussed the current partial fee suspension. Board members requested lowering the initial application fee in addition to the renewal fee.

Action Item: Staff will continue to monitor the board's financial status and propose partial fee suspensions as necessary.

10.1.3. Licensing and application statistics

Standard report; no action.

10.2. Department of Licensing

Mr. Storvick distributed a draft copy of a memo to the Department of Licensing director requesting a meeting to discuss out of state travel attendance. Storvick captured the edits by board members.

10.3. Other Items

No business.

11. Other Business

11.1. Action items from this meeting

Action items were reviewed and will be added to the master action items list.

11.2. Agenda items for next meeting

- Construction management
- Overlap in scope of practice between architects and engineers

11.3. Any other business

Mr. Weber distributed a copy of the NCARB *Model Handbook for Building Officials on Architecture and Engineering Registration Laws* and suggested reviewing the handbook for information to include on the *Guidelines for building officials and design professionals* website.

Mr. Jones indicated this information was considered during the drafting of the current web based guidelines and information was incorporated as appropriate.

12. Adjournment 12:21 PM

Submitted by: _____ Date _____
Rick Storvick
Assistant Executive Director

Approved by: _____ Date _____
Rick Benner
Chair

DRAFT

Board for Architects
January 23, 2015
Olympia, WA

Review communications – No business

Recommendation: No action needed.

Submitted by Board Staff
January 12, 2015

Board Meeting

Tab 2

Public Comment Opportunity

The board has the option to allow comment from the public on agenda items or other topics, unless the comment is related to an open investigation.

The board may limit the comment period, and will provide instructions if they choose to do so.

Board Meeting

Tab 3

New Business

**Topics for action or discussion by the board
as identified at or since the last board meeting.**

Board for Architects
January 23, 2015
Olympia, WA

National Council of Architectural Registration Boards (NCARB) Regional Summit

Background: The National Council of Architectural Registration Boards (NCARB) will hold an annual regional summit in Long Beach, CA March 12-14, 2015. An agenda follows this cover sheet and includes an orientation for new members as well as regional meetings. Staff requests the board indicate which board members should attend the regional summit.

Recommendation: Indicate desired attendees to the NCARB regional summit.

Submitted by Board Staff
January 12, 2015



2015 NCARB Regional Summit
March 12 – 14, 2015
Hilton Long Beach
Proposed Agenda

Thursday, March 12, 2015

- | | |
|-------------------------------|---|
| 8:00 a.m. – 4:00 p.m. | MBE Workshop |
| 2:30 p.m. | New Member Board Member/Executive Orientation |
| 4:30 p.m. – 6:30 p.m. | Registration |
| 7:00 p.m. – 10:00 p.m. | Icebreaker Reception |

Friday, March 13, 2015

- | | |
|--------------------------------|---|
| 8:00 a.m. – 10:00 a.m. | Regional Meetings – Breakfast Provided
(Candidate visits) |
| 10:30 a.m. – 12:00 p.m. | Plenary Session <ul style="list-style-type: none"> • Welcome • NCARB Resolutions • Committee Updates • Credentials – Is it time? • Special Credential - Design and Regulation in Response to Disaster • Licensure vs. Certification |
| 12:00 p.m. – 1:30 p.m. | Lunch <ul style="list-style-type: none"> • Table Discussions with SMEs |
| 2:00 p.m. – 5:00 p.m. | Regional Meetings
(Candidate and leadership visits) |

5:30 p.m. – 6:30 p.m. Networking Reception (All regions)

6:30 p.m. Regional Dinners

Saturday, March 14, 2015

8:00 a.m. – 10:00 a.m. Regional Meetings – Breakfast Provided
(Candidate and leadership visits)

10:30 a.m. – 12:00 p.m. Plenary Session

- Keynote Speaker
- President’s Remarks
- CEO Remarks
- Town Meeting

12:00 p.m. – 1:30 p.m. Luncheon

- Presentation

1:30 p.m. – 5:00 p.m. Regional Meetings

WESTERN COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS BYLAWS

ARTICLE I: NAME

The name of this organization is the WESTERN COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS - REGION 6 of the NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS.

ARTICLE II: DEFINITIONS

- a) "Western Region" or "WCARB" shall mean the Western Council of Architectural Registration Boards which is one of six established geographic regions of The National Council of Architectural Registration Boards.
- b) "Council" or "NCARB" shall mean The National Council of Architectural Registration Boards.
- c) "Chair" shall mean the WCARB Chairperson.
- d) "Executive Committee" shall mean the WCARB Executive Committee.
- e) "Member" shall mean a WCARB Member Board, representing one of the various jurisdictions within WCARB as established by NCARB.
- f) "MBE" shall mean the Member Board Executive of a WCARB Member Board.
- g) "Annual Meeting" shall mean The Annual Education Workshops and Business Meeting of WCARB.
- h) "Delegate" shall mean a Member Board Member attending an official meeting of WCARB.
- i) "Official Delegate" shall mean the Designated Voting Delegate or the Member Board Chairperson of a WCARB Member Board.
- j) "Regional Director" shall mean the official WCARB representative to the NCARB Board of Directors.

ARTICLE III: MISSION

- (a) The mission of the Western Region shall be to collaborate as a conference of Member Boards to protect the public's health, safety, and welfare by participating in the development of effective regulations and exemplary standards for the practice of architecture.

WCARB Bylaws as of June 20, 2014

(b) The Western Region and its Members shall:

- 1) Serve as a trusted resource for intern development, licensing, registration data and regulatory information,
- 2) Advocate the elimination of impediments to reciprocity,
- 3) Promote recognition of the architect as the primary building professional qualified to protect the public's health, safety, and welfare through enhancing the quality and sustainability of the built environment.
- 4) Value diversity of opinion and representation, and
- 5) Identify and review issues of current and future regulatory concern that may affect the practice of architecture.

(c) Through the Western Region the Members shall maintain collaboration and communication with other Members within the Region. Members shall join together to participate in the work of NCARB and to provide leadership for NCARB. Individuals who are members of Member Boards are encouraged to similarly support NCARB.

(d) The Western Region shall pursue its objectives in the most efficient, diligent, and fiscally responsible manner possible. Our pursuit shall be governed by core values of cooperation, integrity, and accountability.

ARTICLE IV: DOMAIN

The domain of the Western Region shall cover the jurisdictions of the Members assigned to the Western Region by the NCARB Bylaws.

ARTICLE V: MEMBERSHIP

a) The membership of the Western Region shall be composed of the Members assigned to the Western Region by the NCARB Bylaws. No Delegate may participate in the work of the Western Region if their respective Member, although current with NCARB dues, is not current with all dues owed to the WCARB.

b) Any WCARB Member may resign upon submittal of written notification from the Member Chair to the WCARB Chair. Said resignation shall be communicated to the business office of each other member Board and to the NCARB within ten days of receipt by the WCARB Chair. Resignation shall be effective thirty (30) days following the date of receipt of the notice from the Member by the WCARB chair.

ARTICLE VI: MEETINGS OF THE WESTERN REGION

a) The Annual Meeting shall occur annually at a date established by the Members/Executive Committee; this meeting shall be open to all Delegates of all Members as well as the MBE of each Member. The purpose of the meeting shall be election of the Executive Committee, participation in

WCARB Bylaws as of June 20, 2014

Education Workshops, nomination of a Regional Director, and transaction of other business that may properly come before the meeting.

- b) A meeting, consisting of one or more sessions, shall be held in conjunction with the NCARB Annual Meeting.
- c) Each Member shall send at least an Official Delegate to the meeting of the Western Region. Regardless of the number of Delegates representing each Member, each Member shall have one vote. Each Member shall identify the Official Delegate at the roll call of the meeting.
- d) A quorum shall be a majority of the Members of the Western Region.
- e) Voting by absentee ballot shall not be allowed.
- f) If the Official Delegate is absent from any portion of the meeting, the Official Delegate shall declare to the Chair of the meeting another Delegate of the same Member Board as Alternate. An MBE shall be allowed to act as either Official Delegate or Alternate when so designated by their Board Chair in writing, and approved by the WCARB Chair.
- g) All meetings shall be conducted in accordance with Robert's Rules of Order, Latest Edition.
- h) Special meetings may be called by the Chair with the concurrence of a majority of the Executive Committee members.

ARTICLE VII: EXECUTIVE COMMITTEE

- a) The Executive Committee of the Western Region shall be composed of five voting members - a Chairperson, a Vice Chairperson, a Secretary/Treasurer and two members. The five voting Executive Committee members shall be elected by majority vote of Members present at an Annual Meeting of WCARB. The Regional Director and the WCARB Executive Director shall serve as ex officio non-voting members of the Executive Committee.
- b) Executive Committee members shall be elected for a term of two years, three members to be elected in even numbered years and two members in odd-numbered years, to assure management continuity. A nominee for the Executive Committee must be a current active member of the nominee's respective Board. New Executive Committee Members shall assume office immediately following the adjournment of the next Annual Meeting of NCARB. A member of the Executive Committee who is no longer a member of their State Board may complete their elected term of service on the Executive Committee.
 1. The Chair, Vice Chair, and Secretary/Treasurer shall be elected, by majority vote of Members present at the Annual Meeting of WCARB, from among the membership of the Executive Committee who will be in office immediately following the adjournment of the next Annual Meeting of NCARB. Their term of office will commence immediately following the next Annual Meeting of NCARB.

WCARB Bylaws as of June 20, 2014

- 1.1 Any candidate running for the Executive Committee shall have the opportunity to address the membership. In the event of a tie in an election for a position on the Executive Committee, the candidate shall have the opportunity to readdress the membership, followed by another caucus of the membership. This process shall repeat until a winner is declared.
 2. The Chair of the Executive Committee shall exercise general supervision over the affairs of WCARB and shall perform all the duties required by these bylaws or delegated by the Executive Committee. The Chair shall preside at every meeting of the Western Region and of the Executive Committee and shall appoint all committees.
 3. The Secretary/Treasurer shall review the minutes and financial statements prepared by the Executive Director and shall present such at the annual meeting.
 4. In the absence of the Chair, or in the event the Chair position is vacated, the Vice Chair shall preside and perform all the duties of the Chair.
 5. In the absence of both the Chair and the Vice Chair, the Secretary/Treasurer shall preside and perform all the duties of the Chair.
 6. In the event of a vacancy in the Vice-Chair position, the Executive Committee shall elect, from the Executive Committee, a Vice-Chair to serve the remainder of the vacated term of office.
 7. In the event of a vacancy in the Secretary/Treasurer position, the Executive Committee shall elect, from the Executive Committee, a Secretary/Treasurer to serve the remainder of the vacated term of office.
 8. The Chair shall serve as the official representative of WCARB to the NCARB Annual Meeting.
 9. The Chair shall serve as the official representative to the NCARB Regional Leadership Committee.
 10. In the event of a vacancy on the Executive Committee, the Executive Committee shall elect a member to serve the remainder of the vacated term of office.
- c) The Executive Committee of the Western Region shall administer the affairs of the Western Region; shall put into effect all general policies, directions and instructions adopted at any meeting of the Western Region where a quorum is present, and shall act for the membership of the Western Region in all matters within the limits of authority granted to the officers and Executive Committee by these Bylaws. Executive Committee members shall be reimbursed for their expenses relative to WCARB activities, in accordance with the Region's Rules.
- d) Removal of an Executive Committee Member:

WCARB Bylaws as of June 20, 2014

1. A member may be removed from the Executive Committee after two unexcused absences from any regularly scheduled WCARB meetings.
2. A majority vote by the Executive Committee members present at the next meeting is required to remove a member from that committee.

e) Term limits for Executive Committee Members:

1. An Executive Committee member shall serve no more than two (2) consecutive two-year terms. Appointment to fill a vacancy on the Executive Committee shall not be counted against the limit of two consecutive terms.
2. An otherwise qualified candidate who has previously served on the Executive Committee and completed the maximum number of consecutive terms may stand for election following a two-year absence from the Executive Committee.

f) Meetings of the Executive Committee:

1. Meetings of the Executive Committee shall be held on-call by the Chair or a majority of the Executive Committee members, with a minimum of one meeting per year in addition to the Executive Committee Meetings held in conjunction with the Western Region and National Council Annual Meetings. This additional meeting shall be set as determined by the Executive Committee for planning of the next Annual Meeting. When practical, this meeting shall be held at the site of the upcoming Annual Meeting.
2. Attendance by three voting members of the Executive Committee shall constitute a quorum.

ARTICLE VIII: EXECUTIVE DIRECTOR

- a) The Executive Committee of the Western Region shall appoint an Executive Director who shall serve as an ex officio, non-voting member of the Executive Committee. The Executive Director need not be a member of a member board of the Western Region.
- b) The Executive Director shall be responsible for all the clerical work, including financial matters, pertaining to the business of the Western Region, in cooperation with the Executive Committee, and prepare and forward all invoices, receive all moneys and deposit same in the name of the Western Region in a bank approved by the Executive Committee, and assist in the planning and program details of all meetings and conferences. The Executive Director shall record and distribute minutes of all WCARB and Executive Committee meetings. The Executive Director shall be delegated the authority to write checks on the WCARB account(s) by the Executive Committee. In the absence of the Executive Director or if the check writing authority of the Executive Director has been limited in any way by the Executive Committee, the Chair shall have check writing authority.

WCARB Bylaws as of June 20, 2014

c) The Executive director shall serve at the will of the Executive committee. The Executive Committee shall conduct an annual review of the performance, duties, and compensation of the Executive Director.

ARTICLE IX: WESTERN REGION REGIONAL DIRECTOR

a) A candidate for election as a Regional Director shall be:

- (i) a citizen of the United States, and
- (ii) a current member of a Member Board within the Region or a past member of such Member Board whose service as a member ended no more than one year before nomination, or the Chair of the Region, or the incumbent Regional Director,
- (iii) have served at least two years as a member of a Member Board, and
- (iv) in the case of architect candidates, hold an active NCARB Certificate, in every case at the time he or she is nominated by the Region.

~~a)~~b)A nominee for the Director of the Western Region shall be selected annually by majority vote of Members present at the Annual Meeting of WCARB, and shall assume office following confirmation at the Annual Meeting of NCARB. The Western Region Director shall serve no more than three (3) consecutive one-year terms. Appointment to fill a vacancy of the Director shall not be counted against the limit of three consecutive terms.

~~b)~~c) If a nominee for Director has made a declaration as a candidate for NCARB office prior to the WCARB Annual Meeting, an Alternate Nominee shall be selected by a majority vote at an election to be held immediately following the vote for Director. If the nominee for Director is subsequently elected to NCARB office at the NCARB Annual Meeting, the Alternate Nominee shall assume the position of Director.

~~e)~~d) In the event the Western Region Directorship is vacated for any other reason than for that described under b), the Chair shall serve the remainder of the term, and shall vacate the position of Chair of the Western Region.

~~d)~~e) The Western Region Director shall serve as an ex-officio, non voting member of the Executive Committee.

ARTICLE X: COMMITTEES

a) The following standing committees shall be chaired by a member of the Executive Committee:

1. The Elections Committee shall serve to approve credentials of Official Delegates, and to oversee the elections.
2. The Resolutions Committee shall propose resolutions, review and compile resolutions proposed by Members for consideration, compose laudatory resolutions if needed, and present resolutions at any meeting.

WCARB Bylaws as of June 20, 2014

3. The Education Program Committee shall create and facilitate the Education Workshops for delegates and MBE's when they are held at the Annual Meeting. The Vice Chair shall chair the Education Program Committee, along with three volunteers from the general membership.

b) The Chair may appoint special committees or task forces as approved by the Executive Committee. Special committees or task forces report and recommend to the Executive Committee.

ARTICLE XI: FINANCES

a) Shall be subject to the Rules.

b) All records of the Western Region, including records of finances, shall be open to Members upon request. A Member requesting copies of records shall compensate the Western Region for reasonable and customary charges for reproduction and distribution.

ARTICLE XII: RULES OF THE REGION

The Western Region shall adopt reasonable rules necessary for the administration of these Bylaws. These rules shall be adopted by majority vote at a meeting of the Western Region and amended in the same manner.

ARTICLE XIII: INDEMNIFICATION

Except as provided below, the Western Region shall indemnify in full, current or former WCARB Directors, Chairs, Executive Committee Members, Executive Directors, or members of a WCARB committee against expenses, including attorney's fees, and against the amount of any judgment, money decree, fine or penalty, or against the amount of any settlement deemed reasonable by the WCARB Executive Committee, necessarily paid or incurred by such person in connection with or arising out of any claim made, or any civil or criminal action suit or proceeding of whatever nature brought against such person, or in which such person is made a party, or in which such person is otherwise involved, by reason of being or having been such Director, Chair, Executive Committee Member, Executive Director, or member of a WCARB committee. No indemnification shall be provided for any person with respect to any matter as to which such person shall have been adjudicated in any proceeding to have acted recklessly, to have been grossly negligent, or to have engaged in intentional misconduct. If such person has not been so adjudicated, such person shall be entitled to indemnification unless the Western Region Executive Committee decides that such person did not act in good faith in the reasonable belief that his or her action was in the best interests of the Western Region. Expenses incurred of the character described above may, with the approval of the Executive Committee, be advanced by the Western Region prior to the final disposition of the action or proceeding involved, whether civil or criminal, upon receipt of an undertaking by the recipient to repay all such advances if such person is adjudged to have acted

WCARB Bylaws as of June 20, 2014

recklessly, to have engaged in intentional misconduct, or if the Executive Committee decides that such person is not entitled to indemnification.

The Western Region shall have the power to purchase insurance on behalf of any person who is or was a Director, Chair, Executive Committee Member, Executive director, or member of a WCARB committee, against any liability incurred by such person in any such capacity, or arising out of that person's status as such, whether or not the Western Region would have the power to indemnify that person against such liability under this Article or otherwise.

Any rights of indemnification hereunder shall not be exclusive, and shall accrue to the estate of the person to be indemnified.

Any other present or former employee or agent of or for the Western Region and any person who at the Western Region's request is or has been serving as a director of another corporation may be indemnified in like manner by vote of the Executive Committee.

ARTICLE XIV: BYLAW AMENDMENTS

a) These Bylaws may be amended at any meeting of the Members of the Western Region, provided that a notice stating the purpose of each proposed amendment and the reason for it is sent to every Member not less than 60 days prior to the date of the meeting at which this proposed amendment is to be voted.

b) A two-thirds vote of the Members present shall be necessary to amend these Bylaws.

HISTORY:

Adopted 2/29/64	Revised 6/20/01
Revised 2/24/66	Revised 6/25/03
Revised 3/07/73	Revised 3/19/05
Revised 3/08/75	Revised 3/24/07
Revised 3/09/84	Revised 6/20/07
Revised 6/27/84	Revised 6/19/09
Revised 3/08/85	Revised 6/21/13
Revised 3/15/86	Revised 3/07/14
Revised 3/14/87	Revised 6/20/14
Revised 3/31/90	
Revised 3/06/93	
Revised 3/20/99	

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Board for Architects
January 23, 2015
Olympia, WA

National Council of Architectural Registration Boards (NCARB) Annual Meeting Attendance

Background: The National Council of Architectural Registration Boards (NCARB) will hold an annual meeting in New Orleans, LA June 17-20, 2015. Although an agenda is not yet available, staff requests the board indicate which board members should attend the annual meeting. This will allow staff will submit the travel request to the Department of Licensing as soon as an agenda is available.

Recommendation: Indicate desired attendees to the NCARB annual meeting.

Submitted by Board Staff
January 12, 2015

Board Meeting

Tab 4

Old Business

**Topics from past meetings, presented for update,
action or further discussion by the board.**

Board for Architects
January 23, 2015
Olympia, WA

NCARB Changes to Intern Development Program (IDP)

Background: In 2014 NCARB announced plans to streamline the Intern Development Program (IDP) by eliminating 1,860 elective hours, and only require candidates to complete the 3,740 core hours. The NCARB Board approved the streamlining proposal at their fall meeting and announced the effective date of the change will be June 2015.

The Washington Board communicated disapproval of the reduction of IDP hours to NCARB and along with other member jurisdictions requested a delay in the implementation of the change. The NCARB Board discussed concerns of boards like Washington requesting a delay in the implementation date at their November 2014 meeting and decided to move forward with their previously established June 2015 date.

Board members indicated they would continue researching impacts of the proposed IDP streamlining by reviewing the NCARB 2012 Practice Analysis of Architecture document and discussing the topic with colleagues in preparation of further discussion.

Recommendation: Provide direction regarding additional information staff should secure for IDP Streamlining discussions prior to April Board meeting.

Submitted by Board Staff
January 12, 2015

N C A R B

December 2010



Necessity of an Architect During Construction

ABOUT NCARB

The National Council of Architectural Registration Boards (NCARB) is a nonprofit corporation comprising the legally constituted architectural registration boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands as its members.

MISSION STATEMENT

The National Council of Architectural Registration Boards protects 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.

Necessity of an Architect During Construction

National Council of Architectural Registration Boards
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This document was published in December 2010 and supersedes all previous editions of the *Necessity of an Architect During Construction*.

Necessity of an Architect During Construction

Introduction

- I. Background.....2
- II. The Nature of the Problem.....3
- III. Doesn't NCARB's Broad Definition of
Architectural Practice Cover the Problem?.....5
- IV. The Solution6

Necessity of an Architect During Construction

INTRODUCTION

The National Council of Architectural Registration Board's (NCARB) *Legislative Guidelines and Model Law* calls for a continued presence and participation by the registered architect during the construction phase of a project.

According to an NCARB survey of building code officials, the termination of the architect's involvement upon completion of the construction documents does not provide for the necessary professional administration during construction. This often results in buildings that do not meet code requirements that were specified in the documents. A decision to exclude the architect during construction administration can, in the end, diminish the project's overall quality, obstruct code compliance, and endanger the public—all developments that can negatively impact not only the public but also the owner, the architect, and the general contractor.

NCARB advocates that all state statutes require that a registered architect be engaged to perform construction administration services on all structures intended for human occupancy or habitation. This would, in turn, give state boards legal power to seek a remedy against an owner failing to meet the requirement. These services include conducting periodic site visits, reviewing shop drawings, and reporting to the owner and the building official any code violations or substantial deviations from the contract documents.

Necessity of an Architect During Construction

I. Background

In the spring of 1981, NCARB polled members of the Council of American Building Officials to ascertain the extent to which building officials relied on the presence of a registered architect to ensure that the public was protected. In response to a question concerning the architect's role during construction, a substantial majority of the building officials stated that a design professional should be engaged during the construction phase to ensure a safe project.

At about the same time, national building codes were amended to strengthen requirements that either a registered architect or a registered engineer be engaged to review contractor submittals, to inspect critical construction components, and to report observed violations of the building code to the building official.¹ In addition, many progressive building departments were enacting special requirements beyond those set out in the national codes. Boston, for example, in response to a disaster on a high-rise residential project with no registered architects or engineers involved after the issuance of the building permit, requires an "affidavit architect," who must visit the site at least once a week and notify the building department of any code violations, of any discrepancies between the construction documents (upon which the permit was issued) and the work in progress, and of any condition, observed by the architect, constituting a hazard.

¹ Some states have gone beyond the administrative procedures required by the model building codes when enacting their own building codes. For example, the Massachusetts State Building Code, which is based on the former BOCA National Building Code, included a provision setting forth the architect/engineer responsibilities during construction: "The registered architects and registered professional engineers who are responsible for the design, plans, calculations, and specifications, or their designee, shall perform the following tasks: 1. Review, for conformance to the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents. 2. Review and approval of the quality control procedures for all code-required controlled materials. 3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine, in general, if the work is being performed in a manner consistent with the construction documents. The application of [sic] the permit shall not be deemed to be complete until all of the Construction Control Documents (as defined in 780 CMR 2.00 and 780 CMR 116.2.1) have been submitted (also see 780 CMR 110.0). Final documentation of the compliance of the work per the plans and specifications shall be provided, and, when required by the Building Official, at the completion of each phase of construction." 780 CMR 116.2.2 (2008)

Necessity of an Architect During Construction

In 1989, the Member Boards of NCARB adopted *Legislative Guideline VII*², which effectively requires that a registered architect be engaged during the construction phase of any building intended for human occupancy or habitation by declaring that a building owner who begins construction without a registered architect is himself/herself engaged in the unlicensed practice of architecture and is, accordingly, subject to the fine and other sanctions set out in the statutes for unlicensed practice.

In 1999, NCARB commissioned an independent national polling firm to survey how building officials view the role of the architect in ensuring the safety of buildings. A total of 2,447 building officials responded. A little more than 87 percent of the respondents agreed that “[i]n order to protect adequately the health, safety, and welfare of the public, licensed architects and engineers should be required to conduct on-site observations of the construction of any substantial building.”

This overwhelming endorsement by those on the front line underscores the importance of *NCARB Legislative Guideline VII* and the critical need to implement its recommendations.

II. The Nature of the Problem

The public safety is protected by a registered architect taking responsibility for the preparation of technical submissions and by a competent building official reviewing the technical submissions to ensure that they conform to applicable codes. But that process gives no assurance that the project will be built as described in the technical submissions.

Moreover, many components of a project critical to the public safety are not designed or specified until construction has begun. Structural steel connections (the inadequacy of which caused the infamous 1981 Hyatt Regency Hotel disaster in Kansas City, MO) are only one of the components customarily

² *NCARB Legislative Guideline VII* — Requiring that an Architect be Engaged During the Construction of a Project

- A. An owner who proceeds to have constructed a project having as its principal purpose human occupancy or habitation and not exempted under Section VI shall be deemed to be engaged himself/herself in the practice of architecture unless he/she has employed an architect to perform at least minimum construction contract administration services, including (i) periodic site visits, (ii) shop drawing review, and (iii) reporting to the owner and building official any violations of codes or substantial deviations from the contract documents which the architect observed.
- B. It shall be the project design architect’s obligation to report to the state board and to the building official if he/she is not engaged to provide construction contract administration services described in Paragraph A.
- C. A state board may waive these requirements with respect to a particular project or class of projects if it determines that the public is adequately protected without the necessity of an architect performing the services described in Paragraph A.

Necessity of an Architect During Construction

designed during construction. Many elements are installed by contractors on the basis of performance specifications rather than prescriptive specifications. Many elements are “design/build” during the construction phase. Even on an old-fashioned, simple project where none of the foregoing exists, technical submissions are adapted to actual site conditions and revised as necessary—indeed, these practices occur on almost every building project.

Why then do developers often terminate the architect after the completion of construction documents? To save money. The building permit has been issued; many developers see the retention of an architect thereafter as a “need-less expense” and often a nuisance because the architect may be uncompromising in insisting that the safety and quality of the project not be diluted.

But doesn't the developer's interest in the long-term safety and durability of the building persuade him/her to retain the architect during construction? Consider who the “developer” has become in the last 50 years. Developers no longer build to create a long-term asset to hold, but more typically now build to sell the building to condominium purchasers, to lease to long-term tenants, to syndicate ownership, or to sell to other investors. In short, many developers seldom have a long-term interest greater than the short-term goal of saving money. When either the building code or the construction lenders require an architect during construction, many developers consider this a burden imposed on them as part of the cost of doing business.

Architects need not fear additional liability on account of observing construction. In 1996, Victor O. Schinnerer & Company, Inc., a major errors and omissions underwriter for design professionals, commissioned Professor David Haviland to study risk management by design professionals. He produced a list of the Top 20 Claim Preventors and the Top 20 Claim Starters. Number 3 on the list of Claim Preventors was “construction administration services are in the contract.” Number 6 and Number 12 on the list of Claim Starters were “infrequent site observation” and “construction administration services not in contract,” respectively. In short, Professor Haviland's study demonstrated that there were fewer claims and less liability when the architect's services were not terminated after the design phases.

The advice from The Design Professional group of the XL Insurance companies (formerly DPIC) is entirely consonant with that of Professor Haviland. Authors Crowell and Dixon write:

“[I]f you are not performing construction observation because you think it will increase your exposure to risk, think again. True, when you visit a jobsite, you may have an increased risk for claims of site safety. But that risk (which is largely manageable) should be weighed against another—and bigger—issue. When you design a project, you assume the associated liability, whether or not you visit the project. In avoiding observation, you forfeit the opportunity to satisfy yourself that construction is proceeding as it should. No matter how detailed or near perfect your plans are, even the best contractor can't build from them without some degree of interpretation. It is far better to protect your interests and those of your client by being there to provide clarification and interpretation.” (From *The XL Insurance Contract Guide for Design Professionals, A Risk Management Handbook for Architectural, Engineering and Environmental Professionals*, 124, 2007.)

Necessity of an Architect During Construction

III. Doesn't NCARB's Broad Definition of Architectural Practice Cover the Problem?

NCARB Legislative Guideline I defines the practice of architecture as:

“consisting of providing or offering to provide certain services hereafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and the site surrounding such buildings, which have as their principal purpose human occupancy or habitation. The services referred to include pre-design; programming; planning; providing designs, drawings, specifications, and other technical submissions; the administration of construction contracts; and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects.”

Many believe that since “the administration of construction contracts” is specifically identified as an architectural service, anyone else performing that service is engaged in unlicensed practice.

The simple answer, available to the developer who terminated the architect after a building permit was issued, is that no one administered the construction contract. There were no shop drawing submissions. The developer relied entirely on the contractor's agreement to build as prescribed in the construction documents.

A longer answer turns on the legal question of whether one who engages in construction contract administration is engaged in the practice of architecture.

In 1987, the Arizona Attorney General construed the Arizona statute³ as requiring that “only qualified registrants can conduct construction observation services to determine conformance with contract documents and design insofar as such review involves the applications of architectural . . . analysis.” 1987 Ariz. Op. Atty. Gen. 31, No. 187-022, 1987 WL 121250 (Ariz. A.G.)

In 1995, the California Attorney General construed California law as barring an unlicensed person from performing construction management services on municipal or state projects. 78 Cal. Op. Atty. Gen. 48 (1995), 1995 WL 50540 (Cal. A.G.)

While a majority of decisions of attorneys general preclude an unlicensed person from engaging in construction contract administration services, that conclusion is not universal; there are remarks in various court opinions that “supervision of construction contracts” (again, using the old terminology) is not the exclusive province of architects. See, e.g., *Di Silvestri v. Golden Crest Motel Corp.*, 148 Conn. 121, 167 A.2d 857 (1961); *Gastaldi v. Reutermann*, 345 Ill. App. 510, 104 N.E.2d 115 (1952). Moreover, as noted at the outset of this section, the most common condition threatening the public safety is that no one is furnishing construction contract administration services. Therefore, more than NCARB's broad definition of the practice of architecture is required.

³ The statute defines the practice of architecture as “the application of . . . the principles of architecture . . . to such professional services as . . . review of construction for conformance with contract documents and design. . . .” See A.R.S. § 32-101(B)(4).

Necessity of an Architect During Construction

IV. The Solution

NCARB Legislative Guideline VII is given concrete form in *NCARB Model Law* as Section 10A Construction Contract Administration Services Required. The basic principle is set out in Section 10A.1:

“The Owner of any real property who allows a Project to be constructed on such real property shall be engaged in the practice of architecture unless such Owner shall have employed or shall have caused others to have employed a registered architect to furnish Construction Contract Administration services with respect to such Project.”

In Section 10A.2(a), “Owner” is broadly defined to include every owner of more than 10 percent of the equity in the real property, as well the mortgagee, the record title owner, and, in appropriate circumstances, a long-term tenant.

In Section 10A.2(c), “Construction Contract Administration Services” are defined as comprising at least the following:

“(i) visiting the construction site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued; (ii) processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and (iii) notifying an Owner and the Building Official of any code violations; changes which affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions which he/she identifies as constituting a hazard to the public, which he/she observes in the course of performing his/her duties.”

Two strong arguments support adoption of *Legislative Guideline VII* as good public policy. First, the public’s safety depends on professional review during the construction phase of a project. See Section II: The Nature of the Problem of this publication.

The second argument turns on the practicality of enforcement. With the definition of “owner” set out in the *Model Law*, no responsible mortgage lender will advance funds without ensuring that the record title owner has retained a registered architect during the construction phase of the building project. This lending practice soon will become as routine as ascertaining that there is insurance coverage for the project.

Washington State Board for Architects

Board or Staff Assignments

Date Assigned

<i>Agenda Item</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>	<i>Due Date</i>	
11/7/2014 3 .3.	MBC/MBE Meeting Report - Staff will review NCARB's IDP proposals for conflict with WA law.	Doyle, Storvick	In process	<i>Due Date</i>	
				<i>Completed</i>	<input type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
11/7/2014 3 .3.	MBC/MBE Meeting Report - Staff will survey IDP supervisors in WA state about IDP and elective hours.		Request sent to NCARB for list of IDP supervisors	<i>Due Date</i>	
				<i>Completed</i>	<input type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
11/7/2014 3 .1.	2015 Calendar - Mr. Jones and Ms. Dryden will work with UW to find out if holding a meeting on campus would be beneficial to students or if sending a board member to a professional practice class would be better.	Jones, Dryden	In process	<i>Due Date</i>	
				<i>Completed</i>	<input type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
11/7/2014 3 .1.	2015 Calendar - Mr. Storvick will invite NCARB to attend the boards 1/23/15 board meeting.	Storvick		<i>Due Date</i>	
				<i>Completed</i>	<input checked="" type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
11/7/2014 4 .2.	Construction Management - Staff will research the possibility of taking the construction management issue to DOL for possible legislation.			<i>Due Date</i>	
				<i>Completed</i>	<input checked="" type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
11/7/2014 4 .2.	Construction Management - Staff will research what other states require with regard to construction management.	Wedding		<i>Due Date</i>	
				<i>Completed</i>	<input checked="" type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>

Board or Staff Assignments

<i>Date Assigned</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>	<i>Due Date</i>	
11/7/2014 7 ..	Disciplinary Reports - Staff will consider the possibility of adding additional case managers to a case being reviewed by Mr. Weber.	Storvick		<i>Due Date</i>	
				<i>Completed</i>	<input checked="" type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
11/7/2014 10 .1.2	Financial Report - Staff will look into suspending different fees (new applicants vs renewals).		Staff regularly reviews fees as part of managing the board's fund balance	<i>Due Date</i>	
				<i>Completed</i>	<input checked="" type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>

Board Meeting

Tab 5

Complaint Cases for Review

**Complaint closure recommendations
presented by the assigned case manager.**

Board action is required on each case.

Please review the case file and complete this worksheet. If you have questions about this summary, please contact the program manager.

***You will use these sections to make your recommendation to the board, or, if necessary direct an investigation or charges. Please do not use specific names of respondents or complainants on this form.**

Case number: 2013-03-0405-00ARC

***Give a brief summary of the complaint and the alleged violation(s):** (Example of alleged violation: *unlicensed practice, unprofessional conduct for . . .*)

The respondent is being accused of unlicensed practice as an Architect

What evidence supports the alleged violation? (Example: *webpage language, print advertising, contract etc.*)

This Case Manager finds no supporting evidence upholding the allegation brought against this respondent.

Please see comments that follow:

Is there a violation of law or rule? If yes, state the RCW or WAC.

No; not in the opinion of this Case Manager

Do you need additional information to make a recommendation? No Additional Information is needed

From the respondent From the complainant From staff or the investigator

What is the information you need? Please be specific.

N/A

***What is your recommendation?**

I recommend the board close this case because: The documents provided for review clearly demonstrate that the respondent declared themselves as a professional engineer at every juncture possible. Instructions and rulings issued by this Board have consistently allowed for the Authority Having Jurisdiction (AHJ); the "Building Official" as having the authority to determine what professional certifications are required on a project by project basis for the issuance of a building permit.

From the evidence submitted it appears that the building official accepted the application from a registered professional engineer and may have issued a permit based upon that license authority alone. The material is clearly edited as a matter of record modifying the title "architect" and replacing it with the title "engineer" accompanied by the assumed appropriate signature.

I recommend administrative charges because:



CASE MANAGER SUMMARY WORKSHEET

with a sanction of _____

(Example: a fine (include amount), reprimand, corrective remedy, etc. See [RCW 18.235.110](#) for other examples)

_____ 12/15/2014
Case Manager Name Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Case number: 2014-06-400-00ARC

***Give a brief summary of the complaint and the alleged violation(s):** Failure to present proof of completed professional development hours upon notification of audit.

What evidence supports the alleged violation? No record of submittal of proof of professional development hours per letter to respondent dated May 2, 2014 from Department of Licensing.

Is there a violation of law or rule? If yes, state the RCW or WAC. RCW 18.08.430. 3.a & WAC 308-12-280 (2)

Do you need additional information to make a recommendation?

From the respondent From the complainant From staff or the investigator

What is the information you need? Please be specific.

***What is your recommendation?**

X I recommend the board close this case because: Confusion over respondent's communication was responsible for mistaken impression unresponsiveness. Respondent had attempted to present proof of PDH and is now in compliance with Continuing Education requirement. I recommend withdrawing the complaint along with any charges and sanctions.

I recommend administrative charges because:

with a sanction of _____

Colin R. Jones
Case Manager Name

June 13, 2014 Revised 1/12/15
Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV



CASE MANAGER SUMMARY WORKSHEET

Please review the case file and complete this worksheet. If you have questions about this summary, please contact the program manager.

***You will use these sections to make your recommendation to the board, or, if necessary direct an investigation or charges. Please do not use specific names of respondents or complainants on this form.**

Case number: 2014-06-0404-00ARC

***Give a brief summary of the complaint and the alleged violation(s):** (Example of alleged violation: unlicensed practice, unprofessional conduct for . . .)

Failure to file proof of completion of Professional Development Hours, Unprofessional Conduct under the Uniform Regulation of Business and Professions Act (URBP)

What evidence supports the alleged violation? (Example: webpage language, print advertising, contract etc.)
 Letters sent to the Respondent from the DOL upon respondent's failure to engage with DOL in a PDH Audit within the allowed timeframe. These letters notified the respondent of potential sanctions and fines, response timelines, and ultimately, the option for a BAP. Respondent provided explanatory letter on December 1, 2014 explaining mitigating personal circumstances.

Is there a violation of law or rule? If yes, state the RCW or WAC.

Yes, RCW 18.08.430 & WAC 308-12-280 and RCW 18.235.130 (8)

Do you need additional information to make a recommendation?

From the respondent From the complainant From staff or the investigator

What is the information you need? Please be specific.

None

***What is your recommendation?**

I recommend the board close this case because:

Respondent has submitted information explaining personal circumstances causing lack of response and inability to complete PDH requirements. I recommend that the respondent's license be placed on inactive status.

I recommend administrative charges because:

with a sanction of _____

(Example: a fine (include amount), reprimand, corrective remedy, etc. See [RCW 18.235.110](#) for other examples)

Roch Manley
 Case Manager Name

12/29/2014
 Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV



CASE MANAGER SUMMARY WORKSHEET

Please review the case file and complete this worksheet. If you have questions about this summary, please contact the program manager.

***You will use these sections to make your recommendation to the board, or, if necessary direct an investigation or charges. Please do not use specific names of respondents or complainants on this form.**

Case number: 2014-10-0402-00ARC

***Give a brief summary of the complaint and the alleged violation(s):** (Example of alleged violation: unlicensed practice, unprofessional conduct for . . .)

Unlicensed Practice. Respondent used protected language in business license application

What evidence supports the alleged violation? (Example: webpage language, print advertising, contract etc.)

City of Quincy inquiry to DOL reporting Business License application using "Architectural Design" in business name with no record of valid Architectural Registration in WA.

Is there a violation of law or rule? If yes, state the RCW or WAC.

RCW 18.08.310

Do you need additional information to make a recommendation?

From the respondent From the complainant From staff or the investigator

What is the information you need? Please be specific.

***What is your recommendation?**

X I recommend the board close this case because:

Respondent has removed "Architectural" from business name.

I recommend administrative charges because:

with a sanction of _____

(Example: a fine (include amount), reprimand, corrective remedy, etc. See [RCW 18.235.110](#) for other examples)

Colin R. Jones

Case Manager Name

November 20, 2014

Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Board Meeting

Tab 6

Legal Issues for Deliberation

**Negotiated settlement orders or default orders
presented by the board's prosecution team.**

Board action is required on each order.

Board Meeting

Tab 7

Disciplinary & Investigation Items

**Standard disciplinary reports and a report of any
administratively closed complaints.**

**Provided for information only –
typically no board action is needed.**

Washington State Board for Architects
January 23, 2015
Olympia, WA

Closed session deliberation report

The board will report on a closed session if one is held.

Recommendation: No action needed.

Submitted by Board Staff
January 12, 2015

Washington State Board for Architects Complaint Report - Page 1 Open Cases

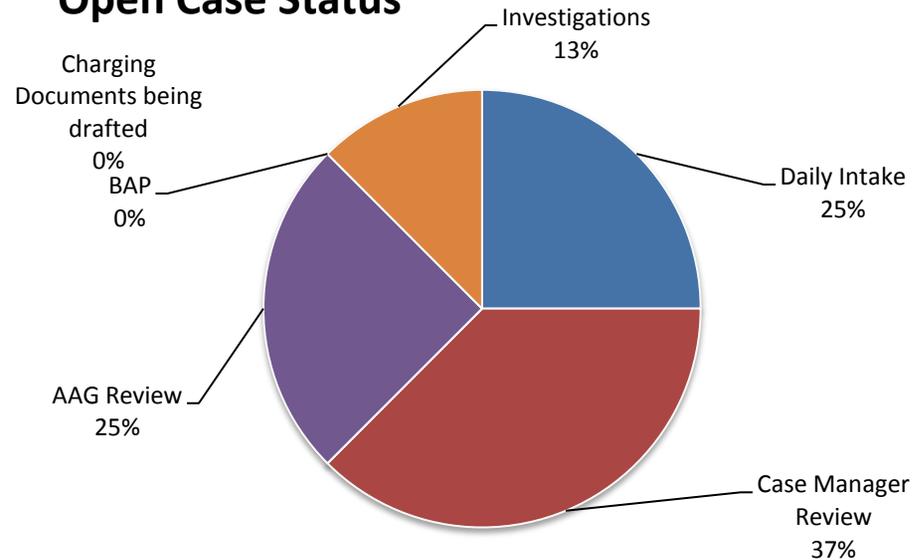
Olympia, WA
January 23, 2015

Assigned to:	Unlicensed	Unprofessional Conduct
Blaine Weber	1	0
Colin Jones	4	1
Neitha Wilkey	0	2
Rick Benner	0	0
Roch Manley	1	2
Scott Harm	1	1
Unassigned	3	0
TOTAL	10	6

Recent Case History	2014	2013
Beginning	24	26
+ Opened	69	30
- Closed	54	32
Remaining open	39	24

Collections Activity	
Cases monitored for compli	18
Cases sent to collections	14
Outstanding fines	\$ 63,307.00

Open Case Status



Typical Complaint Process (Open Case Status)

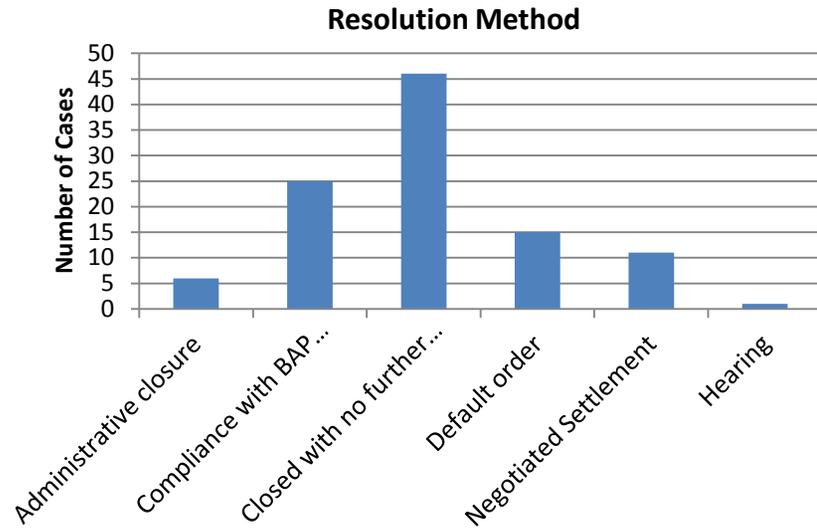
- o Staff receive complaint (*Daily intake*)
- o Staff evaluate complaint (*Daily intake*)
- o Staff use BAP if appropriate (*BAP*)
- o Staff assign to Case Manager (CM) (*Case Manager Review*)
- o CM review; determine whether to investigate (*Case Manager Review*)
- o Staff investigate complaint (*Investigations*)

- o If no evidence supports allegation, CM recommend closure (*Case Manager Review*)

- o If evidence supports allegation, CM determine sanctions (*Case Manager Review*)
- o Staff drafts charging documents (*Legal*)
- o Board Attorney reviews charges, moves forward with prosecution (*AAG review*)

Run date: 12/30/2014

Washington State Board for Architects Complaint Report - Page 2 Closed Cases



Maximum fine allow per violation:

Unprofessional conduct - \$5,000 / per occurrence

Unlicensed practice - \$1,000 / per day

Range of other sanctions available (not inclusive)

Severe



Mild

Revoke license

Suspension (not stayed)

Suspension (stayed)

Reprimand

Law summary

Cease & Desist

Common Resolution Methods for Cases Closed Since 2012

Allegation	Admin. Closure	Comply w/BAP notice	Closed with no action *	Default orders	Negotiated settlements	Hearing
Unprofessional conduct	1	n/a	1	0	1	0
Failure to comply w/professional dev. audit	n/a	24	0	7	0	0
Practice with an invalid license	n/a	n/a	1	2	4	0
Practice outside of scope of license	n/a	n/a	1	0	0	0
Aiding/Abetting unlicensed practice	n/a	n/a	0	0	1	0
Unlicensed practice	n/a	n/a	7	3	3	0
Unlicensed title use	0	n/a	28	5	2	1
Unlicensed business/no architect	n/a	n/a	5	0	0	0
Other	1	n/a	2	0	0	0

Administratively close if 1) outside of board's jurisdiction or 2) if third-party attribution of title

Closed with no further action if 1) no evidence of violation or 2) compliance

Run date: 12/30/2014

Washington State Board for Architects
January 23, 2015
Olympia, WA

Administrative closures – No business

Recommendation: No action needed.

Submitted by Board Staff
January 12, 2015

Board Meeting

Tab 8

Assistant Attorney General Report

**Presentation of general legal issues
of interest to the board.**

**Provided for information only –
typically no board action is needed.**

Board Meeting

Tab 9

Committee & Task Force Reports

**Reports and updates from the board's
standing committees or task forces.**

Board action may be needed.

Board Meeting

Tab 10

Board Executive's Report

**Operational reports and information about
legislative matters of interest to the board.**

**Provided for information only –
typically no board action is needed.**

Washington State Board for Architects
January 23, 2015
Olympia, WA

Legislative update – No business.

Recommendation: No action needed.

Submitted by Board Staff
January 12, 2015

Architect Financial Reports

2013-2015 Biennium
January 2015

2013-2015 Revenue Summary

Architects

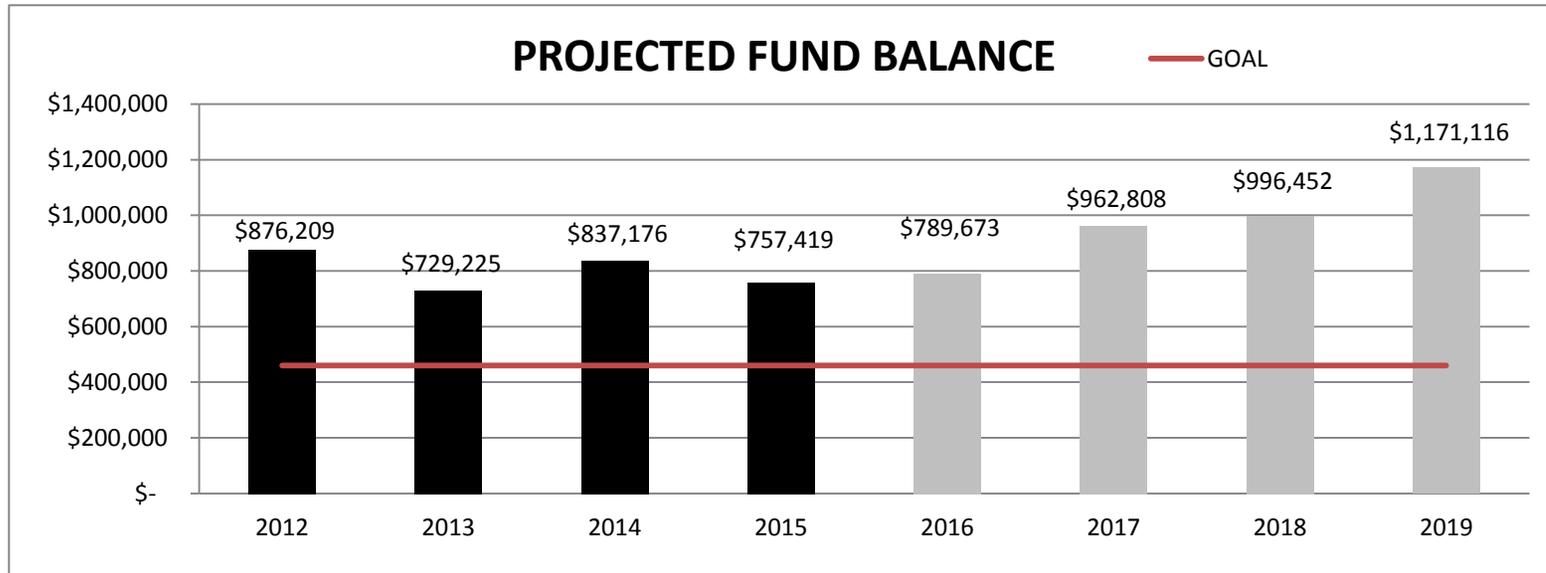
PERIOD ENDING 11/30/2014

Current Revenue Data based on Actuals

Beginning Fund Balance	\$ 856,075
Fund Balance Adjustment to Actual	\$ -
Add: Current Biennium Revenue to Date	\$ 503,562
Less: Actual Expenditures to Date	\$ 582,078
 Current Fund Balance	 <u>\$ 777,559</u>

Projected Revenue Data based on Six-Year Plan

Current Fund Balance	\$ 777,559
Add: Projected Revenue	\$ 209,507
Less: Projected Expenditures	\$ 257,841
 Projected Fund Balance	 <u>\$ 729,225</u>



2011-2013 Expenditure Summary

Architects

PERIOD ENDING 11/30/2014

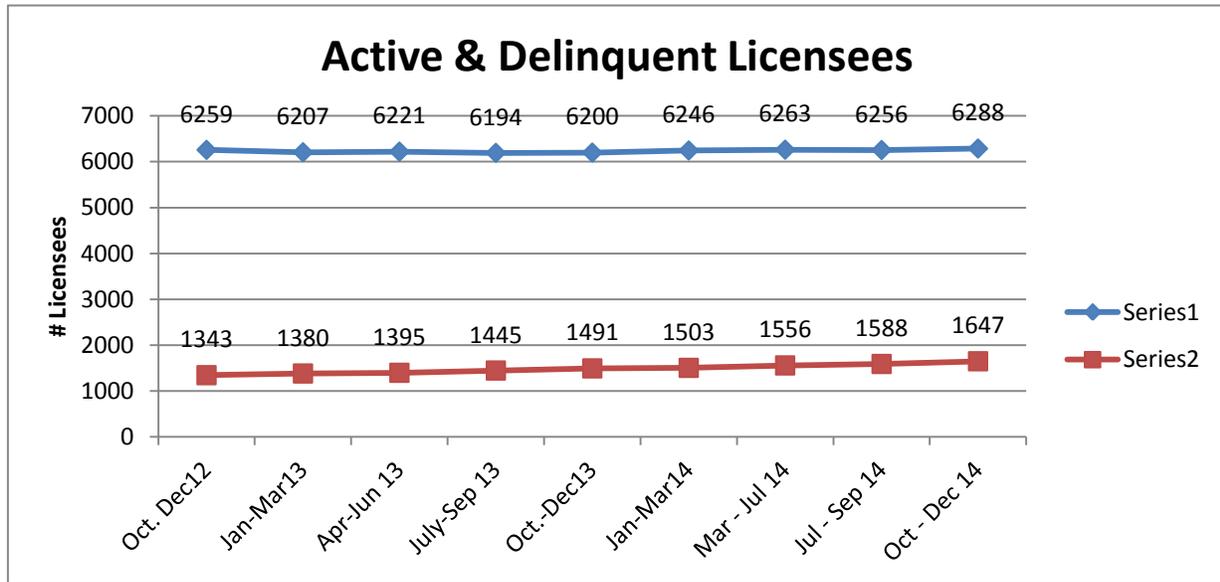
Program Detail	Biennium to Date - Actual			Biennial Projection		
	Allotment	Expenditure	Variance	Allotment	Expenditure	Variance
FTE's	3.7	3.5	0.2	3.7	3.5	0.2
Salary	\$ 266,715	\$ 245,041	\$ 21,674	\$ 377,654	\$ 351,320	\$ 26,334
Benefits	\$ 94,135	\$ 81,192	\$ 12,943	\$ 131,510	\$ 116,461	\$ 15,049
Goods & Services	\$ 81,321	\$ 91,018	\$ (9,697)	\$ 113,138	\$ 124,634	\$ (11,496)
Travel	\$ 17,710	\$ 12,297	\$ 5,413	\$ 25,000	\$ 16,339	\$ 8,661
Equipment	\$ 1,500	\$ 1,056	\$ 444	\$ 3,000	\$ 1,556	\$ 1,444
Intra-agency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Direct Program	\$ 461,381	\$ 430,604	\$ 30,777	\$ 650,302	\$ 610,309	\$ 39,993
Division Support	\$ 53,341	\$ 41,556	\$ 11,785	\$ 77,255	\$ 65,162	\$ 12,093
Management & Support Services	\$ 49,545	\$ 48,101	\$ 1,444	\$ 68,639	\$ 68,639	\$ -
Information Services	\$ 71,157	\$ 68,557	\$ 2,600	\$ 101,804	\$ 101,804	\$ -
TOTAL	\$ 635,424	\$ 588,818	\$ 46,606	\$ 898,000	\$ 845,914	\$ 52,086

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License Status Report

<u>Status</u>	<u>Total</u>	<u>Washington</u>	<u>Out-of-State</u>
Active	6,288	3,878	2,410
Delinquent	1,647		
Retired	663		
Inactive	693		
Pending Examination	525		
Pending Reciprocity	125		

9,941



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New licensees:

<i>Qualified by</i>		Total: 0
11185	Kelly Laleman, Seattle, WA	University of Washington
<i>Qualified by Examination</i>		Total: 28
3060	Chelsea Jefferson, Seattle, WA	Western Washington University
11131	Kenji Hoshide, Seattle, WA	University of British Columbia
11132	Joshua LaFreniere, Seattle, WA	Washington State University
11133	Megan Johnson, Seattle, WA	University of Cincinnati
11134	David Johnson, Seattle, WA	Washington State University
11135	Matthew Swope, Seattle, WA	
11136	Christopher Hope, Seattle, WA	Washington State University
11143	Denise Thompson, Burien, WA	
11151	Sheila Gates-Ping, Spokane Valley, WA	University of Idaho
11152	Tessa Smith, Olympia, WA	
11154	Rachael Kitagawa, Seattle, WA	University of British Columbia
11160	Ariel Mieling, Seattle, WA	University of British Columbia
11167	Joshua McDonald, Seattle, WA	Washington State University
11168	Alan Dodson, Seattle, WA	Virginia Tech
11170	Neil Parris, Seattle, WA	University of Tennessee
11173	Katherine Freels, Seattle, WA	University of Washington
11174	Noreen Shinohara, Seattle, WA	University of Texas at Texas
11183	Lucas Branham, Seattle, WA	University of Michigan
11183	Lucas Branham, Seattle, WA	University of Michigan
11185	Kelly Laleman, Seattle, WA	University of Washington
11186	Mi Ahn, Vancouver, BC	
11186	Mi Ahn, Vancouver, WA	
11187	Evan Conroy, Seattle, WA	Tulane University
11187	Evan Conroy, Seattle, WA	Tulane University
11189	Kenneth Wilson, Seattle, WA	
11189	Kenneth Wilson, Seattle, WA	Kent Institute of Art & Design
11190	Gerald Hill, Portland, OR	
11191	Benjamin Dalton, San Diego, CA	University of Washington

New licensees:*Qualified by Reciprocity***Total:** 32

11130	Michael Wright, Parkville, MO	
11137	Jared Banks, Seattle, WA	
11138	Larry Staples, Las Vegas, NV	
11139	Tanner Kirchoff, Seattle, WA	
11140	Terrance Brown, Bellingham, WA	
11141	Helen Heindel, White Salmon, WA	
11142	Daniel Boyne, Columbus, OH	
11144	Karen Thomas, Bainbridge Island, WA	
11145	Patrick Duffy, Goshen, IN	
11146	Gregory Putney, Maple Valley, WA	
11148	Nancy Mackin, Olympia, WA	
11149	James Lawrence, Fort Worth, TX	
11150	Kerry Vander Zanden, Forest Grove, OR	
11153	Nadezhda Azarova, Bothell, WA	
11157	John Banks, Barrington, IL	
11158	Erik Earnshaw, Addison, TX	
11162	Charles d'Archy III, Irvine, CA	
11164	Jamie Dreyer, Denver, CO	
11165	Tony Yraguen, Portland, OR	
11172	Caryn Bailey, Sand Diego, CA	
11175	Michael Fisher, Moorpark, CA	
11176	Felicia Santiago, Dallas, TX	
11177	Gant Uhlir, Chicago, IL	
11178	Stan Bezu, Oakland, CA	
11179	Jonathan Liffgens, Chicago, IL	
11180	Anthony Ponting, Cold Spring, KY	
11181	Brian Johnson, Burnsville, MN	
11182	Megan Cahlmers, Seattle, WA	
11184	George Valdez, Seattle, WA	University of Illinois at Chicago
11185	George Valdez, Seattle, WA	University of Illinois @ Chicago
11188	Erik Marcussen, Tustin, CA	
11188	Erik Marcussen, Tustin, CA	California State University

New licensees:

Grand Total: 61

Recommendation: For information only; no action required.

Submitted by Board Staff

December 31, 2014

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Architect Program – 2014 Quick Review

Legislation affecting the program

- None.

Board member activity

- Governor Inslee reappointed Linda Szymarek to her first full term. She was originally appointed to fill the vacated term for the public member in 2013.
- Board members Rick Benner, Roch Manley, Colin Jones, and Neitha Wilkey each served on NCARB Committees associated with ARE testing.
- Board members Rick Benner and Roch Manley served as NAAB Accreditation volunteers.
- Board members Neitha Wilkey, Scott Harm and Linda Szymarek, and staff Rick Storvick attended a combined regional meeting of the National Council of Architectural Registration Boards (NCARB) in San Antonio Texas.
- Board members Rick Benner, Roch Manley, and Scott Harm, and staff Rick Storvick attended NCARB's Annual Meeting and Conference in Philadelphia PA.
- Board member Rick Benner and staff Rick Storvick attended NCARB's bi-annual Member Board Chair/Executive Conference in Indianapolis Indiana.

Other accomplishments:

- The Architecture section of the Guidelines for Building Officials was posted to the web in January 2014. Since the initial posting of the web content the Board has continued to make minor revisions to the information after input and further review.
- Colin Jones and Scott Harm participated in the newly established Architect/Engineer joint subcommittee to review issues associated with the Guidelines for Building Officials web information.
- Scott Harm, Roch Manley, and Linda Szymarek volunteered to establish a 2016 NCARB Annual Conference Committee to coordinate details for the 2016 conference scheduled for Seattle Washington.

Outreach

- Board members met on the Western Washington University campus in Bellingham in July.
- Board members met with staff and students from the architectural program at Washington State University in Pullman and answered questions about licensing.
- Neitha Wilkey gave a presentation to the Construction Specifications Institute (CSI) on continuing education documentation requirements.
- The board published four news bulletins.
- The board's online mailing list (ListServ) grew to 1010 members. The list includes licensees and other interested parties.

Policy review

There were no policy changes in 2014 for Architects.

Disciplinary activity

Complaints

2012		2013		2014	
Opened	Closed	Opened	Closed	Opened	Closed
13	14	30	32	69	54

- The Board adopted the Brief Adjudicative Proceeding (BAP) process for low-level violations. By delegating authority to staff to use the informal BAP process for low-level violations, the Board can now resolve complaints in as few as 3 days instead of the minimum 90 days between board meetings.
- Case managers and board staff conducted two settlement conferences that culminated with two agreed orders to be presented to the Board.

Orders accepted by the board –

2012-07-0401-00ARC - Donald G. Atwood

Respondent in the matter of unprofessional conduct voluntarily surrendered his license to practice professional architecture in the state of Washington and will never practice architecture and never reapply for licensure in the state of Washington or any other jurisdiction.

2013-08-0401-00ARC - Chris Pardo

Respondent in the matter of unlicensed practice agreed to permanently cease and desist from practicing or offering to practice professional architectural services for others in the state of Washington and using in connection with his name the title "architect" or other language in such a way as to convey the impression that he is a licensed architect.

License Statistics

Individuals	2012	2013	2014
Active	6282	6221	6288
Delinquent	1260	1388	1647
Inactive	908	960	693
Retired	450	528	663

Recommendation: For information only – no action required

Submitted by Board Staff
January 7, 2015

Washington State Board for Architects
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Department of Licensing – No business.

Recommendation: No action needed.

Submitted by Board Staff
January 12, 2015

Washington State Board for Architects
January 23, 2015
Olympia, WA

Other business – No business.

Recommendation: No action needed.

Submitted by Board Staff
January 12, 2015

Board Meeting

Tab 11

Other Business

Review of action items from this meeting, agenda items for the next meeting, and discussion of topics added under the Order of the Agenda.

Board Meeting

Tab 12

Adjournment