

**Washington State
Board for Architects
Board Meeting**

**September 10, 2020
9:00 AM**

**Teleconference
360.407.3780
Guest Pin Code:
733781#**

Board Meeting

Tab 1

Call to Order



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BOARD FOR ARCHITECTS
MEETING AGENDA
REGULAR BOARD MEETING

The Mission of the Washington State Board for Architects is to safeguard life, health, property and promote public welfare through licensure and regulation of the practice of architecture in Washington.

DATE: September 10, 2020

TIME: 9:00 A.M.

LOCATION: Teleconference

CALL IN NUMBER: (360) 407-3780

GUEST PIN CODE: 733781#

OPEN SESSION 9:00 A.M.

1. Call to Order

- 1.1. Introductions
- 1.2. Order of agenda
- 1.3. Approval of minutes: June 4, 2020
- 1.4. Review Communications

2. New Business

- 2.1. PDH

3. Old Business

- 3.1. NCARB Annual meeting
- 3.2. Rules update
- 3.3. Review master action items list

4. Complaint Cases for Review*

- 4.1. 2020-05-0257-00ARC (Harm)
- 4.2. 2020-06-0268-00ARC (Harm)

5. Legal Issues for Deliberation*

6. Disciplinary & Investigation Items

- 6.1. Closed session deliberation report
- 6.2. Current cases disciplinary report

7. Assistant Attorney General's Report

- 7.1. AG Opinion

8. Committee/Task Force Reports

9. Board Executive's Report

- 9.1. Program Operations
 - 9.1.1. Remote Proctoring
- 9.2. Department of Licensing
 - 9.2.1. Polaris
- 9.3. Other Items
 - 9.3.1. NCARB BTN

10. Other Business

- 10.1. Action items from this meeting
- 10.2. Agenda items for next meeting
- 10.3. Any other business

11. Public Comment Opportunity

12. Adjournment

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

Next Board Meeting:
November 19, 2020
Virtual/Teleconference



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

**BOARD FOR ARCHITECTS
 MEETING MINUTES**

The Mission of the Washington State Board for Architects (Board) is to safeguard life, health, property and promote public welfare through licensure and regulation of the practice of architecture in Washington.

DATE: June 4, 2020
TIME: 9:00 A.M.
LOCATION: Teleconference (Due to Covid-19)
 360.407.3780
 Board pin code: 575095#
 Public pin code: 363551#

BOARD MEMBERS PRESENT: Neitha Wilkey, Chair
 Colin Jones, Vice Chair
 Rick Benner, Secretary
 Scott Harm, Member
 Sian Roberts, Member
 Susan Cooley, Member
 Roch Manley, Member

STAFF PRESENT: Rick Storvick, Administrator
 Julia Manley, Assistant Administrator
 Shari Honeywell, Administrative Assistant
 Julie Konnersman, Management Analyst
 Elizabeth Lagerberg, AAG

GUESTS: None

1. **Call to Order 9:01 A.M.**
 - 1.1. **Introductions**

Board members and staff introduced themselves.

1.2. **Order of agenda**

Mr. Jones made a **MOTION** to approve the agenda as presented. Ms. Roberts Seconded the **MOTION**, and it passed.

1.3. **Approval of Minutes: February 13, 2020 & March 17, 2020**

Ms. Cooley made a MOTION to approve the February 13, 2020 minutes as presented. Mr. Manley seconded the MOTION, and it passed.

Mr. Jones made a MOTION to approve the March 17, 2020 minutes as presented. Mr. Harm seconded the MOTION, and it passed.

1.4. **Review Communications**

Mr. Storvick reported that NCARB informed board staff that, where possible, Prometric is planning to begin reopening test centers to ARE candidates in June 2020. In certain states and communities, they will be limiting testing to “essential only” candidates, typically those in healthcare. Washington State is one that qualifies as essential for testing to resume for architectural candidates.

Test centers will open with lesser capacity to meet current guidelines.

Action Item: Staff to find out about the rolling clock extension

Action Item: Staff to find out about essential only

2. **New Business**

2.1. **Election of Officers**

Ms. Wilkey presented the following slate of proposed officers:

- Chair Colin Jones
- Vice Chair Rick Benner
- Secretary Roch Manley

Mr. Harm made a **MOTION** to accept the proposed slate of officers. Ms. Roberts seconded the **MOTION**, and it passed.

2.2. **NCARB Regional Summit Meeting Report out**

Mr. Harm, Mr. Manley, and Mr. Storvick shared their experiences from attending the NCARB Regional Summit.

Mr. Harm shared that it was a great meeting and an entire new slate of officers will be coming up.

Mr. Manley shared it was a great session, NAAB Accreditation standards updated through 2020, CE credits thru NCARB being increased, Arizona has a bill to change membership of the board to weighted towards public members, Region 6 adopted strategic plan.

Mr. Storvick shared it was a great conference and presentations, he also attended the Member Board Executive meeting the day prior to learn about current trends in licensure.

2.3. **NCARB Annual Meeting**

This year's NCARB Annual business meeting will be held virtually on June 19, 2020.

The Board reviewed the 2021 NCARB Board Office candidates.

The Board agreed on voting for Mary Morrissett as Secretary and Gary Ey as Public Director.

Mr. Jones made a **MOTION** to approve Ms. Wilkey as the voting delegate and Ms. Roberts as the alternate. Mr. Manley seconded the **MOTION** and it passed.

Action Item: Ms. Honeywell will follow up with Ms. Wilkey and Ms. Roberts with the voting delegate and alternate paper work.

3. **Old Business**

3.1. **Rule Changes update**

Ms. Konnersman updated the board about the filing of the CR-101 under WSR 19- 07-064 was amended and filed on March 19, 2019. This was necessary for the new system upgrade, updated application language, and aligning signature requirements with other design programs that are regulated by the Regulatory Board Section.

We are currently assessing whether a small business economic impact statement will be needed as part of the next steps in the process. Once that determination is made the next step is the public comment period and public hearing. With the current restrictions due to COVID-19, we are working on other opportunities for public gathering. Once the public hearing is held we head into the final stage for filing.

3.2. **Review master action items list**

Ms. Honeywell reviewed the master action item list with the Board.

4. **Complaint Cases for Review**

4.1. **2019-10-0402-00ARC (Manley)**

The complaint alleged that the respondent had construction work done on respondent's property without proper permitting and that the respondent had deceived representatives of building department in the jurisdiction having authority. On close review of the information and facts, none of the allegations were supported by the submitted information and no violation of RCW or WAC identified. The case manager recommended this case be closed with no further action.

Mr. Harm made a MOTION to accept the case manager's recommendation for closure. Mr. Jones seconded the MOTION and it passed.

4.2. 2018-10-0401-00ARC (Jones)

The complaint alleged the respondent is offering architectural services and has collected fees in apparent defiance of a standing order.

Respondent is under a default Cease and Desist order associated with previous case number: 2016-11-400-00ARC. The complainant did not provide any documentation of the alleged violation. The case manager recommends this case be closed with no further action.

Ms. Roberts made a MOTION to accept the case manager's recommendation for closure. Ms. Cooley seconded the MOTION and it passed.

5. Legal Issues for Deliberation

No business

6. Disciplinary & Investigation Items

6.1. Closed session deliberation report

No business

6.2. Current cases disciplinary report

No report at this time, but Mr. Storvick shared we have one staff member working with a Proclamation compliance group in regards to businesses not following the stay home & stay healthy order.

7. Assistant Attorney General's Report

No business

8. Committee/Task Force Reports

Mr. Storvick shared the Law Exam Review committee is on hold due to COVID-19.

9. Board Executive's Report

9.1. Program Operations

Mr. Storvick reported the Office of Financial Management (OFM) asked agencies to submit proposals for a 15% budget reduction. DOL has submitted a plan that has minimal impact on the Architect Board at this time. NCARB and WCARB dues at this point are not an area we have explored to reduce. Travel is on hold for now and not sure how that is going to shift moving forward. We will be exploring virtual meetings as a way to cut cost.

9.2. Department of Licensing

Mr. Storvick shared the State is currently in a hiring freeze, Engineers are no longer part of DOL and RBS. They are an independent agency effective June 12, 2020, and 3 RBS licensing staff went with the Engineers.

Mr. Storvick shared that the second phase of POLARIS will go live June 29, 2020, and that our online services will be down from June 20-28.

Mr. Storvick shared with the board that Business and Profession staff have been working remotely since March due to COVID-19.

9.3. Other Items

Mr. Storvick asked the board to provide input about how this meeting went today, as it would be helpful moving forward.

10. Other Business

10.1. Action Items from this meeting

- NCARB rolling clock extension
- Architect essential for testing
- Look at removing question from exam
- Redo case manager form
- Voting delegate form to Neitha and Sian
- Virtual meetings

10.2. Agenda items for next meeting

- NCARB recap

10.3. Any other business

The next board meeting is scheduled for September 10, 2020, as a virtual meeting with the hope of also connecting with WSU students for a Q and A session.

11. Public Comment Opportunity

None

12. Adjournment

10:52 AM

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

Next Board Meeting:
September 10, 2020
Teleconference

Submitted by: _____
Rick Storvick, Administrator

Date

Approved by: _____
Colin Jones, Chair

Date

Board Meeting

Tab 2

New Business

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

Washington State Board for Architects
September 10, 2020
Virtual Meeting

COVID-19 and Impacts to Professional Development Hours (pdh)

Background: COVID-19 has impacted many aspects of the architect profession over the past 5 months, and may continue to impact the profession well in to the future. Many architects have previously utilized in person training opportunities to complete annual pdh requirements to submit for board audits. In addition many architects and their firms have experienced economic impacts to their business due to the pandemic.

It has been suggested the board consider waiving pdh audit requirements during the pandemic, or until such a time as in-person training opportunities are commonly available again to licensees.

If the board approves revising the current pdh audit process staff would be able to implement any changes within one week.

Recommendation: Discuss impacts of COVID-19 on the ability for licensees to complete pdh requirements and direct board direct staff how to proceed accordingly.

Submitted by Board Staff
August 18, 2020

Board Meeting

Tab 3

Old Business

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

Washington State Board for Architects
September 3, 2020
Teleconference

Proposed Rules Update

Background: A CR-101 (preproposal statement of inquiry) was filed as per the direction of the board at the August 23, 2018 board meeting to initiate changes to the Architect Rules. The CR-101 was withdrawn, and a new CR-101 was filed with DOL's Legislative & Policy Unit as per direction of the board due to additional changes that needed to be incorporated in the rules update. Some of the changes to the rules include changing the name of the intern program from IDP to AXP, the shortened duration of AXP, elimination of the need for a linear path to licensure, update of the electronic/digital stamp/seal language, and some minor cleanup work.

Staff reviewed the requirements of whether a Small Business Economic Impact Statement (SBEIS) would be required before moving forward with a CR102 and proposed hearing dates on the updated rules when we were impacted by the Coronavirus-19 pandemic. It has been determined a SBEIS is exempt for this rule and we have been waiting to move forward to a hearing since public gatherings have been prohibited due to the pandemic.

We are currently in the process of securing a Zoom license that will facilitate video conferencing for board meetings, hearings and other board business. Once the license is secure and staff are trained on how to conduct a public meeting using zoom, we can move forward with scheduling a hearing and file the CR102.

When the updates to the final language are approved by the Board, a two-week allowance is necessary for OTS service to create the final WAC documents. In scheduling the hearing dates, this allowance will need to be considered.

Potential timeline for a hearing could be within 6-8 weeks once the Zoom video conferencing is in place, training completed and able to be utilized. After hearing dates are decided, and the OTS documents are completed and returned, the CR102 can be filed.

Recommendation: Provide staff with potential hearing dates to be included when filing the CR102.

Submitted by Board Staff
September 3, 2020

Date Assigned	Action Item	Assigned to	Comments	Due Date
2/13/2020	WAC rules update complete SBEIS, file CR102	Staff	In progress	
2/13/2020	Send out sample reports 6 weeks before meeting	Staff/ Darla	ON HOLD	
2/13/2020	Committee State law exam-Send out committee materials and set meeting date.	Rick/Julia	In progress	
6/04/2020	NCARB rolling clock extension	Rick	Done	
6/04/2020	Architect testing is it essential	Rick	Done	
6/04/2020	Look at removing question from exam	Julia	Done	
6/04/2020	Redo Case Manager form	Staff	Done	
6/04/2020	Voting delegate form for Neitha	Rick	Done	
6/04/2020	Virtual meetings	Staff	In progress	

Board Meeting

Tab 4

Complaint Cases for Review

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

Board action is required on each case.

**CASE MANAGER RECOMMENDATION WORKSHEET
DELIBERATIVE DOCUMENT
PREDECISIONAL RECOMMENDATION**

- ***Please review the case file to complete this worksheet.***
 - *Use this worksheet to make a recommendation to the board and/or board staff on the course of action for this case. This recommendation will be used for future discussion and decision making by the Board or Board Staff and Assistant Attorney General so include any information you feel they should consider.*
 - *Do not use specific names of respondents or complainants on this form.*
 - *Do not add recommended sanctions on the worksheet. That discussion will happen separately.*
- ***If you need additional information or have questions about this summary, please contact staff.***

CASE NUMBER: 2020-05-0257-00ARC

COMPLAINT SUMMARY:

Claimant has stated that the respondent has been “representing” himself as an Architect for a number of years even though the respondent is not yet licensed. The claimant professes that several other in their firm and others have heard the respondent do so, however no additional; names or witness statements have been provided. Additionally, the respondent was referred to as an “architect” within a Project Narrative/Article published in the trade magazine Contract Design on 6/12/2018 when describing/listing the project team on a successful design project. The case manager has confirmed that, in that one publication, the respondent was referred to as an “Architect”.

FACTS:

The respondent was made aware of the allegation in a Department of Licensing letter dated 11 August 2020 and replied to said letter on return correspondence dated 18 August 2020. In the response it was stated that the individual had no recollection of referring to himself as an Architect and to the best of his memory adhered to his company’s policy of using the terms “Project Manager” and “Designer”. The respondent also stated that his business cards uses the title of “Senior Project Manager”. The respondent also stated that he was never afforded the opportunity to proofread the article published by Contract Design and that if he had, he would have made that editorial correction. It was noted by the case manager that the article was published in 2018 and that allegations of violations was not transmitted for better than 2 full calendar years.

RECOMMENDATIONS: *(Please select one)*

Close with no further action: X

Remediation\Counseling:

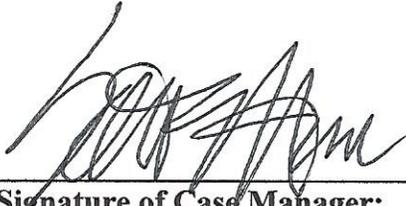
Formal Action:

**CASE MANAGER RECOMMENDATION WORKSHEET
DELIBERATIVE DOCUMENT
PREDECISIONAL RECOMMENDATION**

SUGGESTED RCW & WAC's VIOLATIONS:

- 1) N/A
- 2)
- 3)

CASE NUMBER: 2020-05-0257-00ARC _____ **Page 2 of 2**



**Signature of Case Manager;
Scott E. Harm, AIA, NCARB**

2 September 2, 2020

Date

**RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)
Revised August 11, 2017**

**CASE MANAGER RECOMMENDATION WORKSHEET
DELIBERATIVE DOCUMENT
PREDECISIONAL RECOMMENDATION**

- ***Please review the case file to complete this worksheet.***
 - *Use this worksheet to make a recommendation to the board and/or board staff on the course of action for this case. This recommendation will be used for future discussion and decision making by the Board or Board Staff and Assistant Attorney General so include any information you feel they should consider.*
 - *Do not use specific names of respondents or complainants on this form.*
 - *Do not add recommended sanctions on the worksheet. That discussion will happen separately.*
- ***If you need additional information or have questions about this summary, please contact staff.***

CASE NUMBER: 2020-06-0268-00ARC

COMPLAINT SUMMARY:

The claimant has reported that the respondent, an Interior Designer improperly uses the terms “Architecture” and “Architectural” in describing their work and work product. Such uses were confirmed by State investigative personnel and presented such findings to the respondent.

FACTS:

The respondent’s legal council replied in a timely manner and after some minor deliberation with Investigative Staff agreed to remove any/all use of such terms. At a later date State Investigative personnel confirmed that any/all references to protected terms had in fact been removed from all various publications, social medial pages and the company’s website

RECOMMENDATIONS: *(Please select one)*

Close with no further action: X

Remediation\Counseling: _____

Formal Action: _____

SUGGESTED RCW & WAC’s VIOLATIONS:

- 1) N/A
- 2)

CASE NUMBER: 2020-06-0268-00ARC _____ **Page 1 of 1**



Signature of Case Manager;
Scott E. Harm, AIA, NCARB

2, September, 2020

Date:

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)
Revised August 11, 2017

Board Meeting

Tab 5

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 6

Disciplinary & Investigation Items

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

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

Board Meeting

Tab 7

Assistant Attorney General Report

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

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

Washington State Board for Architects
September 10, 2020
Virtual Meeting

Legislator's request for Formal Attorney General Opinion

Background: The Washington Attorney General routinely publishes notice of an opportunity to comment for opinion requests that they receive from the heads of state agencies, state legislators, and county prosecuting attorneys if they anticipate publishing a formal opinion in response to the request. They do so in order to provide members of the public with a chance to provide any legal analysis that they would like them to consider as they develop their opinion. In preparing any comments, the Attorney General indicates you should be aware that their opinion will provide their considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

Attached you will find documents for your review when preparing for board discussion on this matter. The documents attached include the following:

- ❖ Notice of Request for Attorney General's Opinion
- ❖ DRAFT letter from AIA Seattle to the Attorney General responding to the request for comments
- ❖ Letter from the law firm of Mendel Owens explaining AIA Washington concerns regarding the question raised
- ❖ Engrossed Substitute Senate Bill 5529 from the 2010 Regular Legislative Session which made substantive changes to the Architect Law
- ❖ House Bill Report ESSB 5529
- ❖ AG Opinion 1990

As your advising attorney, Elizabeth Lagerberg has notified the Attorney General's Office of the board's intent to provide comment following the September 10, 2020 board meeting.

Recommendation: Discuss details of the question being considered by the Attorney General and provide direction for the board's advising attorney to formulate a board response to the request for comments.

Submitted by Board Staff
August 26, 2020

The Honorable Bob Ferguson
Attorney General of the State of Washington
P.O. Box 40100
Olympia, WA 98504-0100

Dear Attorney General Ferguson,

On behalf of the American Institute of Architects Washington Council (AIA|WA), I am writing in response to Opinion Docket No. 20-07-04 and the question: *Is it acceptable for engineers to stamp and sign architectural drawings for permits prepared by non-professionals for projects not excepted under RCW 18.08.410?*

AIA|WA has worked collaboratively as part of the larger AEC (architecture, engineering and contracting) industry. Over many years, we have supported changes to the architects' practice act and the engineers' practice act to clarify roles and tighten the language related to each profession. AIA|WA maintains that neither profession should be allowed to stamp or sign the other's documents, including under RCW 18.08.410.

AIA|WA supported a 2010 legislative amendment ([ESSB 5529](#)) to RCW 18.08.410 that changed the ability of engineers to sign architectural documents. Prior to this action by the legislature, design work by a non-professional that did not meet the exemptions allowing for non-professional design of residential structures or structures less than 4,000 square feet could still be submitted for permit if signed by a licensed engineer or architect. In 2010, RCW 18.08.410 was amended and the exception allowing engineers to sign non-professional designs was removed.

In 1990, the Attorney General's office issued an opinion (Attorney General Opinion 1990 No. 9) regarding the ability of engineers to stamp architectural drawings under RCW 18.08.410, indicating that they were legally allowed to do so. This opinion still stands, but the underlying legal rationale does not.

Today, some local jurisdictions are accepting submissions in violation of RCW 18.08.410, citing Attorney General Opinion 1990 No. 9. In these jurisdictions, engineers are signing and stamping drawings prepared by non-professionals and submitting them for permit even where the drawings are predominantly architectural in nature.

We ask you to find that it is not legally acceptable under current law for engineers to stamp and sign architectural drawings for permit prepared by non-professionals for projects not excepted under RCW 18.08.410.

Sincerely,



MENDEL
OWENS

SUITE 3207
1001 FOURTH AVENUE
SEATTLE, WA 98154 USA

MENDEL OWENS PS
MAIN TEL: +1.206.395.6901
FACSIMILE: +1.206.374.2831
MENDELOWENS.COM

c.

June 16, 2020

Writer's Direct Contact

Telephone: 1-206-395-6904

tomowens@mendelowens.com

Tammie Sueirro
Executive Director
AIA Washington Council

By e-mail to tsueirro@aiawa.org

Dear Ms. Sueirro:

I have prepared the following two paragraphs to explain the Council's concerns to the Attorney General.

Some local jurisdictions are accepting submissions in violation of RCW 18.08.410, citing Attorney General Opinion 1990 No. 9. In some jurisdictions, engineers are signing drawings and submitting them for permit even where the drawings are predominantly architectural in nature. We believe this is both a misinterpretation of RCW 18.08.410 and Attorney General Opinion 1990 No. 9. Until 2010, RCW 18.08.410 (9) provided that design by a non-professional, that did not meet the exemptions allowing for non-professional design of residential structures or structures less than 4000 square feet, could still be submitted for permit, so long as signed by a licensed engineer or architect. Neither this exception in the statute, nor Attorney General Opinion 1990 No. 9., relieved the signing professional from being competent to review and approve the drawings they signed as required by RCW 18.235.130 (4)

In 2010, RCW 18.08.410 was amended and the exception allowing engineers to sign non-professional design for permit was removed. No other provision of RCW 18.08.410 could be construed to allow engineers to sign architectural drawings. Attorney General Opinion 1990 No. 9 remains unchanged and is still being used as justification to allow the practice of accepting for permit, architectural drawings signed by engineers. We believe this is in violation of RCW 18.235.130 (4), which requires engineers to be professionally competent so as to not cause an unreasonable risk of harm to others and RCW 18.08.410, which does not allow for engineers to sign architectural drawings for permit. We are asking that the opinion be updated to eliminate the confusion, which leads to unfortunate situations where drawings are signed by engineers who are not competent architects, presenting the potential for

June 16, 2020

Page Two

harm that could be avoided if engineers were no longer were acceptable signers of architectural drawings (which in fact they aren't anymore, if they ever were).

Please refer the Attorney General to me if there are questions.

Sincerely,



Tom Owens

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5529

Chapter 129, Laws of 2010

61st Legislature
2010 Regular Session

ARCHITECTS

EFFECTIVE DATE: 06/10/10 - Except sections 7 through 10, which become effective 07/01/11; and section 5, which becomes effective 07/01/12.

Passed by the Senate March 8, 2010
YEAS 42 NAYS 5

BRAD OWEN

President of the Senate

Passed by the House March 3, 2010
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5529** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 19, 2010, 1:46 p.m.

FILED

March 19, 2010

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5529

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to architects; amending RCW 18.08.310, 18.08.320,
2 18.08.330, 18.08.340, 18.08.350, 18.08.360, 18.08.370, 18.08.410,
3 18.08.420, and 18.08.430; and providing effective dates.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.08.310 and 1985 c 37 s 2 are each amended to read
6 as follows:

7 (1) It is unlawful for any person to practice or offer to practice
8 architecture in this state, ((architecture,)) or to use in connection
9 with his or her name or otherwise assume, use, or advertise any title
10 or description including the word "architect," "architecture,"
11 "architectural," or language tending to imply that he or she is an
12 architect, unless the person is registered or authorized to practice in
13 the state of Washington under this chapter.

14 (2) An architect or architectural firm registered in any other
15 jurisdiction recognized by the board may offer to practice architecture
16 in this state if:

17 (a) It is clearly and prominently stated in such an offer that the
18 architect or firm is not registered to practice architecture in the
19 state of Washington; and

1 (b) Prior to practicing architecture or signing a contract to
2 provide architectural services, the architect or firm must be
3 registered to practice architecture in this state.

4 (3) A person who has an accredited architectural degree may use the
5 title "intern architect" when enrolled in a structured intern program
6 recognized by the board and working under the direct supervision of an
7 architect.

8 (4) The provisions of this section shall not affect the use of the
9 words "architect," "architecture," or "architectural" where a person
10 does not practice or offer to practice architecture.

11 **Sec. 2.** RCW 18.08.320 and 1985 c 37 s 3 are each amended to read
12 as follows:

13 ~~((Unless the context clearly requires otherwise,))~~ The definitions
14 in this section apply throughout this chapter unless the context
15 clearly requires otherwise.

16 (1) "Accredited architectural degree" means a professional degree
17 from an institution of higher education accredited by the national
18 architectural accreditation board or an equivalent degree in
19 architecture as determined by the board.

20 (2) "Administration of the construction contract" means the
21 periodic observation of materials and work to observe the general
22 compliance with the construction contract documents, and does not
23 include responsibility for supervising construction methods and
24 processes, site conditions, equipment operations, personnel, or safety
25 on the work site.

26 ~~((2))~~ (3) "Architect" means an individual who is registered under
27 this chapter to practice architecture.

28 ~~((3))~~ (4) "Board" means the state board ~~((of registration))~~ for
29 architects.

30 ~~((4))~~ (5) "Certificate of authorization" means a certificate
31 issued by the director to a ~~((corporation or partnership))~~ business
32 entity that authorizes the entity to practice architecture.

33 ~~((5))~~ (6) "Certificate of registration" means the certificate
34 issued by the director to newly registered architects.

35 ~~((6))~~ (7) "Department" means the department of licensing.

36 ~~((7))~~ (8) "Director" means the director of licensing.

1 ~~((+8+))~~ (9) "Engineer" means an individual who is registered as an
2 engineer under chapter 18.43 RCW.

3 ~~((+9+))~~ (10) "Person" means any individual, partnership,
4 professional service corporation, corporation, joint stock association,
5 joint venture, or any other entity authorized to do business in the
6 state.

7 ~~((+10+))~~ (11) "Practice of architecture" means the rendering of
8 services in connection with the art and science of building design for
9 construction of any structure or grouping of structures and the use of
10 space within and surrounding the structures or the design for
11 construction of alterations or additions to the structures, including
12 but not specifically limited to predesign services, schematic design,
13 design development, preparation of construction contract documents, and
14 administration of the construction contract.

15 ~~((+11+))~~ (12) "Prototypical documents" means drawings or
16 specifications, prepared by a person registered as an architect in any
17 state or as otherwise approved by the board, that are not intended as
18 final and complete technical submissions for a building project, but
19 rather are to serve as a prototype for a building or buildings to be
20 adapted by an architect for construction in more than one location.

21 (13) "Registered" means holding a currently valid certificate of
22 registration or certificate of authorization issued by the director
23 authorizing the practice of architecture.

24 ~~((+12+))~~ (14) "Structure" means any construction consisting of
25 load-bearing members such as the foundation, roof, floors, walls,
26 columns, girders, and beams or a combination of any number of these
27 parts, with or without other parts or appurtenances.

28 (15) "Review" means a process of examination and evaluation, of the
29 documents, for compliance with applicable laws, codes, and regulations
30 affecting the built environment that includes the ability to control
31 the final product.

32 (16) "Registered professional design firm" means a business entity
33 registered in Washington to offer and provide architectural services
34 under RCW 18.08.420.

35 (17) "Managers" means the members of a limited liability company in
36 which management of its business is vested in the members, and the
37 managers of a limited liability company in which management of its
38 business is vested in one or more managers.

1 **Sec. 3.** RCW 18.08.330 and 1985 c 37 s 4 are each amended to read
2 as follows:

3 There is ~~((hereby))~~ created a state board ~~((of registration))~~ for
4 architects consisting of seven members who shall be appointed by the
5 governor. Six members shall be registered architects who are residents
6 of the state and have at least eight years' experience in the practice
7 of architecture as registered architects in responsible charge of
8 architectural work or responsible charge of architectural teaching.
9 One member shall be a public member, who is not and has never been a
10 registered architect and who does not employ and is not employed by or
11 professionally or financially associated with an architect.

12 The terms of each newly appointed member shall be six years. ~~((The~~
13 ~~members of the board of registration for architects serving on July 28,~~
14 ~~1985, shall serve out the remainders of their existing five year terms.~~
15 ~~The term of the public member shall coincide with the term of an~~
16 ~~architect.))~~

17 Every member of the board shall receive a certificate of
18 appointment from the governor. On the expiration of the term of each
19 member, the governor shall appoint a successor to serve for a term of
20 six years or until the next successor has been appointed.

21 The governor may remove any member of the board for cause.
22 Vacancies in the board for any reason shall be filled by appointment
23 for the unexpired term.

24 The board shall elect a ~~((chairman))~~ chair, a ~~((vice-chairman))~~
25 vice-chair, and a secretary. The secretary may delegate his or her
26 authority to the executive ~~((secretary))~~ director.

27 Members of the board shall be compensated in accordance with RCW
28 43.03.240 and shall be reimbursed for travel expenses in accordance
29 with RCW 43.03.050 and 43.03.060.

30 **Sec. 4.** RCW 18.08.340 and 2002 c 86 s 201 are each amended to read
31 as follows:

32 (1) The board may adopt such rules under chapter 34.05 RCW as are
33 necessary for the proper performance of its duties under this chapter.

34 (2) The director shall employ an executive ~~((secretary))~~ director
35 subject to approval by the board.

1 **Sec. 5.** RCW 18.08.350 and 1997 c 169 s 1 are each amended to read
2 as follows:

3 (1) A certificate of registration shall be granted by the director
4 to all qualified applicants who are certified by the board as having
5 passed the required examination and as having given satisfactory proof
6 of completion of the required experience.

7 (2) Applications for examination shall be filed as the board
8 prescribes by rule. The application and examination fees shall be
9 determined by the director under RCW 43.24.086.

10 (3) An applicant for registration as an architect shall be of a
11 good moral character, at least eighteen years of age, and shall possess
12 ~~((either))~~ one of the following qualifications:

13 (a) Have an accredited architectural degree and at least three
14 years' practical architectural work experience ~~((and have completed the
15 requirements of))~~ in a structured intern training program approved by
16 the board; or

17 (b) Have ~~((eight years' practical architectural work experience,
18 which may include designing buildings as a principal activity, and have
19 completed the requirements of a structured intern training program
20 approved by the board. Each year spent in an accredited architectural
21 education program approved by the board shall be considered one year of
22 practical experience. At least four years' practical work experience
23 shall be under the direct supervision of an architect))~~ a high school
24 diploma or equivalent and at least nine years of practical
25 architectural work experience, including the completion of a structured
26 intern training program under the direct supervision of an architect as
27 determined by the board. Prior to applying to enroll in a structured
28 intern training program, the applicant must have at least six years of
29 work experience, of which three years must be under the direct
30 supervision of an architect. This work experience may include
31 designing buildings as a principal activity and postsecondary education
32 as determined by the board. The board may approve up to four years of
33 practical architectural work experience for postsecondary education
34 courses in architecture, architectural technology, or a related field,
35 as determined by the board, including courses completed in a community
36 or technical college if the courses are equivalent to courses in an
37 accredited architectural degree program.

1 **Sec. 6.** RCW 18.08.360 and 1985 c 37 s 7 are each amended to read
2 as follows:

3 (1) The examination for an architect's certificate of registration
4 shall be held at least annually at such time and place as the board
5 determines.

6 (2) The board shall determine the content, scope, and grading
7 process of the examination. The board may adopt an appropriate
8 national examination and grading procedure.

9 (3) Applicants who fail to pass any section of the examination
10 shall be permitted to retake the parts failed as prescribed by the
11 board. Applicants have five years from the date of the first passed
12 examination section to pass all remaining sections. If the entire
13 examination is not successfully completed within five years, (~~a retake~~
14 ~~of the entire examination shall be required~~) any sections that were
15 passed more than five years prior must be retaken. If a candidate
16 fails to pass all remaining sections within the initial five-year
17 period, the candidate is given a new five-year period from the date of
18 the second oldest passed section. All sections of the examination must
19 be passed within a single five-year period for the applicant to be
20 deemed to have passed the complete examination.

21 (4) Applicants for registration who have an accredited
22 architectural degree may begin taking the examination upon enrollment
23 in a structured intern training program as approved by the board.
24 Applicants who do not possess an accredited architectural degree may
25 take the examination only after completing the experience and intern
26 training requirements of this chapter.

27 **Sec. 7.** RCW 18.08.370 and 1985 c 37 s 8 are each amended to read
28 as follows:

29 (1) The director shall issue a certificate of registration to any
30 applicant who has, to the satisfaction of the board, met all the
31 requirements for registration upon payment of the registration fee as
32 provided in this chapter. All certificates of registration shall show
33 the full name of the registrant, have the registration number, and
34 shall be signed by the (~~chairman~~) chair of the board and by the
35 director. The issuance of a certificate of registration by the
36 director is prima facie evidence that the person named therein is
37 entitled to all the rights and privileges of a registered architect.

1 (2) Each registrant shall obtain a seal of the design authorized by
2 the board bearing the architect's name, registration number, the legend
3 "Registered Architect," and the name of this state. (~~Drawings~~
4 ~~prepared by the registrant shall be sealed and signed by the registrant~~
5 ~~when filed with public authorities.~~) All technical submissions
6 prepared by an architect and filed with public authorities must be
7 sealed and signed by the architect. It is unlawful to seal and sign a
8 document after a registrant's certificate of registration or
9 authorization has expired, been revoked, or is suspended.

10 (3) An architect may seal and sign technical submissions under the
11 following conditions:

12 (a) An architect may seal and sign technical submissions that are:
13 Prepared by the architect; prepared by the architect's regularly
14 employed subordinates; prepared in part by an individual or firm under
15 a direct subcontract with the architect; or prepared in collaboration
16 with an architect who is licensed in a jurisdiction recognized by the
17 board, provided there is a contractual agreement between the
18 architects.

19 (b) An architect may seal and sign technical submissions based on
20 prototypical documents provided: The architect obtains written
21 permission from the architect who prepared or sealed the prototypical
22 documents, and from the legal owner to adapt the prototypical
23 documents; the architect thoroughly analyzes the prototypical
24 documents, makes necessary revisions, and adds all required elements
25 and design information, including the design services of engineering
26 consultants, if warranted, so that the prototypical documents become
27 suitable complete technical submissions, in compliance with applicable
28 codes, regulations, and site-specific requirements.

29 (c) An architect who seals and signs the technical submissions
30 under this subsection (3) is responsible to the same extent as if the
31 technical submissions were prepared by the architect.

32 **Sec. 8.** RCW 18.08.410 and 1985 c 37 s 12 are each amended to read
33 as follows:

34 This chapter shall not affect or prevent:

35 (1) The practice of naval architecture, landscape architecture as
36 authorized in chapter 18.96 RCW, engineering as authorized in chapter
37 18.43 RCW, or the provision of space planning((~~τ~~)) or interior

1 design(~~(, or any legally recognized profession or trade by persons not~~
2 ~~registered as architects)) services not affecting public health or
3 safety;~~

4 (2) Drafters, clerks, project managers, superintendents, and other
5 employees of architects(~~(, engineers, naval architects, or landscape~~
6 ~~architects)) from acting under the instructions, control, or~~
7 supervision of (~~their employers)) an architect;~~

8 (3) The construction, alteration, or supervision of construction of
9 buildings or structures by contractors registered under chapter 18.27
10 RCW or superintendents employed by contractors or the preparation of
11 shop drawings in connection therewith;

12 (4) Owners or contractors registered under chapter 18.27 RCW from
13 engaging persons who are not architects to observe and supervise
14 construction of a project;

15 (5) Any person from doing design work including preparing
16 construction contract documents and administration of the construction
17 contract for the erection, enlargement, repair, or alteration of a
18 structure or any appurtenance to a structure regardless of size, if the
19 structure is to be used for a residential building of up to and
20 including four dwelling units or a farm building or is a structure used
21 in connection with or auxiliary to such residential building or farm
22 building such as a garage, barn, shed, or shelter for animals or
23 machinery;

24 (6) Except as otherwise provided in this section, any person from
25 doing design work including preparing construction contract documents
26 and administering the contract for construction, erection, enlargement,
27 alteration, or repairs of or to a building of any occupancy up to a
28 total building size of four thousand square feet ((of construction));
29 or

30 (~~(7) ((Design build construction by registered general contractors~~
31 ~~if the structural design services are performed by a registered~~
32 ~~engineer;~~

33 (~~(8) Any person from designing buildings or doing other design work~~
34 ~~for any structure prior to the time of filing for a building permit; or~~

35 (~~(9) Any person from designing buildings or doing other design work~~
36 ~~for structures larger than those exempted under subsections (5) and (6)~~
37 ~~of this section, if the plans, which may include such design work, are~~
38 ~~stamped by a registered engineer or architect)) Any person from doing~~

1 design work, including preparing construction contract documents and
2 administration of the contract, for alteration of or repairs to a
3 building where the project size is not more than four thousand square
4 feet in a building greater than four thousand square feet and when the
5 work contemplated by the design does not affect the life safety or
6 structural systems of the building. The combined square footage of
7 simultaneous projects allowed under this subsection (7) may not exceed
8 four thousand square feet.

9 **Sec. 9.** RCW 18.08.420 and 2002 c 86 s 203 are each amended to read
10 as follows:

11 ~~(1) ((An architect or architects may organize a corporation formed~~
12 ~~either as a business corporation under the provisions of Title 23B RCW~~
13 ~~or as a professional corporation under the provisions of chapter 18.100~~
14 ~~RCW. For an architect or architects to practice architecture through~~
15 ~~a corporation or joint stock association organized by any person under~~
16 ~~Title 23B RCW, the corporation or joint stock association shall file~~
17 ~~with the board:~~

18 ~~(a) The application for certificate of authorization upon a form to~~
19 ~~be prescribed by the board and containing information required to~~
20 ~~enable the board to determine whether the corporation is qualified~~
21 ~~under this chapter to practice architecture in this state;~~

22 ~~(b) Its notices of incorporation and bylaws and a certified copy of~~
23 ~~a resolution of the board of directors of the corporation that~~
24 ~~designates individuals registered under this chapter as responsible for~~
25 ~~the practice of architecture by the corporation in this state and that~~
26 ~~provides that full authority to make all final architectural decisions~~
27 ~~on behalf of the corporation with respect to work performed by the~~
28 ~~corporation in this state shall be granted and delegated by the board~~
29 ~~of directors to the individuals designated in the resolution. The~~
30 ~~filing of the resolution shall not relieve the corporation of any~~
31 ~~responsibility or liability imposed upon it by law or by contract; and~~

32 ~~(c) A designation in writing setting forth the name or names of the~~
33 ~~person or persons registered under this chapter who are responsible for~~
34 ~~the architecture of the firm. If there is a change in the person or~~
35 ~~persons responsible for the architecture of the firm, the changes shall~~
36 ~~be designated in writing and filed with the board within thirty days~~
37 ~~after the effective date of the changes.)) Any business entity,~~

1 including a sole proprietorship, offering architecture services in
 2 Washington state must register with the board, regardless of its
 3 business structure. A business entity shall file with the board a list
 4 of individuals registered under this chapter as responsible for the
 5 practice of architecture by the business entity in this state and
 6 provides that full authority to make all final architectural decisions
 7 on behalf of the business entity with respect to work performed by the
 8 business entity in this state. Further, the person having the practice
 9 of architecture in his/her charge is himself/herself a general partner
 10 (if a partnership or limited liability partnership), or a manager (if
 11 a limited liability company), or a director (if a business corporation
 12 or professional service corporation) and is registered to practice
 13 architecture in this state.

14 (2) The business entity shall furnish the board with such
 15 information about its organization and activities as the board shall
 16 require by rule.

17 (3) Upon the filing with the board of the application for
 18 certificate of authorization, the certified copy of the resolution, and
 19 the information specified in subsection (1) of this section, the board
 20 shall authorize the director to issue to the ((corporation)) business
 21 entity a certificate of authorization to practice architecture in this
 22 state ((upon a determination by the board that:

23 ~~(a) The bylaws of the corporation contain provisions that all~~
 24 ~~architectural decisions pertaining to any project or architectural~~
 25 ~~activities in this state shall be made by the specified architects~~
 26 ~~responsible for the project or architectural activities, or other~~
 27 ~~responsible architects under the direction or supervision of the~~
 28 ~~architects responsible for the project or architectural activities;~~

29 ~~(b) The applicant corporation has the ability to provide, through~~
 30 ~~qualified personnel, professional services or creative work requiring~~
 31 ~~architectural experience, and with respect to the architectural~~
 32 ~~services that the corporation undertakes or offers to undertake, the~~
 33 ~~personnel have the ability to apply special knowledge to the~~
 34 ~~professional services or creative work such as consultation,~~
 35 ~~investigation, evaluation, planning, design, and administration of the~~
 36 ~~construction contract in connection with any public or private~~
 37 ~~structures, buildings, equipment, processes, works, or projects;~~

1 ~~(c) The application for certificate of authorization contains the~~
2 ~~professional records of the designated person or persons who are~~
3 ~~responsible;~~

4 ~~(d) The application for certificate of authorization states the~~
5 ~~experience of the corporation, if any, in furnishing architectural~~
6 ~~services during the preceding five year period;~~

7 ~~(e) The applicant corporation meets such other requirements related~~
8 ~~to professional competence in the furnishing of architectural services~~
9 ~~as may be established and promulgated by the board in furtherance of~~
10 ~~the purposes of this chapter; and~~

11 ~~(f) The applicant corporation is possessed of the ability and~~
12 ~~competence to furnish architectural services in the public interest.~~

13 ~~(3) Upon recommendation of the board to impose action as authorized~~
14 ~~in RCW 18.235.110, the director may impose the recommended action upon~~
15 ~~a certificate of authorization to a corporation if the board finds that~~
16 ~~any of the officers, directors, incorporators, or the stockholders~~
17 ~~holding a majority of stock of the corporation have committed an act~~
18 ~~prohibited under RCW 18.08.440 or 18.235.130 or have been found~~
19 ~~personally responsible for misconduct under subsection (6) or (7) of~~
20 ~~this section.~~

21 ~~(4) In the event a corporation, organized solely by a group of~~
22 ~~architects each registered under this chapter, applies for a~~
23 ~~certificate of authorization, the board may, in its discretion, grant~~
24 ~~a certificate of authorization to that corporation based on a review of~~
25 ~~the professional records of such incorporators, in lieu of the required~~
26 ~~qualifications set forth in subsections (1) and (2) of this section.~~
27 ~~In the event the ownership of such corporation is altered, the~~
28 ~~corporation shall apply for a revised certificate of authorization,~~
29 ~~based upon the professional records of the owners if exclusively~~
30 ~~architects, under the qualifications required by subsections (1) and~~
31 ~~(2) of this section).~~

32 ~~((+5))~~ (4) Any ~~((corporation))~~ business entity practicing or
33 offering to practice architecture, whether or not it is authorized to
34 practice architecture under this chapter, ~~((together with its directors~~
35 ~~and officers for their own individual acts, are))~~ shall be jointly and
36 severally responsible to the same degree as an individual registered
37 architect and shall conduct their business without misconduct or
38 malpractice in the practice of architecture as defined in this chapter.

d.

1 ~~((6))~~ (5) Any ~~((corporation))~~ business entity that has been
2 certified under this chapter and has engaged in the practice of
3 architecture may have its certificate of authorization either suspended
4 or revoked by the board if, after a proper hearing, the board finds
5 that the ~~((corporation))~~ business entity has committed misconduct or
6 malpractice under RCW 18.08.440 or 18.235.130. In such a case, any
7 individual architect registered under this chapter who is involved in
8 such misconduct or malpractice is also subject to disciplinary measures
9 provided in this chapter and RCW 18.235.110.

10 ~~((7) All plans, specifications, designs, and reports when issued
11 in connection with work performed by a corporation under its
12 certificate of authorization shall be prepared by or under the
13 direction of the designated architects and shall be signed by and
14 stamped with the official seal of the designated architects in the
15 corporation authorized under this chapter.~~

16 ~~(8))~~ (6) For each certificate of authorization issued under this
17 section there shall be paid a certification fee and an annual
18 certification renewal fee as prescribed by the director under RCW
19 43.24.086.

20 ~~((9) This chapter shall not affect the practice of architecture as
21 a professional service corporation under chapter 18.100 RCW.))~~

22 **Sec. 10.** RCW 18.08.430 and 1985 c 37 s 14 are each amended to read
23 as follows:

24 (1) The renewal date for certificates of registration shall be set
25 by the director in accordance with RCW 43.24.086. Registrants who fail
26 to pay the renewal fee within thirty days of the due date shall pay all
27 delinquent fees plus a penalty fee equal to one-third of the renewal
28 fee. A registrant who fails to pay a renewal fee for a period of five
29 years may be reinstated under such circumstances as the board
30 determines. The renewal and penalty fees and the frequency of renewal
31 assessment shall be authorized under this chapter. Renewal date for
32 certificates of authorization shall be the anniversary of the date of
33 authorization.

34 (2) Any registrant in good standing may withdraw from the practice
35 of architecture by giving written notice to the director, and may
36 within five years thereafter resume active practice upon payment of the

d.

1 then-current renewal fee. A registrant may be reinstated after a
2 withdrawal of more than five years under such circumstances as the
3 board determines.

4 (3) A registered architect must demonstrate professional
5 development since the architect's last renewal or initial registration,
6 as the case may be. The board shall by rule describe professional
7 development activities acceptable to the board and the form of
8 documentation of the activities required by the board. The board may
9 decline to renew a registration if the architect's professional
10 development activities do not meet the standards set by the board by
11 rule. When adopting rules under the authority of this subsection, the
12 board shall strive to ensure that the rules are consistent with the
13 continuing professional education requirements and systems in use by
14 national professional organizations representing architects and in use
15 by other states.

16 (a) A registered architect shall, as part of his or her license
17 renewal, certify that he or she has completed the required continuing
18 professional development required by this section.

19 (b) The board may adopt reasonable exemptions from the requirements
20 of this section.

21 NEW SECTION. Sec. 11. Sections 7 through 10 of this act take
22 effect July 1, 2011.

23 NEW SECTION. Sec. 12. Section 5 of this act takes effect July 1,
24 2012, and all persons enrolled in an intern training program as
25 approved by the board before July 1, 2012, shall be governed by the
26 statute in effect at the time of enrollment in the program.

Passed by the Senate March 8, 2010.

Passed by the House March 3, 2010.

Approved by the Governor March 19, 2010.

Filed in Office of Secretary of State March 19, 2010.

HOUSE BILL REPORT

ESSB 5529

As Passed House:
March 3, 2010

Title: An act relating to architects.

Brief Description: Regarding architects.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King).

Brief History:

Committee Activity:

Commerce & Labor: 2/17/10, 2/23/10 [DPA];

General Government Appropriations: 2/25/10 [DPA(CL)].

Floor Activity:

Passed House: 3/3/10, 98-0.

Brief Summary of Engrossed Substitute Bill
<ul style="list-style-type: none"> • Modifies provisions regulating architects, including the seal and sign provisions, corporate practice and registration requirements, definitions, exemptions to registration as an architect, the application requirements, and the examination procedures. • Adds a continuing education requirement for registered architects.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Crouse, Green, Moeller and Williams.

Staff: Alison Hellberg (786-7152).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Commerce & Labor. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Armstrong, Assistant Ranking Minority Member; Blake, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Sara del Moral (786-7118).

Background:

Practice of Architecture.

A person practicing architecture must be registered. The "practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structure or the design for construction of alterations or additions to the structures, including but not specifically limited to schematic designs, design development, preparation of construction contract documents, and administration of the construction contract.

Application Qualifications.

To be registered as an architect, an applicant must be at least 18 years old, of good moral character, and possess one of the following:

- an accredited architectural degree, three years work experience, and completion of a structured intern program; or
- eight years experience, which may include designing buildings as a principal activity, and completion of a structured intern training program.

Examination.

The examination for architect registration is held annually. Applicants who fail to pass any section of the examination are permitted to retake those particular sections. If the entire examination is not successfully completed within five years, a person is required to retake the entire exam.

Corporate Practice and Registration.

An architect or architects may form as a business corporation or a professional corporation. Corporations must file with the State Board of Registration for Architects (Board) to receive a certificate of authorization. The applicant must submit information relating to the qualifications of the architects, notices of incorporation, bylaws, and the names of the registered architects responsible for the firm.

Seal and Sign Provisions.

Applicants must obtain a seal of the design authorized by the Board bearing the architect's name, registration number, the legend "Registered Architect," and the name of the state. Drawings prepared by the registrant must be sealed and signed by the registrant when filed with public authorities. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired or been revoked or suspended.

Exemptions.

The architecture registration provisions do not affect or prevent:

- the practice of naval architecture, landscape architecture, engineering, space planning, interior design, or any legally recognized profession or trade by persons not registered as architects;
- drafters, clerks, project managers, superintendents, and other employees of architects, engineers, naval architects, or landscape architects from acting under the instructions, control, or supervision of their employers;
- the construction, alteration, or supervision of construction of buildings or structures by contractors or superintendents employed by contractors or the preparation of shop drawings in connection therewith;
- owners or contractors from engaging persons who are not architects to observe and supervise construction of a project;
- any person from doing design work, including preparing construction contract documents and administration of the construction contract, for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building, or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;
- any person from doing design work, including preparing construction contract documents and administering the contract, for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to 4,000 square feet of construction;
- design-build construction by registered general contractors if the structural design services are performed by a registered engineer;
- any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or
- any person from designing buildings or doing other design work for structures, if the plans, which may include such design work, are stamped by a registered engineer or architect.

Summary of Bill:

Practice of Architecture.

Pre-design services are added to the definition of "practice of architecture." An architect or architectural firm, registered in a jurisdiction recognized by the Board, may offer to practice in Washington if:

- it is clearly and prominently stated in the offer that they are not registered to practice in Washington; and
- prior to practicing architecture or signing a contract to provide architectural services, the architect or firm registers to practice in Washington.

A person with an accredited architectural degree may use the title "intern architect" when enrolled in an intern program recognized by the Board and working under the supervision of an architect.

Definitions.

Several definitions are added. "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the

Board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

A "review" means a process of examination and evaluation of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

"Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services.

"Managers" means the members of a limited liability company in which management of its business is vested in the members, and managers of a limited liability company in which the management of its business is vested in one or more managers.

Application Qualifications.

The qualification path that requires eight years experience, and completion of a structured intern training program approved by the Board is removed. In addition to the path for those with an accredited architectural degree, applicants may qualify with a high school diploma and nine years of practical work experience, including completion of a structured intern training program. An applicant may receive up to four years of practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program.

Examination.

The process for re-taking sections of the examination is clarified. Applicants for registration who have an accredited architectural degree may begin taking the licensing examination upon enrollment in a structured intern training program as approved by the Board. Applicants who do not have an accredited architectural degree may only take the examination after completing the experience and intern requirements.

Continuing Education.

To renew a registration, an architect must demonstrate professional development since the last renewal or initial registration. The Board must develop rules, procedures, and exemptions for acceptable professional development activities. The rules must be consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects in other states.

Corporate Practice and Registration.

Any business offering architecture services in Washington must register with the Board. A business must file a list of individuals registered as responsible for the practice of architecture by the business entity in the state and information about its organization and activities as the Board establishes by rule. Any business entity practicing or offering to practice architecture is jointly and severally responsible to the same degree as an individual registered architect.

Seal and Sign Provisions.

Several clarifications and changes are made to the seal and sign provisions. An architect may only seal and sign technical submissions that are: prepared by the architect; prepared by the architect's regularly employed subordinates; or prepared in part by an individual or firm under a direct subcontract with the architects. An architect may seal and sign technical submissions based on prototypical documents provided that: the architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; and the architect thoroughly analyzes the prototypical documents and adds all required elements and design information. The architect sealing and signing technical submissions retains full responsibility.

Exemptions.

An exemption is added for persons doing design work, including preparing construction contract documents and administering a contract, for alteration of or repair to a building where the project size is no greater than 4,000 square feet in a building that is larger than 4,000 square feet. The work is exempt if it does not affect the life safety or structural systems of the building. The combined square footage of simultaneous projects allowed under this exemption, may not exceed 4,000 square feet.

The following are no longer exempt from the architecture registration requirements:

- design-build construction by registered general contractors if the structural design services are performed by a registered engineer;
- any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; and
- any person from designing buildings or doing other design work for structures, if the plans, which may include such design work, are stamped by a registered engineer or architect.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 23, 2010.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to application requirements, which takes effect July 1, 2012, and sections 7 through 10, relating to the seal and sign requirements, exemptions, corporate practice and registration, and registration renewals, which take effect July 1, 2011.

Staff Summary of Public Testimony (Commerce & Labor):

(In support) The Senate changed the required years of experience for those without an accredited architectural degree from 15 years to 12 years. Under current law, it is eight years, which is too little. There are very few architects who use the alternative path to registration and it is good for them to have 12 years of experience.

The stakeholders have agreed to nine years of experience. The stakeholders have also come to an agreement on the exemption for certain projects where the project size is no greater than 4,000 square feet in a building that is larger than 4,000 square feet.

(In support with amendment) Now that the stakeholders are in agreement about the exemption, the Senate bill should pass with the same amendment that was on the House bill that passed out of committee.

(With concerns) Changing the required years of experience to nine would remove all of the concerns of the community and technical colleges.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) This bill is the product of several years' work among stakeholders, who have all agreed on this version of the bill. The bill has no fee increase, and the Architects' License Account has a positive fund balance. Corporate registration is simplified. Newly regulated businesses are comfortable with becoming licensed and paying the licensing fee. Some stakeholders had concerns about earlier versions of this bill, but those are addressed in the current version.

(Opposed) None.

Persons Testifying (Commerce & Labor): (In support) Senator King; and Stan Bowman and Jon Hopwood, American Institute of Architects Washington Council.

(In support with amendment) Rick Slunaker, Associated General Contractors of Washington.

(With concerns) Pat Ward, Washington State Board for Community and Technical Colleges.

Persons Testifying (General Government Appropriations): Stan Bowman and Peter Rasmussen, American Institute of Washington Council; Van Collins, Associated General Contractors; and Pat Ward, State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying (Commerce & Labor): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.



Washington State (/)

Office of the Attorney General

Attorney General Bob Ferguson

(/)

LICENSES -- BOARD OF REGISTRATION FOR ARCHITECTS -- ARCHITECT -- ENGINEERS -- BUILDINGS -- CITIES AND TOWNS -- COUNTIES



(<https://www.atg.wa.gov>)

AGO 1990 No. 9 - Sep 21 1990

Attorney General Ken Eikenberry

LICENSES -- BOARD OF REGISTRATION FOR ARCHITECTS -- ARCHITECT -- ENGINEERS -- BUILDINGS -- CITIES AND TOWNS -- COUNTIES

1. A registered architect or professional engineer must sign and stamp or seal each individual page containing a building construction drawing, or revision thereto, prepared or reviewed by him or her and submitted or permitted to be submitted in support of an application for a building permit, unless the activities are exempt from the requirement that drawings be signed and stamped or sealed by reason of RCW 18.08.410 or 18.43.130(1)-(7), (9).
2. In the absence of one of the exemptions in RCW 18.08.410, a person who is not a registered professional architect or professional engineer violates RCW 18.08.310 by preparing a design or construction drawing for a building and submitting that design, or permitting that design or drawing to be submitted, in support of a building application.
3. Under RCW 18.08.460(1) a local building official may accept a request for a building permit and issue the permit based on a design or construction drawing that does not bear the signature and stamp or seal of a registered architect or registered professional engineer, even if the activities are subject to the requirement that drawings be signed and stamped or sealed.

September 21, 1990

Mary Faulk, Director
Department of Licensing
Highways-Licenses Building
Olympia, Washington 98504

Cite as: AGO 1990 No. 9

Dear Ms. Faulk:

By letter previously acknowledged, you requested our opinion on the following five questions:

1. Must a registered architect or a registered professional engineer sign and stamp or seal each individual page containing a building construction drawing, or revision thereto, prepared or reviewed by him or her and submitted, [[Orig. Op. Page 2]] or permitted to be submitted, by him or her in support of an application for a building permit?

2. If the answer to question 1 is no, in whole or in part, under what circumstances may a registered architect or registered professional engineer submit, or permit to be submitted, a plan or drawing in support of an application for a building permit without his or her signature and stamp or seal without violating: (a) RCW 18.08.370(2), RCW 18.08.420(7), or WAC 308-12-081 (architects); or (b) RCW 18.43.070, RCW 18.43.130(8)(h) (engineers)?
3. In the absence of one of the exemptions found in RCW 18.08.410, does a person not a registered architect or a registered professional engineer violate RCW 18.08.310 by preparing a design or construction drawing for a building and submitting that design or drawing, or permitting that design or drawing to be submitted, in support of an application for a building permit?
4. In the absence of one of the exemptions found in RCW 18.08.410, does a person not a registered architect or a registered professional engineer violate RCW 18.08.310 by preparing a revision to a design or construction drawing previously filed in support of an application for a building permit and filing that revision, or permitting that revision to be filed, with local building officials?
5. Under RCW 18.08.460(1) must a local building official refuse to accept with a request for a building permit, or refuse to issue a building permit based upon, a design or construction drawing not bearing the signature and stamp or seal of a registered architect or a registered professional engineer, in the absence of the application to the design or drawing of one of the subsections of RCW 18.08.410?

Brief Answer

1. A registered architect or professional engineer must sign and stamp or seal each individual page containing a building construction drawing, or revision thereto, prepared or reviewed by him or her and submitted or permitted to be submitted in support of an application for a building permit, unless the activities are exempt from the requirement that drawings be signed and stamped or sealed by reason of RCW 18.08.410 or 18.43.130(1)-(7), (9).

[[Orig. Op. Page 3]]

2. The only circumstances under which a registered architect or professional engineer may submit, or permit to be submitted, a plan or drawing in support of an application for a building permit without signing and stamping or sealing the drawing is when the activity is specifically exempt from the requirement that drawings be signed and stamped or sealed by reason of RCW 18.08.410 or 18.43.130(1)-(7), (9).
3. In the absence of one of the exemptions in RCW 18.08.410, a person who is not a registered professional architect or professional engineer violates RCW 18.08.310 by preparing a design or construction drawing for a building and submitting that design, or permitting that design or drawing to be submitted, in support of a building application.
4. In the absence of one of the exemptions in RCW 18.08.410, a person who is not a registered architect or professional engineer does violate RCW 18.08.310 by preparing a revision to a design or construction drawing previously filed in support of an application for a building permit and filing the revision or permitting that revision to be filed with local building officials.
5. Under RCW 18.08.460(1) a local building official may accept a request for a building permit and issue the permit based on a design or construction drawing that does not bear the signature and stamp or seal of a registered architect or registered professional engineer, even if the activities are subject to the requirement that drawings be signed and stamped or sealed.

Question 1

Your first question requires us to discuss statutes that involve both registered architects and registered professional engineers. Although we reach the same conclusion for both professions, we will discuss them separately.

A. Architects

The signing and sealing or stamping of documents by registered architects is statutorily governed by RCW 18.08.370(2) and [18.08].420(7). With respect to individual architects, RCW 18.08.370(2) states, in relevant part:

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered [[Orig. Op. Page 4]] Architect," and the name of this state. Drawings prepared by the registrant shall be sealed and signed by the registrant when filed with public authorities. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(Emphasis supplied.)

With respect to architects who have organized as a corporation or a joint stock association, RCW 18.08.420(7) states, in relevant part:

(7) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direction of the designated architects and shall be signed by and stamped with the official seal of the designated architects in the corporation authorized under this chapter.

(Emphasis supplied.)

Additionally, we note that the State Board of Registration for Architects has adopted the following rule governing the signing and sealing or stamping of drawings:

Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered architect, state of Washington." The seal with the registrant's countersignature shall appear on every drawing filed with public authorities. A facsimile of the seal appears herewith. (Facsimile of seal omitted.)

No architect's stamp or countersignature shall be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect. An architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that architect.

(WAC 308-12-081) (Emphasis supplied.)

[[Orig. Op. Page 5]]

These statutes require that an architect sign and seal or stamp each individual page containing a building construction drawing prepared or reviewed by the architect and submitted or permitted by the architect to be submitted in support of an application for a building permit.

RCW 18.08.370(2) expressly requires that an architect sign and seal drawings which the architect has prepared "when filed with public authorities." Building permits are issued by cities or counties. RCW 19.27.085(3). Therefore, drawings submitted in support of a building permit have clearly been "filed with public authorities." Such drawings must be signed and sealed or stamped by an individual architect when submitted in support of a building permit.

With respect to architects practicing as a corporation or joint stock association, RCW 18.08.420(7) requires that all "plans, specifications, designs, and reports" must be signed and stamped or sealed when issued in connection with work performed by the corporation. RCW 18.08.420(7) does not define the meaning of "plans," "specifications," "designs," or "reports." Thus it is necessary to determine whether these terms encompass drawings.

Dictionary definitions may be resorted to in the absence of a statutory definition. Seattle Times Co. v. Benton County, 99 Wn.2d 251, 256, 661 P.2d 964 (1983). "Plan" is defined in relevant part as follows:

1: a drawing or diagram drawn on a plane: as a: a top view of a machine b: a representation of a horizontal section of a building -- see GROUND PLAN

Webster's Third New International Dictionary 1729 (1981).

"Design" is defined in relevant part as follows:

... a scheme for the construction, finish, and ornamentation of a building as embodied in the plans, elevations, and other architectural drawings pertaining to it. . . .

(Emphasis supplied.)

Webster's Third New International Dictionary 611 (1981). Thus, drawings are encompassed within the terms "plans" and "designs" and must, therefore be signed and sealed or stamped when issued in connection with a project of the corporation.

[[Orig. Op. Page 6]]

RCW 18.08.370(2) provides that a registered architect shall sign and stamp or seal drawings he or she prepares. The statute does not specifically address the situation when a registered architect reviews drawings prepared by others. However, it is clear from other provisions of the chapter that the registered architect must sign and stamp or seal drawings that he or she reviews. RCW 18.08.410 exempts from the signing and stamping requirement:

(9) Any person from designing buildings or doing other design work for structures . . . if the plans, which may include such design work, are stamped by a registered engineer or architect.

(Emphasis supplied.)

RCW 18.08.410(9) imposes an additional stamping requirement when drawings are prepared by others. Additionally, the State Board of Registration for Architects has adopted WAC 308-12-081, which provides that no architect shall sign and seal any drawings "not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect." (Emphasis supplied.) Thus, since drawings filed with public authorities must be signed and stamped or sealed by an architect, a reviewing architect must sign and stamp or seal drawings reviewed, but not prepared, by him or her.

The next issue which must be examined is whether each individual page of drawings submitted in support of a building permit must be signed and sealed or whether a group of drawings may be signed and sealed as a unit rather than individually.

The statutes governing professional architects do not expressly state whether registered architects must sign and stamp or seal each individual page of drawings submitted in support of a building permit or whether drawings may be signed and stamped or sealed as a unit. However, the general policy statement in RCW 18.08.235 clearly indicates that the purpose of licensing professional architects is "to safeguard life, health, and property, and to promote the public welfare." Likewise, the requirements that plans, specifications, designs and reports be signed and stamped or sealed is evidently intended to achieve the same purpose by assuring that building construction documents have been prepared by or under the direct supervision or responsible charge of a registered architect. We are of the opinion that this legislative purpose is best achieved by the signing and stamping or sealing by a registered architect of each individual page containing a drawing.

[[Orig. Op. Page 7]]

We note that the Board of Registration for Architects has adopted a construction similar to that of the statutes. The Board has adopted WAC 308-12-081 which requires "every drawing filed with public authorities" be signed and sealed. (Emphasis supplied.) As the agency charged with administering chapter 18.08 RCW, the board's interpretation of the statutes governing signing and sealing of drawings is entitled to great weight. Lumpkin v. Dep't of Social & Health Servs., 20 Wn. App. 406, 410, 581 P.2d 1060 (1978). Accordingly, we conclude that an architect must sign and seal each page containing a building construction drawing.

There is a major exception to the general requirement that each architectural drawing submitted in support of a building permit be signed and stamped or sealed by a registered architect. RCW 18.08.410 completely exempts certain activities from the requirements of chapter 18.08 RCW. If the drawings submitted in support of a building permit fall within one or more of the exempted activities, there is no requirement that they be signed and stamped or sealed by a registered architect.

B. Engineers

The signing and sealing or stamping of drawings by registered professional engineers is governed by RCW 18.43.070 and [18.43].130(8)(h). With respect to individual engineers, RCW 18.43.070 provides, in relevant part:

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional engineer" or "registered land surveyor." Plans, specifications, plats and reports prepared by the registrant shall be signed, dated, and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his direct supervision and that to his knowledge and belief the same was prepared in accordance with the requirements of the statute. It shall be unlawful for anyone to stamp or seal any document with said seal or facsimile thereof after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued.

(Emphasis added.) With respect to engineers who have organized as a corporation or joint stock association, RCW 18.43.130(8)(h) states:

[[Orig. Op. Page 8]]

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter. (Emphasis added.)

Additionally, we note that the State Board of Registration for Professional Engineers and Land Surveyors has adopted the following rule:

Engineers or land surveyors shall not affix their signature and seal to any engineering or land surveying plan or document dealing with subject matter outside their field of competence nor to any plan or document not prepared under their direct supervision.

"Under direct supervision" shall be construed to mean that the registrant providing such supervision shall have made the decisions on technical matters of policy and design. Furthermore, the registrant shall have exercised his professional judgment in all engineering and land surveying matters that are embodied in the plans, design, specifications or other documents involved in the work.

(WAC 196-24-095) (Emphasis added.)

RCW 18.43.070 expressly requires that an engineer practicing as an individual sign and seal or stamp "(p)lans, specifications, plats and reports" prepared by the engineer or under the engineer's direct supervision. With respect to engineers practicing as a corporation or a joint stock association, RCW 18.43.130(8)(h) requires that all "plans, specifications, designs, and reports" issued in connection with work performed by a corporation shall be signed and stamped or sealed by the engineer who prepared them or under whose "responsible charge" they were prepared.

[[Orig. Op. Page 9]]

RCW 18.43.130(8)(h) does not define the terms "plans" and "designs". In this respect it is similar to RCW 18.08.420(7) which deals with architects practicing in the corporate form. Our analysis of that section is equally applicable here. See supra, p. 5. The dictionary definitions of "plan" and "design" encompass the term drawing. Thus, plans must be signed and stamped or sealed when issued in connection with the project of the corporation.

RCW 18.43.070 deals specifically with the issue of whether a professional engineer must sign and stamp plans he or she has reviewed. Under the statute the signing and stamping constitutes "a certification by the [engineer] that the [plan] was prepared under his direct supervision and that to his knowledge and belief the [plan] was prepared in accordance with the requirements of the statute." This requirement of RCW 18.43.070 applies to plans the engineer has prepared and also to plans he or she has reviewed to ensure compliance with the statute.

With regard to the question of whether an engineer must sign and stamp or seal each individual page of a plan, our analysis in the context of architects also applies to engineers. See supra, p. 6. As with architects, the purpose of the licensing of professional engineers is "to safeguard life, health, and property, and to promote the public welfare." RCW 18.43.010. We are of the opinion that this purpose can best be served by the signing and stamping by a professional engineer of each individual page containing an engineering drawing.

As in the case of architects, there is a major statutory exception to the general requirement that drawings be signed and stamped or sealed by a professional engineer. RCW 18.43.130 exempts various activities from the requirements of chapter 18.43 RCW. If the drawing submitted in support of a building falls within any of the exceptions contained in RCW 18.43.130(1)-(7), (9) it falls outside the scope of chapter 18.43 RCW and need not be signed and stamped or sealed by a professional engineer.

[[Orig. Op. Page 10]]

Question 2

In our answer to Question 1 we pointed out that there are statutory exemptions to the requirements that drawings be signed and stamped or sealed by a registered architect or professional engineer. See supra, p. 7, 9. This brings us to your second question.

If the answer to question 1 is "no" in whole or in part, under what circumstances may a registered architect or registered professional engineer submit, or permit to be submitted, a plan or drawing in support of an application for a building permit without his or her signature and stamp or seal without violating: (a) RCW 18.08.370(2), RCW 18.08.420(7), or WAC 308-12-081 (architects); or (b) RCW 18.43.070, RCW 18.43.130(8)(h) (engineers)?

The statutory exemptions available in the statutes governing architects are contained in RCW 18.08.410. This statute provides that chapter 18.08 "shall not affect or prevent" certain listed activities. The exemptions available in the statute governing professional engineers are set forth in RCW 18.43.130(1)-(7), (9). This statute provides that chapter 18.43 "shall not be construed to prevent or affect" certain activities.

Based on our review of the applicable statutes, these are the only exceptions to the requirements in both chapters that plans be signed and stamped or sealed by a registered architect or professional engineer.

Question 3

In the absence of one of the exemptions found in RCW 18.08.410, does a person not a registered architect or a registered professional engineer violate RCW 18.08.310 by preparing a design or construction drawing for a building and submitting that design or drawing, or permitting that design or drawing to be submitted, in support of an application for a building permit?

The answer to this question turns on whether an individual is practicing architecture. In the absence of an exemption in RCW 18.08.410, an individual who is not a registered architect violates RCW 18.08.310 if he or she is practicing architecture.

RCW 18.08.310 states, in relevant part:

[[Orig. Op. Page 11]]

It is unlawful for any person to practice or offer to practice in this state, architecture, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter. The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture.

In turn, "practice of architecture" is defined as follows by RCW 18.08.320(10):

(10) "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

The activities described in question 3 are "preparing a design or construction drawing for a building and submitting that design or drawing, or permitting that design or drawing to be submitted, in support of an application for a building permit."

Therefore, we are of the opinion that these activities described in Question 3 constitute the practice of architecture. Accordingly, in the absence of one of the exemptions found in RCW 18.08.410, such activities by a person not a registered architect or professional engineer would violate RCW 18.08.310.

You have also asked in this question about the activities of registered professional engineers who are not registered architects. The activities of registered professional engineers are expressly governed by one of the exemptions contained in RCW 18.08.410. RCW 18.08.410(1) exempts from chapter 18.08 RCW the "practice of . . . engineering . . . by persons not registered as architects." Thus, a registered professional engineer does not violate RCW 18.08.310 when he or she is practicing engineering.

[[Orig. Op. Page 12]]

Question 4

In the absence of one of the exemptions found in RCW 18.08.410, does a person not a registered architect or a registered professional engineer violate RCW 18.08.310 by preparing a revision to a design or construction drawing previously filed in support of an application for a building permit and filing that revision, or permitting that revision to be filed, with local building officials?

Our analysis in response to Question 3 applies equally to this question. The issue is whether preparing a revision to a design or construction drawing previously filed in support of an application for a building permit and filing that revision, or permitting that revision to be filed constitutes the practice of architecture as defined in RCW 18.08.320(10). We conclude that it does. Accordingly, in absence of one of the exemptions listed in RCW 18.08.410, these actions by an unregistered person constitute a violation of RCW 18.08.310.

Question 5

Under RCW 18.08.460(1) must a local building official refuse to accept with a request for a building permit, or refuse to issue a building permit based upon, a design or construction drawing not bearing the signature and stamp or seal of a registered architect or a registered professional engineer, in the absence of the application to the design or drawing of one of the subsections of RCW 18.08.410?

RCW 18.08.460(1) does not require a local building official to refuse to accept an application for a building permit or to refuse to issue a permit. RCW 18.08.460(1) states:

Any person who violates any provision of this chapter or any rule promulgated under it is guilty of a misdemeanor and may also be subject to a civil penalty in an amount not to exceed one thousand dollars for each offense.

(1) It shall be the duty of all officers in the state or any political subdivision thereof to enforce this chapter. Any public officer may initiate an action before the board to enforce the provisions of this chapter.

[[Orig. Op. Page 13]]

RCW 18.08.460(1) leaves the specific means of enforcing chapter 18.08 RCW up to the officers of the "state or any political subdivision thereof." It does not expressly authorize local building officials to refuse to accept building permit applications or refuse to issue building permits which are neither accompanied by properly signed and stamped or sealed drawings nor exempted from such requirements by RCW 18.08.410.

RCW 18.08.460 expressly authorizes only the following actions by public officers against persons who have violated chapter 18.08 RCW: (1) criminal prosecution; (2) civil action for violation of chapter 18.08 RCW in which the penalty is an amount not to exceed one thousand dollars; and (3) initiation of an action before the board to enforce the provisions of chapter 18.08 RCW. The choice of which action, if any, to pursue would rest with the government entity to whom the offending drawings were submitted.

Also, the purpose of RCW 18.08.460 is to penalize violations of chapter 18.08 RCW. In many cases, the person or company submitting unsigned, unstamped architectural drawings in support of a building permit will not have made the drawings. To refuse to accept an application for a building permit under such circumstances punishes the architects' client, not the architect. Such a result could not have been the intent of the Legislature in adopting RCW 18.08.460(1). Accordingly, we conclude that RCW 18.08.460(1) does not require local building officials to enforce chapter 18.08 RCW by refusing to accept permit applications or refusing to issue permits based upon design or construction drawings not signed and stamped or sealed by an architect or professional engineer.

Although RCW 18.08.460(1) does not require a local building official to refuse to accept a request for a building permit or refuse to issue a building permit, a local government entity has the statutory authority to enact such a requirement if it chooses. The requirements for a fully completed building permit application shall be defined by local ordinance. RCW 19.27.095(2). Thus, a city or county could, by local ordinance, provide that building permit applications be accompanied by architectural and engineering drawings which are signed and stamped or sealed in accordance with chapter 18.08 RCW and chapter 18.43 RCW and that non-complying applications will be rejected.

[[Orig. Op. Page 14]]

We trust the foregoing will be of assistance to you.

Sincerely,

WILLIAM B. COLLINS
Assistant Attorney General

***** FOOTNOTES *****

1/RCW 18.43.130(8) governs the practice of engineering by joint stock associations and corporations. RCW 18.43.130(8)(h) expressly requires that plans, specifications, designs and reports be signed and stamped or sealed by a professional engineer.

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[Data Breach Report \(https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/2019DBReport.pdf\)](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/2019DBReport.pdf)
[Keep Washington Working Act FAQ for Law Enforcement \(/keep-washington-working-act-faq-law-enforcement\)](/keep-washington-working-act-faq-law-enforcement)

AG Opinions

[Opinions by Year \(/ago-opinions-year\)](/ago-opinions-year)
[Opinions by Topic \(/ago-opinion/glossary\)](/ago-opinion/glossary)
[Opinion Requests \(/pending-attorney-generals-opinions\)](/pending-attorney-generals-opinions)

Employment

[Experience Excellence \(/experience-excellence\)](/experience-excellence)
[Employee Testimonials \(/employee-testimonials\)](/employee-testimonials)
[Attorneys & Law Clerks \(/attorneys-and-law-clerk-careers\)](/attorneys-and-law-clerk-careers)
[General Employment Opportunities \(/general-employment-opportunities\)](/general-employment-opportunities)
[Exempt Positions \(/exempt-positions\)](/exempt-positions)
[WA Management Service \(/wa-management-service-exempts\)](/wa-management-service-exempts)
[Volunteer and Internship Opportunities \(/volunteer-and-internship-opportunities\)](/volunteer-and-internship-opportunities)
[Diversity \(/diversity\)](/diversity)
[Office Locations \(/office-locations\)](/office-locations)

[Contact Us \(/contact-us\)](/contact-us)

[Privacy Notice \(/privacy-notice\)](/privacy-notice)

[Accessibility Policy \(/ago-accessibility-policy\)](/ago-accessibility-policy)

[Employee Resources \(/employee-resources\)](/employee-resources)

[Rulemaking Activity \(/rulemaking-activity\)](/rulemaking-activity)

[Sitemap \(/sitemap\)](/sitemap)

[Access Washington \(http://access.wa.gov\)](http://access.wa.gov)

[Contact Webmaster \(https://fortress.wa.gov/atg/formhandler/ago/WebmasterContactForm.aspx\)](https://fortress.wa.gov/atg/formhandler/ago/WebmasterContactForm.aspx)



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Board Meeting

Tab 8

Committee & Task Force Reports

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

Board action may be needed.

Board Meeting

Tab 9

Board Administrator's Report

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

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

Board Meeting

Tab 10

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 11

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 12

Adjournment