

NEWSLETTER

Vermont Board of ARCHITECTS

Secretary of State, Office of Professional Regulation

Topics in this newsletter include: Board Members and Staff; Exam information; Disciplinary actions and complaints; Changes in legislation and rules; Continuing education requirements; Renewal; the Board's Web site; etc.

INTRODUCTION

The Vermont Board of Architects is pleased to bring you its first Newsletter. This Newsletter contains information about changes to staff, statutory amendments, continuing education, statistics, and other issues pertaining to the profession.

BOARD MEMBERS

The members of the Vermont Board of Architects and their term expiration dates are as follows:

Christopher Liddle, Chairperson, Brattleboro, Vermont (12/07); **Robert Meyer**, Secretary, Manchester, Vermont (12/08); **Arnold Aho**, Vice-Chair, Northfield, Vermont (12/08); **Rebecca Arnold**, Colchester, Vermont (12/08); **Edward Wolfstein**, Burlington, Vermont (12/04); **Janet Stackpole** (Public Member), Burlington, Vermont (12/03); and **Paula Sagerman** (Public Member), Wilmington, Vermont (12/07).

Members are appointed by the Governor to a five-year term and are eligible to serve two terms. Persons who are interested in serving on the Board may contact our Office at 802-828-2363 or the Governor's Office directly at 802-828-3333.

FROM THE CHAIRMAN

Our Newsletter is an excellent source for informing our licensees of current and proposed changes in the profession.

The main purpose of the Board is to protect the public health, safety and welfare. The Board also has a quasi judicial role in which it serves as jury in cases of unprofessional conduct. The Board's roles are accomplished by establishing standards, licensing only qualified applicants, and ensuring compliance with the laws and rules.

Recently the Board has heard a number of cases involving either improper use of the title or unlicensed practice. It is important to remember that persons not licensed to practice in Vermont may not use the title architect, or engage in architectural practice of any kind. Advertising unlawfully as an architect is prohibited because the public has a right to know who is properly trained and licensed to protect public health, safety and welfare, just as they would with a doctor, lawyer, or other professional.

Often unlicensed persons are aided by soliciting licensed architects to add a "seal" to plans they have not prepared. Vermont law prohibits architects from sealing plans not prepared under their

"direct supervision." Sealing of such plans by non-licensed persons, not "directly supervised" by a Vermont architect, constitutes illegal plan stamping and can be subject to fines of \$1000 per incident.

Keep in mind, you must be registered or licensed in all jurisdictions where you use the title of architect to solicit work, or practice. If you hold several licenses, make sure you comply with each state's continuing education requirements for renewal. For the most part, complying with Vermont's CE requirements would satisfy other states with substantially similar requirements.

If you allow your National Council of Architectural Registration Boards' (NCARB) Certificate or any individual state license to lapse, make sure to check your status and renew before soliciting work in those states, or you could violate that state's licensing laws. An expired license may have an impact on any Interns under your supervision.

Architects and members of the public observing unlicensed practice or illegal use of the title architect should report such activities to the Board for investigation.

The Board's Web site,

www.vtprofessionals.org is a great resource for information. There you may find the current laws and rules. You may check the status of a license. You will also find applications for licensure and renewal on our Web site.

Please note that all of our meetings are public, and we encourage you to attend. The Board typically meets on the third Wednesday every other month. Meetings begin at 10:00 a.m. and the next meeting is scheduled for February 16, 2005. Please contact the Board if you plan to attend a meeting to verify these dates.

BOARD MEMBER ACTIVITIES

Robert Meyer, AIA, NCARB, Secretary.

Rob is serving a 4th year on NCARB ARE Committee charged with writing pre-testing and developing content for the exam. After two years on Lateral Forces, and one year on the Graphics Division, Rob is now Coordinator of the Graphics One Division. Rob was also appointed as a trustee of the regional Affordable Housing Corporation of Vermont.

Arnold Aho, AIA, NCARB

Professor Aho of Norwich University, continues to serve on several NCARB committees. This year he has been re-appointed for a third term as Chair of the Committee on Education, charged with NCARB actions, policies and practices with respect to education standards. Former member, **Frank Guillot, AIA, NCARB** Congratulations to former Vermont Board of Architects Chairman Frank Guillot, who was elected President of NCARB at the annual meeting which was held in Portland, Oregon in June.

New Staff

The Board welcomes Carla Preston as its Unit Administrator. You may reach

Ms Preston at (802) 828-2875; Fax: (802) 828-2465; or via E-mail: cpreston@sec.state.vt.us.

Larry S. Novins, Esq. serves as the Board's Counsel.

Peggy Atkins is the Board's Administrator. Ms. Atkins may be reached at (802) 828-2373; Fax: (802) 828-2465;

E-Mail: patkins@sec.state.vt.us

Our Web site is: www.vtprofessionals.org

EXAM AT A GLANCE

Five-year NAAB Accredited Degree plus three years of internship (eligible for NCARB Certificate);

Nine year education and internship combined (not eligible for NCARB Certificate).

Q. What is the earliest I can sit for the Architect Registration Examination (A.R.E.)?

A. Candidates who have started an Intern Development Program (IDP) can be approved by the Board to sit for the exam one year prior to completing their internship.

For more Questions and Answers visit our Web page.

A.R.E. ROLLING CLOCK CUTS THE SLACK!

Effective February 2006, Candidates must complete the A.R.E. within five years. If not, the examination parts passed would have to be retaken.

STATISTICS

For your information there are currently 1,082 Active Architects (277 Resident, 805 Non-Resident) licensed in Vermont. Our records indicate that there are 1252 Lapsed or Inactive

licenses, 107 of which indicate resident of Vermont.

Complaint Activity

Open unprofessional conduct cases at beginning of Fiscal Year 1999-3; 2000-0; 2001-1; 2002-0; 2003-4; 2004-4. New cases received during Fiscal Year: 1999-0; 2000-0; 2001-1; 2002-4; 2003-3; 2004-1.

See OPR's Annual Report available online for more information.

HOW TO INITIATE A COMPLAINT

Q. For example: I'm aware of someone offering services in my community and do not believe he/she is licensed. "What should I do?"

A. You may contact the Secretary of State's Office or go to the Web site to confirm whether or not the individual is properly licensed. If not, you may complete the complaint form also available via the Web site or contact the Board Office for more information.

COMPLAINT INFORMATION

What follows is a composite of some of the issues that may result in the filing of a complaint against a practitioner. Having a complaint filed against you can be extremely disruptive and upsetting. If a case alleges unprofessional conduct, as defined by the Board's laws and rules, the Office will order an investigation.

Although many complaints do not result in disciplinary action, they are still investigated. Many of those complaints that are closed might have been avoided altogether if the practitioner had better communicated with the client.

If a complaint is filed and the Investigative Team finds unprofessional conduct, the Board may take disciplinary action after a hearing. We hope that you will read this carefully, it does not cover every possible scenario, but it may help you avoid common pitfalls that result in a complaint, and/or disciplinary action.

1) Poor communication. Be sure to communicate well between yourself and your clients, between yourself and your colleagues, and between yourself and your employees.

2) Attitude. The Investigative Teams find that many cases are brought to the Office of Professional Regulation because the professional had an "attitude" that was flippant or perhaps condescending.

3) Unauthorized Practice. Working without proper registration or license to do so, or allowing unlicensed or unregistered persons to practice.

4) Expired License. Failing to renew and continuing to practice with an expired license is unprofessional conduct.

5) Title Abuse. Use of the Title "Architect" or similar word which would imply to the public that architectural services are offered.

6) Plan Stamping. Sealing drawings or plans with which the licensee did not prepare or supervise the preparation thereof.

DISCIPLINARY PROCESS

Disciplinary action against a licensed professional is usually the result of a long and careful investigative process. The process is the same for all 39 professions in Vermont licensed by their respective boards. The Board of Architects follows the Office procedure for all aspects of the

complaint process. The chain of events starts when an individual files a complaint with the Office of Professional Regulation against the licensed professional. Violations of professional conduct are contained in the Laws and the Rules of the Board as well as Title 3, Chapter 5 which sets the unprofessional conduct standards for all professions and occupations. In a conflict between laws, the law that protects the public to the greatest extent governs.

Complaint forms can be requested from the Office of Professional Regulation or downloaded from the Internet (www.vtprofessionals.org). The last two pages contain a "layperson's version," which translates legal terms into everyday language.

This is how the complaint process works:

When a complaint received by the Office of Professional Regulation (OPR) results in an investigation, an investigative team (I-Team) is appointed. The team always includes a licensing administrator, one or more board members/advisors, and an OPR investigator. The I-Team may also have the assistance of a special consultant or one of the prosecuting attorneys employed by OPR.

The I-Team reviews the complaint, identifies witnesses, documents and records pertinent to the complaint, makes contact with witnesses, the respondent, and where possible with the complainant.

1) A letter will be sent to the complainant indicating that the Office has received the complaint and has opened a case.

2) A letter will be sent to the licensee (we refer to the licensee as the "Respondent") indicating a complaint has been made. A copy of the

complaint information will also be sent to the respondent.

3) The case will be assigned to an investigative team. The team is made up of: a unit administrator a staff investigator, and board member or advisor. The team may also include a prosecuting attorney.

4) The complainant and respondent will be contacted by an investigator. Other people with knowledge of the complaint may also be contacted. The investigator will obtain copies of written documentation, and records relevant to the complaint.

5) The Team will then review the investigators findings and prepare a recommendation. If the recommendation is to close the case without disciplinary action, it is submitted to the board. If the recommendation is to pursue disciplinary action, the Prosecuting Attorney will prepare formal charges.

6) The investigatory process above usually takes between 6 to 9 months to complete. If a decision is made to pursue discipline, this process can take an additional 5 to 10 months depending on the complexity of the case.

7) Although hearings and disciplinary actions are public, the investigative process is entirely confidential. If the decision is to pursue disciplinary action against the respondent, however, the names of the persons involved **may become** public. If the decision is to close the investigation without disciplinary action, the complaint and information collected will remain confidential

8) Complaint investigations focus on licensure and fitness of the licensee to practice. Disciplinary action, when warranted, ranges from warning to revocation of license, based on the

circumstances. As a result of this process, a complainant should not expect a return of fees paid or additional unpaid services as part of the results of this process. If a complainant seeks restitution of this nature, he or she should consider consulting with the Consumer Protection Division of the Office of the Attorney General, seeing an attorney, or filing a case in Small Claims court.

DISCIPLINARY ACTIONS

Licensee: John W. Mallery, Worcester, VT. Violation: Use of the title "Architect" and/or practicing the profession with an expired license. Sanction: On October 22, 2004, the Board issued a Warning and imposed an Administrative Penalty in the amount of \$500.

The Board closed several cases without disciplinary action. This means the Investigative Team found no evidence or insufficient evidence of unprofessional conduct on which to file charges.

RECENT LICENSEES

The following applicants were approved for licensure in 2004 based on passing the NCARB examination, NCARB Certification, and/or having met Vermont requirements:

January 2004

Dwight E. Haldeman; Fredrick A. Gerdes; George N. Bolton; Stephen R. Goldade; Richard A. Fetz; Jill A. Jones; Douglas W. Whitney; William R. Mikesell; Janet D. Ross; Charles F. Hilton, III; Kyle O. Bergman (Exam); and John F. Hasson, Jr. (Exam).

March 2004

Ewa Kozlowski-Buteau (Exam); Donald Tippet; Barry R. Koretz; Gregory J. Scott; Mark C. Finnemann; Edward R. Frenette; Douglas R.

Rosen; Ingrid M. Wood; Randy Baker (Exam); Christina Nambiar; Edward Clinton; Richard Renner; and Thomas Lesko.

April 2004

Timothy W. Peck; Joseph E. Spears; Peter N. Sachs; Michael J. Sullivan; Joseph Donovan; and Earl E. Santee.

June 2004

Clyde T. Moore, III (Exam); Mark E. Chaney; Gary W. Hendren; Michael J. Conroy; George T. Tubb; James B. Bright; Eduardo Galindo; Howard V. Levine; Richard B. Friedson; David R. Long; Brian Siegel; and Janet Siegel.

August 2004

Harold F. Wheeler, Jr.; James A. Wallis; Ronald L. Maddox; George R. Restivo; David L. Rhodes; Thomas D. Auer; David A. Loehr; Frank J. Campione, II; John H. McLeod; Daniel R. Ellingson; Robert J. Schaeffner, Jr.; Dean S. Newins; Robert H. Andrews; Alan R. Joslin; and Timothy B. Seaman.

October 2004

Rebecca R. Stone; Krista K. Woloszyn; Michael F. Dwyer; Theodore M. Jasinski; Robert A. Brown; Henery T. Brumleve, III; Daniel W. Cecil; Kenneth T. Weston; William R. Hammer; William S. Ryall, Jr.; Peter S. Gillies; Peter H. Dominick, Jr.; and James B. Michael.

December 2004

Michael R. Schnoering; Anthony F. Cavallaro; Mark M. English; Frederick A. Kramer; Chan W. Byun; Michael Czarniecki; William M. Pearce; Suzanne S. Sullivan; Thomas A. Wallace, III; Harry M. Pisilia; Michael M. Hollo; George M. Lewis; John A. Blackburn; Gretchen Von Grossman; Christopher Alley; James T. Reese, III; David J. Dymnecki; and Chia-Ling Yin (Exam).

RECENT RULE CHANGES IN PLAIN ENGLISH!

The Rules were last amended in May of 1999. All candidates are now required to complete IDP. Go to the Board's Web page for the complete laws and rules.

STATUTORY AMENDMENTS

The following statutes have been amended or added within the last few years.

Changes to 3 V.S.A.

These changes affect all professions regulated by the Secretary of State's Office.

3 V.S.A. § 127(b) was amended to read:

(b) A person practicing a regulated profession without authority may, upon the complaint of the attorney general or a state's attorney or an attorney assigned by the Office of Professional Regulation, be enjoined there from by the superior court and may be assessed a civil penalty of not more than \$1,000.00.

The attorney general or an attorney assigned by the Office of Professional Regulation may elect to bring an action seeking only a civil penalty of not more than \$1,000.00 for practicing a regulated profession without authority before the board having regulatory authority over that profession. Such hearings will be conducted in the same manner as disciplinary hearings.

3 V.S.A. § 129a(a) was amended to read:

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items, or any combination of

items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct:

* * *

(9) Failing to retain client records for a period of seven years, unless laws specific to the profession allow for a shorter retention period. When other laws or agency rules require retention for a longer period of time, the longer retention period shall apply.

(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

(11) Failing to report to the office a conviction of any offense in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days of a conviction of any offense related to the practice of the profession.

CONTINUING EDUCATION

Board Rule 3.4 Continuing Education/Continuing Professional Development Requirements

The Vermont Board of Architects' current rules were adopted on May 19, 1999. The Board currently requires a minimum of 24 hours of continuing education during the two-year renewal period. Licensees must report these hours at the time of license renewal. See our Web site for the entire rule re continuing education.

See the update below.

Continuing Education Update:
Vermont State Board of Architects
(02/20/2001)

In response to questions on how to meet the new continuing education requirements for architects we offer the following:

The Vermont State Board of Architects regulates the practice of the

profession of architecture in Vermont primarily for the protection of the health, safety and welfare of building occupants and users.

Vermont Architects are now required to: Complete 24 hours of study during the two (2) years between license renewals, in topics defined as health, safety and welfare related. This equals an average of one hour per month of self directed or formal learning. Many states have now adopted similar requirements for architects and other professions.

All AIA learning hours in HSW topics are accepted as are a wide variety of self-directed and formal educational settings. Classes, professional seminars, workshops, technical training, trade show seminars, magazine articles, and video tapes are all acceptable means of study.

To simplify reporting, you may attach your AIA continuing education form or other learning reports to the renewal form. You may be asked to provide further documentation in some cases.

HEALTH SAFETY AND WELFARE DEFINED

HSW in architecture is anything that relates to the structure, safety or soundness of buildings and sites: and promotes the general welfare of building occupants and users. Appropriate topics for study in HSW are generally defined as issues addressed by the Architecture Registration Examination (ARE).

HEALTH - Aspects of architecture that have wholesome, beneficial and healthful effects among the users of buildings or sites and address environmental issues, and health concerns in design and building.

Examples include: building climate, HVAC, humidity control, natural daylighting, indoor air quality and nontoxic materials and finishes, green building and landscaping.

SAFETY - Aspects of architecture intended to limit or prevent accidental injury or death among users of buildings or sites, and promote public safety.

Examples include fire safety provisions, automatic sprinkler systems, structural and seismic design, wind forces, job-site safety procedures. Also included are provisions that enable equal access by users of buildings or sites. Universal Accessibility, ADA, pedestrian design.

WELFARE - Aspects of architecture that create pleasing and satisfactory building conditions, and positive emotional responses, and experiences among users.

Examples include: Building design, scale, proportions, materials, and color, spaces with special lighting, views of nature, special design features or unique responses to human needs. Also included are historic preservation, community and downtown development, land preservation and conservation, public transit, and topics such as professional ethics and legal liability.

Sources that meet the HSW requirements: AIA monographs, NCARB monographs, L & I Code College, Vermont Star Homes workshops, Build Boston workshops, NESEA workshops, CSI workshops, historic preservation workshops, design workshops, architecture magazine articles, Environmental Building News, US Green Building council, almost anything related to the architectural practice fits into HSW.

Subjects that are solely for increasing profitability or personal enjoyment would not be included.

See our Web site for acceptable and not acceptable examples of continuing education credits.

LICENSE RENEWAL

26 V.S.A. § 205a(b). "License renewal" provides:

(a) Licenses shall be renewed every two years upon application and payment of the required fee. Failure to comply with the provisions of this section shall result in suspension of all privileges granted by the license beginning on the expiration date of the license. A license which has lapsed shall be renewed upon payment of the biennial renewal fee and the late renewal penalty.

(b) The board may adopt rules necessary for the protection of the public to assure the board that an applicant whose license has lapsed for more than three years is professionally qualified. Conditions imposed under this subsection shall be in addition to the requirements of subsection (a) of this section.

To carry out the mandate of this statute, Board Rule 3.1 states: "If a license has lapsed for more than three

(3) years, the license is no longer valid and a new application must be filed with the applicable fees."

Board Rule 3.1 LICENSE RENEWAL

"Licenses renew on a fixed biennial schedule: January 31 of the odd-numbered years. Applicants issued initial licenses within 90 days of the renewal date will not be required to renew and pay the renewal fee. The license will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee. A license will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

If a license has lapsed for more than

three (3) years, the license is no longer valid and a new application must be filed with the applicable fees."

It is unprofessional conduct to work in Vermont if your license is not current. We must stress the importance of keeping your license current. There are procedures in place to reactivate a lapsed license. Those procedures vary depending upon how long the license has lapsed.

Before your license can be reinstated or reactivated, you must provide the Board with documentation showing that you are currently competent to resume the practice of architecture.

Reactivation of a lapsed license may include submittal of a new application (\$80 fee), documentation of continuing education credits for the periods in which your license was lapsed (24 per biennium), verification of current licensure standing in other states or jurisdictions, and in some cases re-examination may be required.

(The Vermont Board implemented the CE requirement in 2001.)

Renewal forms and other applications are available on our Web site.

Contact us

**Vermont Secretary of State
Office of Professional Regulation
Board of Architects
26 Terrace Street
Montpelier, VT 05609-1101
Phone: (802) 828-2373
Fax: (802) 828-2465
(E-Mail): patkins@sec.state.vt.us
www.vtprofessionals.org**

Related Web sites:

**(NCARB) <http://www.ncarb.org/>
American Institute of Architects
(AIA) <http://www.aia.org/>**

**[AIA Vermont Chapter](http://www.aiavt.org/)
<http://www.aiavt.org/>**

**[Norwich University](http://www.norwich.edu/arch/default.html)
<http://www.norwich.edu/arch/default.html>**