

NEWSLETTER

Vermont Board of ARCHITECTS

Secretary of State, Office of Professional Regulation

Topics in this newsletter include: Board Members and Staff; IDP, ARE, Changes in legislation; Fee increase; Renewal and continuing education information; Disciplinary actions; the Board's Web site; etc.

Introduction

The Vermont Board of Architects is pleased to bring you its second Newsletter. This Newsletter contains information about statutory amendments, continuing education, IDP, ARE, statistics, staff, 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: **Robert Meyer**, Chair, Manchester, Vermont (12/08); **Arnold Aho**, Secretary, Groton, Vermont (12/08); **Rebecca Arnold**, Colchester, Vermont (12/08); **Edward Wolfstein**, Vice-Chair, Burlington, Vermont (12/09); **Christopher Liddle**, Brattleboro, Vermont (12/07); **Janet Stackpole** (Public Member), Burlington, Vermont (12/08); and **Harold G. Ranney** (Public Member), Waterbury, 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.
(See enclosed survey)

From The Chair Access to the Profession

Serving the Vermont Board of Architects for the past seven years has given me the opportunity to observe the architecture licensing process from many different perspectives. Whether involved at the state, regional, national, or international level, I have found the endeavor to be interesting, challenging and rewarding.

At the National Council of Architectural Registration Boards (NCARB) annual meeting, a resolution permitting candidates to take the Architect Registration Examination (ARE) while completing their internship was considered. Resolution 06-12 was supported by our Board and passed on a vote of 45-6.

NCARB should be commended for promoting flexibility on the path to licensure. This has been a "hot" issue for interns for years, and it makes sense to promote this flexibility. Vermont has been

progressive on the ARE timing issue. Our Board rules allow candidates to begin sitting for the exam one year before Intern Development Program (IDP) is completed. Candidates without accredited degrees may sit up to one year before the completion of their training. The IDP requirement has been in place for several years now and has been extended to include documenting longer internships for candidates applying under the nine-year rule.

Interestingly, even though Vermont is among the few states, which already allow the ARE to be taken early, few candidates, have taken advantage of this provision. We appreciate that licensing standards are a complex equation. The validity of NCARB's "three legged stool" as the requirements of licensure: education (NAAB accredited degree), structured internship (IDP), and examination (ARE), are still relevant and timing is still of utmost importance.

Great effort goes into developing the ARE as a practice based exam. World wide, it is regarded as the

gold standard in technologically delivered professional exam. In order for the candidate to have a positive outcome on the ARE, it is essential that the IDP experience is a comprehensive and rigorous one.

The Supervisor should provide reasonable opportunities for interns to obtain experience through participation or observation in all IDP Training Settings. The supervisor should meet on a frequent and regular basis to thoroughly review and discuss the intern's IDP materials and provide constructive comments to help guide intern's future training plans, and objectively verify and sign off on the IDP Employment Verification/IDP Training Reports for that experience. The IDP candidate should make sure to verify the license status of the architect supervisor and mentor is current. The Mentor who has less formal responsibilities however, plays a valuable role in the success of the intern's training and as an advisor.

By making sure that IDP program works, Vermont architects who serve as IDP mentors and supervisors can make a significant impact on the profession. The American Institute of Architects (AIA) has taken initiative with the emerging professional companion (EPC). This excellent resource is for firms and interns alike who need to augment and supplement the IDP process. NCARB and AIA are working together to provide reinforcement to firms who provide and support IDP

activities, considering the possible allowance of continuing education credits.

Vermont has led the nation by adopting the IDP requirement, early taking of the ARE, and the Continuing Education Requirement of 12 CE's in public health safety and welfare (HSW) per year for license renewal. We can apply the same level of concern, and protection for the public health, safety, and welfare by providing strong IDP support and mentoring to the next generation of educated, trained, and licensed architects in Vermont.

- Rob Meyer, AIA, NCARB

Board Member Activities

Rob Meyer, AIA, NCARB, Chair of the Vermont Board of Architects (VBOA) was installed at the NCARB Annual Meeting in Cincinnati, Ohio on NCARB's Board of Directors representing The New England Conference (NECARB- Region 1) in June of 2006.

Rob has served five years on the Architect's Registration Exam (ARE) both as Item writer and coordinator, is currently serving on NCARB's Education Committee and Reciprocity Impediments Task Force, and has a four-year appointment as a National Architecture Accreditation Board (NAAB) Visiting Team Member. For more detailed information refer to the press release on NCARB's website.

www.ncarb.org/newsclips/jul06rmeyer.html

Ed Wolfstein, AIA, NCARB, VBOA's current Vice-Chair, and past president of AIA Vermont, now serves on the NCARB ARE Graphics 1 Committee.

Arnold J. Aho, AIA, was recently appointed as Dana Distinguished Professor of Architecture at Norwich University. He also serves on the NCARB National Education Practice Committee.

Frank Guillot, FAIA, VBOA's former chair and Board member, and past president of NCARB (2005) has been awarded FAIA (AIA Fellow) by the Vermont AIA. Frank currently serves on the NAAB (National Architecture Accreditation Board) Board of Directors.

Staff

Peggy Atkins is the Board's Administrator and contact person. Ms. Atkins may be reached at (802) 828-2373; Fax: (802) 828-2465; E-Mail: patkins@sec.state.vt.us

Carla Preston is the Board's Unit Administrator. You may reach Ms Preston at (802) 828-2875; Fax: (802) 828-2465; or via E-mail: cpreston@sec.state.vt.us.

Christopher D. Winters, Esq. is the Director of the Office of Professional Regulation.

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

Our Web site is:
www.vtprofessionals.org

IDP

Intern Development Program

Architectural education typically begins in a school of architecture, but it certainly does not end there. As many of you probably know by now, Vermont, along with 48 other NCARB Member Boards, requires participation in IDP for initial registration as an Architect. Training in architectural firms, continuing education, and professional practice further the educational process of emerging professionals.

Internship in an architectural firm offers many opportunities for acquiring knowledge and skills; however, interns must take responsibility for developing competencies in all areas of practice. Participation in IDP exposes emerging professionals to the comprehensive training that is essential for competent practice. The IDP serves as the ideal record-keeping system, facilitating the documentation of internship activities, and keeps the record in one place – yet uniquely portable. Should an intern move to or from another state, the IDP record moves along with them: an ideal solution to our increasingly mobile society.

For detailed information and to receive the latest publications from NCARB (all available as Adobe Acrobat PDF files) log onto the NCARB IDP web site at: www.ncarb.org/idp and through the AIA at www.aia.org/idp.

Another great resource for obtaining additional IDP

experience is using the Emerging Professionals Companion (EPC) – check it out at:

www.epcompanion.org

Ed Wolfstein, AIA, NCARB

ARE **Architect Registration** **Examination**

Let's look at some recent ARE Facts to keep your firm's interns abreast of examination events and upcoming trends at NCARB:

Currently, there are 9 divisions in the examination. 6 are multiple-choice, and 3 are graphic. The multiple choice divisions are: Pre-Design, General Structures, Lateral Forces, Mechanical & Electrical Systems, Building Design / Materials & Methods, and Construction Documents & Services. The three graphic divisions are: Site Planning, Building Planning, and Building Technology. But keep in mind that just as our profession is evolving, so too must the ARE evolve. It is important to our industry that change be embraced by emerging design professionals, and as such, NCARB is committed to keeping the ARE in tune with our evolving profession as it moves forward.

One new form of testing to be implemented in February 2007, is the AIT or Alternate Item Types. These are different from the regular multiple choice questions, and will see their debut in the Mechanical/Electrical division. Currently, each question has four options to choose from. In the new 'Check-All-That-Apply' items, the

question will have six options to choose from and the candidate must select all that are correct. In the 'Fill-in-the-Blank' questions, a calculation is required. The candidate must input the correct answer, no options are given. Sample 'Check-All-That-Apply' and 'Fill-in-the-Blank' questions may be seen at

www.ncarb.org/are/AIT.html

Many candidates express interest in learning where they may have "gone wrong" in any particular division – had they fared poorly. While a perfectly sensible question in a learning environment, the ARE is not designed to be an educational vehicle. It is merely a gateway to licensure, and as such, it simply serves as a final test to see if a candidate merits becoming a licensed Architect. The ARE tests are designed for minimum competency required for an architect to practice independently while protecting public health safety and welfare.

For more information about the ARE, including test fees, pass rates, and the complete ARE 3.1 Guidelines in PDF form, log onto www.ncarb.org/ARE and sample 'Check-All-That-Apply' and 'Fill-in-the-Blank' questions may be seen at

www.ncarb.org/are/AIT.html

- Ed Wolfstein, AIA, NCARB

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!

Candidates must successfully complete all divisions of the A.R.E. within five years. If not, the examination division(s) passed would have to be retaken.

Statutory Amendments

The following statutes have been amended or added within the last few years. Effective July 1, 2006

§ 209. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(3) Biennial renewal \$~~120.00~~
\$155.00

Below is a detailed explanation for the Fee Increase to \$155, which was approved by the Legislature, effective July 1, 2006.

Statutory Background

The Office of Professional Regulation (OPR) was established within the Office of the Secretary

of State in 1990 and charged with providing administrative, secretarial, financial, investigatory, inspection, and legal services to the boards and professions attached to the Office. There are currently 44 professions and occupations attached to the Office of the Secretary of State and administered by OPR.

Also in 1990, the Professional Regulatory Fee Fund was created. All revenue received by OPR is deposited into this fund, credited to the appropriate board or to the professions regulated by the director as a group. Revenue is used to offset up to two years of the costs incurred by that board or that group and is not to be used for any purpose other than professional regulation. The cost of regulating a profession is borne by the profession with no profession subsidizing the cost of regulating another profession.

To ensure that revenues derived by the office are adequate to offset the cost of regulation, the law requires the Secretary of State to review fees from time to time, and present proposed fee changes to the General Assembly.

Board Budgets

Separate budgets are maintained for the 22 boards and for the advisory professions as a group. Estimates of direct and allocated expenses are prepared at the beginning of each fiscal year, quarterly reports are provided, and a year end report of actual expenses is completed.

All budgeting is through annual budgets conforming to the state fiscal year. The majority of the board receipts are credited in the year in which biennial license renewal occurs. This means that a board will generally have an operating budget surplus in a renewal year and an operating budget deficit in the following year.

To account for this, a “fund balance” is maintained for each board. When biennial receipts are sufficient to cover two years’ operating expenses, the board will have a positive fund balance. If receipts are insufficient to cover expenses, the board will have a fund deficit. Once a fund deficit is incurred, it will remain until biennial receipts and expenses are adjusted to provide an operating surplus to retire the fund deficit.

The goal of the budgeting process is have each board’s operating budget balanced over the biennial license cycle; and to do so without adjusting license fees every two years.

Review of Fees

To ensure that licensing revenue is adequate to offset the cost of regulation, the law requires the Office of the Secretary of State to review fees from time to time, and present proposed fee changes to the General Assembly. Each year the office reviews fees for each profession set to renew in the next fiscal year.

For each board, the Office determines:

*Whether the board's operating budget is in balance on a biennial basis

*Whether the board has a positive or negative balance in the Regulatory Fee Fund.

*Whether fee revenue is sufficient to cover projected operating costs for the next license cycle.

Results of Review of Fees for Professions Renewing in Fiscal Year 2007

The Office of the Secretary of State reviewed the budgets for thirteen boards whose licensees will renew in FY2007. The Office is recommending fee increases for ten boards, fee reductions for one board, and no change for two boards.

Changes to Title 3

3 V.S.A. § 127 is amended to read:
Effective July 1, 2006

1 2 7 . U N A U T H O R I Z E D P R A C T I C E

(a) When the office receives a complaint of unauthorized practice, the director shall refer the complaint to the appropriate board for investigation.

(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 where the violation occurred or the Washington County 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 the profession. Hearings shall be conducted in the same manner as disciplinary hearings. A civil penalty imposed by a board or administrative law officer under this subsection shall be deposited in the professional regulatory fee fund established in section 124 of this title for the purpose of providing education and training for board members and advisor appointees. The director shall detail in the annual report receipts and expenses from these civil penalties.

(c) In addition to other provisions of law, unauthorized practice shall be punishable by a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both. Prosecution may occur upon the complaint of the attorney general or a state's attorney or an attorney assigned by the office of professional regulation under this section and shall not act as a bar to civil or administrative proceedings involving the same conduct.

(d) A person practicing a licensed profession without authority shall not institute any proceedings in this state for the enforcement of any right or obligation if at the time of the creation of the right or obligation it the unlicensed person was acting without authority.

(d)(e) The provisions of this section shall be in addition to any other remedies or penalties for unauthorized practice established by law.

3 V.S.A. § 129(a) is amended to read:

(a) In addition to any other provisions of law, a board may exercise the following powers:

* * *

(5) Discipline any licensee or refuse to license any person who has had a license revoked, suspended, limited, conditioned, or otherwise disciplined by a licensing agency in another jurisdiction for ~~an offense~~ conduct which would constitute unprofessional conduct in this state, or has surrendered a license while under investigation for unprofessional conduct.

* * *

(12) ~~Treat as incomplete any license application submitted with a check subsequently returned for insufficient funds~~ Waive or modify continuing education requirements for persons on active duty in the United States armed forces.

Sec. 4. 3 V.S.A. § 129a(a) is 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:

* * *

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

* * *

(13) Performing treatments or providing services which the licensee is not qualified to perform or which are beyond the scope of the licensee's education, training, capabilities, experience, or scope of practice.

(14) Failing to report to the office within 30 days a change of name or address.

26 V.S.A. § 164 is amended to read:

§ 164. POWERS AND DUTIES OF BOARD GENERALLY

* * *

(b) The board may:
~~(1) conduct hearings; as provided in chapter 5 of Title 3~~
~~(2) administer oaths and issue subpoenas;~~
~~(3) issue orders relating to discovery in the same manner as a judge under the Vermont Rules of Civil Procedure, which may be enforced in the same manner as a subpoena.~~

~~(c) The board shall provide proposed rules to the director of the office of professional regulation for review and comment. The proposed rules and the director's comments shall be~~

~~forwarded to the legislative committee on administrative rules.~~
~~(d) The board immediately shall refer all complaints and disciplinary matters to the attorney general.~~

~~(e) The board shall appoint one or more members to assist the office of the attorney general in the investigation and prosecution of cases. A member serving in this capacity shall not participate in any way in the deliberations of the board with respect to such case, and may not participate in ex parte communications with other board members on any such matters.~~

~~(f) The board shall lack the power to condition, limit or alter in any way the express terms of this chapter.~~

Renewal and Continuing Education Requirements

Current Statute re 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.

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 February of 2001.)

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.

Current requirements for the Vermont State Board of Architects include:

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 day-lighting, 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 the entire rule re continuing education including acceptable and not acceptable

examples of continuing education credits.

Disciplinary Actions

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below. The direct link to the search page is: <http://vtprofessionals.org/opr1/searchdiscipline.htm>

Listed below is disciplinary actions taken during the period of January 1, 2005 through December 31, 2006.

Licensee: Lawrence Bogdanow, New York. Violation: Practice in the State of Vermont without licensure. Sanction: On June 29, 2006, the Board imposed an Administrative Penalty in the amount of \$400.

Licensee: David E. Sellers, Warren, Vermont. Violation: Use of the title "Architect" and/or practicing the profession with an expired license. Sanction: On June 29, 2006, the Board imposed an Administrative Penalty in the amount of \$500.

Licensee: Christopher Liddle, Brattleboro, Vermont. Violation: Making materially false statement in connection with a license renewal. Sanction: On December 13, 2006, an Ad Hoc Board approved an Order, which suspended the Respondent's license for a period of 30 days and further Conditioned his license until the conclusion of tax year 2008. (Subject to appeal.)

The Board closed a few cases

without disciplinary action. This means that the investigation failed to substantiate charges of unprofessional conduct.

Statistics

For your information there are currently 1,122 Active Architects (292 Resident, 830 Non-Resident) licensed in Vermont. Our records indicate that there are 1339 Lapsed or Inactive licenses, 111 of which indicate resident of Vermont.

Complaint Activity

Open unprofessional conduct cases at beginning of Fiscal Year (July 1 to June 30): 1999-3; 2000-0; 2001-1; 2002-0; 2003-4; 2004-4; 2005-1; 2006-3; 2007-6. Nine new cases were opened in the current fiscal year.

See OPR's Annual Report available on line for more information.

Newly Licensed Architects

During the period of January 1, 2005 through October 30, 2006, a total of 139 licenses were issued, of which 111 were on the basis of endorsement from another state or jurisdiction with substantially equivalent requirements. The remaining 28 licenses were issued to candidates/applicants on the basis of their successful completion of the NCARB examination. The names of the licensees who recently passed the NCARB examination are listed below. Congratulations!

2005

Kevin R. Grenier; John V. McCullough, Jr.; David R. Cheney; Helen M. O'Toole; Hilary Harris;

Daniel J. Kirsch; Amy Averill; Stephen P. Endy; Stephen L. Reilly; Sylvia T.A. Richards; Robert D. Swinburne; Wendy Blakeman; Alex A. Halpern; and Kirk T. Moore.

2006

Lee E. Grutchfield; Michael A. Wenrich; Paul J. DiGiandomenico; Matthew F. Smith; David P. Bouffard; James A. Nelson; Kerry G. Kowalchuk; Craig C. Chasse; Roland S. Flores; Carol J. Sternberg; Samuel M. Purvis, IV; Mark J. Montminy; Timothy Utt; and Tracy A. Montminy.

Reminders

Moving? Please be sure to notify the Board. It's the law!!

1) Vermont Law requires that you report changes of name and/or address to this Office within 30 days. You may do so via letter, fax, or E-mail.

2) You must now report within 30 days convictions, felonies, or other criminal offenses related to the profession (26 V.S.A. 129a (a) (11)).

The current laws, rules, application for licensure, renewal forms, etc. 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
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Related Web sites:

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

(AIA) <http://www.aia.org/>

AIA Vermont Chapter
<http://www.aiavt.org/>

Norwich University
<http://www.norwich.edu/arch/default.html>