

MINUTES

UTAH ARCHITECT LICENSING BOARD MEETING

June 25, 2012

Room 474 – 4th floor – 10:00 A.M.
Heber M. Wells Building
160 East 300 South
Salt Lake City, Utah 84111

Rules Hearing: Utah Admin. Code R156-3a, 10:00 A.M.

CONVENED: 10:10 A.M.

ADJOURNED: 11:38 A.M.

Bureau Manager:
Board Secretary:

Richard J. Oborn
Lee Avery

Board Members Present:

Hans Hoffman, Chairperson
Jeanne Jackson
Terance White
Bryan Turner
Mary Bearnson

DOPL Staff Present:

Wayne Jeppson, DOPL Investigator

Guests:

Heather Vance, AIA of Utah

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS

Minutes from the April 11, 2012 meeting were reviewed. Ms. Jackson motioned to accept the minutes, seconded by Ms. Bearnson. The motion carried unanimously.

1. Investigation report

Mr. Jeppson reviewed investigation statistics with the Board.

2. Status of Architect Education and Enforcement Fund

Mr. Oborn reviewed the status of the Architect Education and Enforcement Fund.

3. Consideration of AIA Utah requests for reimbursement from Architect Education and Enforcement Fund

Ms. Vance met with the Board and resubmitted AIA requests for reimbursement from the Architect Education and Enforcement Fund.

#1. This request is for additional ARE study material. The material has been very helpful to students and additional funds are needed to purchase additional study materials. The request is for \$1,481.47.

#2. This request is for “Where’s the Money” 2012 CAE. Ms. Vance stated that they reviewed the initial request and were able to cut back on instructor’s fees and some other areas. The request is for \$5,038.01.

#3. This request is for Small Project, Big Idea. Ms. Vance stated they reviewed the initial request and was able to cut back in instructor’s fees and other incidental areas. The request for this is \$5,283.00.

Ms. Jackson motioned to approve the funding for #1. the ARE study material for \$1,481.47, #2 Where’s the Money for \$5038.01 and Small Project, Big idea for \$5,283.00. The motion was seconded by Mr. Turner. The motion carried unanimously.

The Board encouraged Ms. Vance to issue a call for presentations from professionals, who live in Utah to help reduce the costs of having speakers from other states come to Utah.

Ms. Vance reviewed an “AIA Utah 2012 Conference Call for Presentations” handout with the Board and noted that speakers do not have to be members of AIA. Ms. Vance will contact Mr. Oborn regarding obtaining a list of licensed architects to which to send this handout.

4. Concerns regarding interstate marketing of practice of architecture

Ms. Vance expressed concern regarding the inconsistency with the Utah statute requirement vs. other state requirements for licensed architects going to other states and applying for or bidding for projects. Mr. Oborn reviewed the current Utah statute:

58-3a-304. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated limited acts or practices without being licensed under this chapter:

(a) a person offering to render architectural services in this state when not licensed under this chapter if the person:

(i) holds a current and valid architect license issued by a licensing authority recognized by rule by the division in collaboration with the board;

(ii) discloses in writing to the potential client the fact that the architect:

(A) is not licensed in the state;

(B) may not provide architectural services in the state until the architect is licensed in the state; and

(C) that such condition may cause a delay in the ability of the architect to provide architectural services in the state;

(iii) notifies the division in writing of his intent to offer to render architectural services in the state; and

(iv) does not provide architectural services or engage in the practice of architecture in this state until licensed to do so;

The Board expressed concern that under the current Utah statute there is no accountability or follow up and estimates that there are many architects bidding for projects in Utah that have not followed the statute. The Board noted that some states have a “fishing license” for which the architect must apply. This makes follow up by the Division possible. Mr. Oborn noted that this would be a statute change but that the Division would take a neutral position on the issue. This would be AIA Utah’s responsibility to do the research and propose this change to the statute.

5. Definition of the practice of architecture

The Board reviewed the practice of architecture under the Utah statute.

58-3a-102. Definitions.

(6) (a) "Practice of architecture" means rendering or offering to render the following services in connection with the design, construction, enlargement, or alteration of a building or group of buildings, and the space within and surrounding such buildings:

(i) planning;

(ii) facility programming;

(iii) preliminary studies;

(iv) preparation of designs, drawings, and specifications;

(v) preparation of technical submissions and coordination of any element of technical submissions prepared by others including, as appropriate and without limitation, professional engineers, and landscape architects; and

(vi) administration of construction contracts.

(b) "Practice of architecture" does not include the practice of professional engineering as defined in Section 58-22-102, but a licensed architect may perform such professional engineering work as is incidental to the practice of architecture.

The Board noted that the definition of the practice of architecture was discussed at the NCARB meeting.

6. Consideration of possibility of further clarification of definition of incidental practice to include current statutory exemptions

The Board reviewed R156-3a-102 (6) regarding the definition of incidental practice. The licensed engineers have the same definition under the PE/PLS act rule.

Representative Cox attended the AIA Utah convention and reviewed 2 bills he was considering sponsoring regarding this definition to include that incidental practice does not supersede what is in the code.

Mr. Oborn encouraged Mr. Hoffman to contact Mr. Bennion of the engineer board for input. Mr. Oborn will review the proposed change with the Director. The Board will discuss this further and vote on the proposed change at the August board meeting.

7. Report from Board members regarding Annual NCARB Meeting

The Board reviewed the “News Clips” regarding a summary report of vote on resolutions at NCARB’s annual meeting.

The Board discussed incorporating not only the AIA

rule regarding unprofessional conduct, but to include a list of areas the Board is concerned with. This topic may be discussed at future Board meetings.

Agenda items for the next Board meeting:

1. Continue discussion regarding incidental practice.
2. Investigators report from Mr. Jeppson.
3. Follow-up from AIA

BOARD MEETINGS

The next scheduled Board meeting:

August 8, 2012

2012 Board meetings have been scheduled:

August 8, October 10, December 12

ADJOURN

The meeting adjourned at: 11:38 A.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

August 8, 2012

Date

(ss) Hans Hoffman

Chairperson, Utah Architect Licensing Board

August 8, 2012

Date

(ss) Richard J. Oborn

Bureau Manager, Division of Occupational & Professional Licensing.