



continuing ed requirements – what should YOU know?

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July, 2010 Issue

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calendar

- **August 18, 2010**, 9 am - Next Scheduled Board meeting
- **October 7-9, 2010** - AIA Utah/AIA Western Mtn. Region 2010 Design Conference

moving? new job?

Visit the following link to update your personal info:

[update license](#)

board members

Jeanne M. Jackson, AIA, NCARB, LEED AP, Board Chair

Mary W. Bearson

Hans Hoffman, AIA, NCARB, LEED AP

Jim Nielson, AIA, LEED AP

Bryan J. Turner, AIA

board staff

Dennis Meservy, Bureau Manager

Yvonne King, Board Secretary

Hello again, and welcome to another edition of the Utah Licensing Board Newsletter!

Since license renewal time has recently come and gone, and a few questions have come up regarding the relatively new requirement for continuing education in the state of Utah, it seems timely to discuss this topic in a bit closer detail.

Here’s the deal - during the two year period, ending in March 31st of every even numbered year, all licensees must have completed 16 hours of Continuing Education (CE). If you received your initial license during the current renewal cycle, your required hours of CE are prorated for only the time you were actually licensed. As per Section R-156-3a-304 of the Architect Licensing Act Rule, this continuing education must be “directly related to topics involving the public health, safety, and welfare of architectural practice...” There are a number of other specifics relating to special circumstances, for example how to count hours spent teaching in an accredited architectural program at the university level, so please refer to the entire Section 304 for more detailed information: <http://www.dopl.utah.gov/laws/R156-3a.pdf>

You probably noticed that when you renew your license, you are not asked to submit proof of your CE hours – instead, a percentage of those renewing are audited, which means you may or may not be asked to provide the proof. Eligible proofs include certificates indicating completion of HSW qualifying hours from formally accredited providers. The next article offers suggestions for a number of ways to get these hours and the accompanying certificates. Those of you who are AIA members can simply attach the transcript from your continuing education record accessible on the member side of the AIA.org website as eligible proof of compliance. And there’s good news for all of you overachievers! If you exceed the 16 hours of qualified continuing professional education during the two year period, you can carry forward a maximum of 8 hours of qualified continuing professional education into the next two year period.

So what happens if you do **not** complete your required continuing education? It’s pretty simple - any licensee who fails to complete the continuing professional education hours required by Rule156 shall be required to complete **double** the number of hours missed to be eligible for reinstatement of licensure. And note - additional fees are required if you allow your license to expire!

ideas on ways to get your CE – free & otherwise...

There are **SO** many ways to get qualifying continuing education credits! Many of them are inexpensive or free, which, in this economy, can be pretty important. Some are really easy and convenient, but involve more financial output. Listed below are some ideas to fulfill your CE requirement for licensure, and they are all **WAY** easier than having to pursue license reinstatement!



Here are a few ideas:

1. **Go to an architectural design conference, and attend seminars providing HSW hours.** If you are a member of the AIA, your transcript will be credited with the CE units for the sessions you attend; if you are not an AIA member, you can request that a certificate documenting your attendance be sent to you. This option is probably the most costly, depending on where you have to travel, the cost of the conference, and the days you spend away from your practice (i.e., unbillable hours!) On the other hand, it's a great way to renew your excitement and enthusiasm for our wonderful profession!
2. **Grab a copy of Architectural Record Magazine, or better yet, go online to ce.architecturalrecord.com.** There are tons of educational articles that you can read, followed by a 10 question test. If you can score 8 out of 10 correct answers – you get a **free** continuing ed unit! And yes, most of the quizzes qualify for HSW hours. (Note that if you opt to do the quiz as a paper and pencil test, and fax it in, they do charge you \$10.) Or log on to architect-forum.com and click on “continuing ed” – this site provides registered courses for free, with the same type of testing results for credit as the Architectural Record site. Yet another site for free online courses is MTIdry.com (Masonry Technology, Inc.) In fact, there are even more – try googling “free architectural CEU” and you will have a wide variety of options.
3. **Let a vendor with a certified course come into your office and present it** – not only will you learn something, usually they bring food too! Just make sure that the course offering is certified as providing HSW hours, and ask for a certificate to be mailed to you if you are not an AIA member.
4. **Our local AIA chapter offers a selection of qualified programs, either free or involving a nominal charge, throughout the year.** Check for upcoming programs at aiautah.org in the “upcoming events” box. It's a great way to meet your local colleagues as well as learning something useful.
5. **Attendance at any other type of conference or seminar sponsored by other organizations** such as the ABC or ICC or many others is another great option! ICC classes usually report attendance directly to the AIA and their classes always offer HSW credits. If the organization does not report directly, you can self-report your attendance.
6. **Three hours per two year period can be earned for preparation of papers, articles, or books** directly related to the practice of architecture and submitted for publication.
7. **Eight hours per two year period may be recognized for teaching in a college or university** or for teaching qualified continuing professional education courses in the field of architecture, provided it is the first time the material has been taught during the preceding 12 months.

Hopefully this gives all of you some novel and creative ideas on how to fulfill the requirements for licensure in Utah. . .

unlicensed “architects” – hint: there’s no such thing

Is pretending to be an architect illegal? The answer is yes. It is illegal to call yourself an architect or to perform architectural services if you are not licensed. Most states, including Utah, have laws that protect the use of the title “architect”. The purpose of these laws is to protect the health, safety and welfare of the public.



“Why couldn't you make me an architect? You know I always wanted to pretend that I was an architect.” – George Costanza, fictional character in the television sitcom Seinfeld

There are several reasons why someone would illegally use the term architect. The first and most common reason is ignorance of the law. It is estimated that 75% of the cases are



people who have no knowledge of the law. The remaining 25% are people who are aware of the law but operating on the edge. Then there are a handful of out-right fraudulent cases. Usually a letter of warning sent to the offending party explaining the protected title of architect will take care of most cases. Some states may issue a cease-and-desist order. Other cases may involve fines and jail time. The following are several recent examples of actions taken by architect licensing boards around the country:

- A small business that specializes in custom-designed backyards named Backyard Architect was fined for violating the State's Architect's Practice Act.
- An architecture school professor, who does not hold a license, using the phrase "as an architect, I . . ." in a newspaper article was issued a cease-and desist order.
- A firm of unlicensed home designers who had strayed from designing single-family homes into the multi-family market was fined.
- The publisher of a web-site that advertised being an architect before an actual license was obtained was fined.

Many states are seeing a rise in the number of cases of unlicensed, self pronounced "architects". A portion of this trend can be attributed to the recent down-turn in the economy. With the housing market slump, many unlicensed home designers are getting into other building types that require a license. Or it can also be that licensed architects are becoming more vigilant about reporting those infringing on the law because they are personally looking for any project they can get. Basically, there are not enough projects out there to keep everyone happy.

Offenses in the State of Utah generally include those who let a current license lapse, start work on a project in another state before the correct license is obtained, or draftsmen or home designers who wander into territory that is out of their legal right. Currently the penalty for unlicensed practice in Utah is up to \$1000 for a first offense, up to \$2,000 for a second offense, and \$2,000 for any subsequent offense. There may also be criminal penalties that apply to these offenses. The Utah Architect Licensing Act defines unlawful conduct as:

- Engaging in unlicensed practice or using a title that would cause a reasonable person to believe the user was a licensed architect.
- Engaging in, or representing one's self as engaged in the practice of architecture as a corporation, proprietorship, partnership, or limited liability company.
- Impersonating another licensee or engaging in the practice of architecture using a false or assumed name.
- Knowingly employing any person to practice architecture who is not licensed to do so.
- Knowingly permitting any person to use one's license.

So what can you do if you encounter a George Costanza or someone practicing architecture without a license? Contact a member of your State Licensing Board or the Utah Division of Occupational and Professional Licensing (DOPL). Every complaint received will be investigated.

You can lodge a complaint online at http://www.dopl.utah.gov/investigations/complaint_form.html

For more information on this subject visit www.architectmagazine.com/legal-issues/trust-me-im-an-unlicensed-architect.aspx



NCARB 2010 national meeting update

For those that are not aware, the National Council of Architectural Registration Boards comprises the architectural registration boards of all 50 states as well as those of the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. NCARB assists its member registration boards in carrying out their duties and provides a certification program for individual architects.

NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects. In order to achieve these goals, the Council develops and recommends standards to be required of an applicant for architectural registration; develops and recommends standards regulating the practice of architecture; provides to member boards a process for certifying the qualifications of an architect for registration; and represents the interests of Member Boards before public and private agencies. NCARB has established reciprocal registration for architects in the United States, Canada, and Mexico, and is engaged in similar discussions with additional countries.

During the recent National Council of Architectural Registration Boards' (NCARB) Annual Meeting and Conference in San Francisco, CA, (June 24th – 26th), delegates representing 52 of the Council's 54 Member Boards that oversee the practice of architecture were present and voted on 5 resolutions. All of this year's resolutions were extremely uncontroversial among ALL member boards, and were mainly comprised of "housekeeping" type items. For a complete text of the items, please go to: <http://ncarb.org/News-and-Events/News/2010/2010-Resolutions.aspx>.

A highlight of the meeting was the installation of Utah architect Kenneth J. Naylor, AIA, as the President of NCARB for fiscal year 2011. Ken is a principal at Naylor Wentworth Lund Architects in Salt Lake City, and has served on the Board of Directors of NCARB for a number of years. Among his other distinguished service, Ken is the most recent past president of AIA Utah, and was on the Utah licensing board for two terms. Congratulations, Ken!!!

education and enforcement fund update

As you surely remember from previous issues of this newsletter, the Architects Licensing Board has oversight of the Architect Education and Enforcement Fund. This fund is used for education and training for registration and continuing education credit for Utah architects.

Since the last newsletter, four applications for educational programming originating from the Utah Chapter of the American Institute of Architects were recently presented to, and approved by, the Board.

Three of the four requests for funding were for programming at the AIA Utah/AIA Western Mountain Region 2010 Design Conference. These requests were approved, allowing the conference to provide outstanding national speakers, including Wendell Burnette, AIA, Thomas Phifer, AIA, and Todd Schliemann, FAIA, to educate Utah Architects. The conference, "Considering Context", will take place at the Silver Lake Lodge in Deer Valley, on October 7-9, 2010; registration is open to all. Interested parties can find additional information at www.aiautah.org or by calling the AIA Utah office, 801.532.1727.

The fourth funding request is earmarked for a continuing education presentation titled "ACCESSIBILITY for ALL" and will focus on the Federal ADA requirements. The date of this training is currently planned for October 20th, 2010. Please visit the aiautah.org website to verify.



disciplinary actions / complaints

disciplinary actions

January 2010 – July 2010:

No formal disciplinary actions for this period.

A complete listing of all disciplinary actions and complaints can be found on the DOPL web site at <http://dopl.utah.gov/investigations/disciplinary.html>. From this page it is possible to review all citations and actions that have been taken against any licensed individual or company.

complaints

Every day the Utah Division of Occupational and Professional Licensing (DOPL) receives complaints regarding the conduct of individuals practicing in regulated occupations and professions. Complaints are received from many sources including the general public, co-workers, licensing board members, professional associations, other state agencies, and federal disciplinary databases.

DOPL is legislatively responsible to investigate acts or practices inconsistent with generally recognized standards of conduct, unlicensed practice in regulated professions or occupations, allegations of gross negligence or incompetence, and patterns of negligence or incompetence. Until disciplinary action is taken, complaints are confidential in nature and are not generally available to the public. However, in certain situations, the information contained in a complaint may be shared with other governmental agencies, if the other agency demonstrates a legal basis for the sharing of such information. Upon submission, all complaints are entered into an investigative database in order to analyze patterns of behavior. Each complaint is then reviewed by DOPL's chief investigator or an investigative supervisor who makes one of three initial determinations:

No Violation

If it is determined that the complaint does not involve a violation, the complaint is closed and no action is taken. Additionally, no public reporting of the information will occur.

Violation which Does Not Meet Criteria for Investigation

When a complaint involves a violation, but does not meet DOPL's criteria for opening an internal investigation, the DOPL may choose to take any or all of the following actions:

- refer the complaint to another local, state, or federal agency
- invite the involved individual(s) to participate in an informal, educational interview
- Issue a letter of concern to the involved individual(s)

Violation which Does Meet Criteria for Investigation

Finally, if a complaint is determined to involve a violation and is within DOPL's jurisdiction, the complaint will be prioritized and assigned to an investigator. Investigators use their experienced judgment and established procedures to determine the type of investigation to conduct. An investigation may include any of the following elements:



- interviewing complainant(s)
- interviewing witness(es)
- interviewing involved individual(s)
- obtaining appropriate records or documentation (subpoena)
- gathering other evidence
- obtaining input from applicable experts
- drafting petitions which include a statement of the allegations

At any time, the case may be reviewed by any or all of the following: the Utah Attorney Generals Office, an expert in the respective occupation or profession, DOPL's enforcement counsel, or DOPL's bureau manager responsible for the regulation of the respective occupation or profession. DOPL may also determine that a criminal complaint is warranted and will then notify the appropriate authorities of the situation.

A complaint can be submitted to DOPL by:

- phone - (801) 530-6630. Office hours are Monday through Thursday (except legal holidays) from 7:00 a.m. to 6:00 p.m., Mountain Standard Time
- email - DOPL@utah.gov
- online - http://dopl.utah.gov/investigations/complaint_form.html
-

new utah licenses. . .

The Board welcomes and congratulates our new Utah Licensees!

Rembert C. Alley III
Floyd Anderson
Dwight A. Ashdown
Lance D. Baker
David S. Beem
Bruce D. Beinfield
David G. Blodgett
Craig P. Brown
Gregory T. Buchanan
Curt J. Carlson
Ernest F. Cirangle
Frank J. Campione
Matthew J. Clinger
William Commer
Michael A. Cummings
Joseph P. Donahou
Donald H. Dissinger
Samuel J. Edwards
Jeffrey W. Ernest
Robert J. Ett
Brandon T. Francom
Joseph R. Garlick
Robert M. Gray
David M. Gibson
Brent Hatch
Brian L. Hendon
James R. Hoch
Chris A. Hudson

Philip H. Hubbard III
Trenton S. Jones
Konrad Judd
John H. Kamus
Farooq S. Karim
Randall K. Knight
David R. H. King
Derrick B. Larm
Christopher W. Larsen
John G. Leonard Jr.
Jeffrey Lewis
Steven A. Lichtenberger
Walter J. Lindgren
John C. Lopeman
Gregory A. Ludwig
Rodolfo C. Maligon
Marvin J. Maples
Walter D. Meredith
Corey W. Middleton
Kevin P. Mills
Jefferson S. Neaves
Timothy D. Neumann
Charles R. Newman
Galen B. Ohmart
Eric R. Osth
Jae H. Park
Kathryn J. Quinn
Don K. Rasmussen

Richard Rauh
Daniel S. Roach
Robert A. Rohe
Peter Ruggiero
Loren V. Sadler
Harold E. Sargent
Marc E. Schweitzer
Thurston S. Shell
James A. Schmitt
Joseph B. Schrock
Gregory T. Short
Richard E. Siefried
Stephen M. Springer
Robert M. Stefko
Richard D. Sutton
David E. Termohlen
Brian R. Titus
Jerry W. Tulis II
Michael F. Twitchell
Kevin D. Underwood
Bradley J. VanArsdale
Kristen I. Voros
Oswin H. Wagner III
Robert Winton
James R. Wurscher
Robert L. Zimmerman.



DOPL provides the public the ability to look up information about any individual or entity holding a license at <https://secure.utah.gov/llv/llv>. From this web page it is possible to look up information by name, profession or license number. From this page it is possible to view summary information about a licensee which includes:

- Name
- City, State, Zip
- Profession
- License Type
- License Number
- License Status
- Original Issue Date
- Expiration Date

Note: Street address, phone and other protected information is not available online.

newsletter fine print. . .

This newsletter is a publication produced by the Utah Architects Licensing Board and is intended to share pertinent information with architects licensed by State of Utah, Division of Occupational and Professional Licensing. Suggestions for content for future newsletters should be sent to Jeanne Jackson, AIA, NCARB, LEED AP jjackson@vcbo.com