

Report on the
Board for Registration of Architects
Montgomery, Alabama



**Department of
Examiners of Public Accounts**

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June 20, 2018

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Mr. Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board for Registration of Architects in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board for Registration of Architects, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Rachel Laurie Riddle
Chief Examiner

Examiner
Christine Kilpatrick

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PROFILE

Purpose/Authority

The Board for Registration of Architects was created in 1931 to license and regulate the profession of architecture in Alabama. The Board's registration procedures are in accordance with standards set forth by the National Council of Architectural Registration Boards (NCARB) and by the Board. The Board's enabling statutes are found in the *Code of Alabama 1975*, Sections 34-2-30 through 34-2-42.

The following legislation passed since the last sunset review of this agency:

Act No. 96, Acts of Alabama 2015 continued the Board until October 1, 2019 and amended the *Code of Alabama 1975*, Section 34-22-33 to change the date of expiration of a certificate of registration to practice architecture from September 30 to December 31 to coincide with the continuing education reporting period. The Act is included in the codification included in the appendix of the report.

<u>Characteristics</u>	
Members and Selection	Six members, five currently serving. Each vacancy is filled by appointment by the Governor from a list of three persons selected by a nominating committee. The nominating committee is comprised of six registered architects from the geographical district entitled to fill the vacancy. <i>Code of Alabama 1975</i> , Section 34-2-38(2)
Term	Four year staggered terms, members serve until their successor is appointed and qualified. No term limits. <i>Code of Alabama 1975</i> , Section 34-2-38(3)
Qualifications	Registered architect and must reside and have his or her principal office in the district from which appointed. <i>Code of Alabama 1975</i> , Section 34-2-38(4)
Racial Representation	No statutory requirement. No minority member serving.

Geographical Representation	<p>One member from the Southern District One member from the Northern District Two members from the North Central District (one member currently serving). Two members from the Central District</p> <p><i>Code of Alabama 1975</i>, Section 34-2-38(1)</p>
Consumer Representation	<p>No statutory requirement.</p>
Other Representation	<p>The membership of the Board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the State.</p> <p><i>Code of Alabama 1975</i>, Section 34-2-38(2)</p>
Compensation	<p>Each member receives \$200 compensation per day for attending sessions of the Board or its committee, and for time spent in necessary travel to attend meetings of the Board or its committee. In addition, each member is reimbursed for traveling and clerical expenses incurred.</p> <p><i>Code of Alabama 1975</i>, Section 34-2-41 <i>Administrative Rule</i> 100-X-1-.05</p>
<u>Operations</u>	
Administrator	<p>Elizabeth Bern, Executive Director Appointed by the Board Annual salary \$67,375.20, set by the Board with the approval of the Governor</p> <p><i>Code of Alabama 1975</i>, Section 34-2-40(b)(c)</p>
Location	<p>100 North Union Street, Ste. 390 Montgomery, AL 36130-4450 Office hours: M-F 8:00 – 4:00</p>

<p>Examinations</p>	<p>The Architect Registration Exam (ARE), is a national computerized exam developed by the National Council of Architectural Registration Boards (NCARB). The exam is administered by Prometric Learning Centers throughout the United States and Canada.</p> <p>Examinations are given on a continual basis at testing centers in Birmingham, Dothan, Huntsville, Mobile, and Montgomery six days a week. Applicants pay exam fees directly to NCARB.</p> <table border="1" data-bbox="605 558 1357 785"> <thead> <tr> <th>Year</th> <th># of Applicants</th> <th># Passed</th> <th># Failed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2014</td> <td>447</td> <td>305</td> <td>142</td> <td>68.23%</td> </tr> <tr> <td>2015</td> <td>527</td> <td>347</td> <td>180</td> <td>65.84%</td> </tr> <tr> <td>2016</td> <td>505</td> <td>325</td> <td>180</td> <td>64.36%</td> </tr> <tr> <td>2017</td> <td>499</td> <td>297</td> <td>202</td> <td>59.52%</td> </tr> </tbody> </table> <p>Pass/Fail rates by Alabama Educational Institutions are located in the Appendix of this report.</p> <p><i>Code of Alabama 1975</i>, Section 34-2-33(a)</p>	Year	# of Applicants	# Passed	# Failed	% Passed	2014	447	305	142	68.23%	2015	527	347	180	65.84%	2016	505	325	180	64.36%	2017	499	297	202	59.52%							
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<p>Licensees</p>	<p>2,850 active architects as of February 23, 2018</p> <p><i>Source:</i> Executive Director</p>																																
<p>Licensee Demographics</p>	<p style="text-align: center;">Active Resident</p> <table border="1" data-bbox="638 1184 1343 1339"> <thead> <tr> <th></th> <th>White</th> <th>Black</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Males</td> <td>673</td> <td>21</td> <td>6</td> </tr> <tr> <td>Females</td> <td>137</td> <td>7</td> <td>1</td> </tr> <tr> <td>Total</td> <td>810</td> <td>28</td> <td>7</td> </tr> </tbody> </table> <p style="text-align: center;">Active Non-Resident</p> <table border="1" data-bbox="638 1411 1343 1566"> <thead> <tr> <th></th> <th>White</th> <th>Black</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Males</td> <td>1,808</td> <td>41</td> <td>24</td> </tr> <tr> <td>Females</td> <td>120</td> <td>4</td> <td>8</td> </tr> <tr> <td>Total</td> <td>1,928</td> <td>45</td> <td>32</td> </tr> </tbody> </table> <p><i>Source:</i> Executive Director</p>		White	Black	Other	Males	673	21	6	Females	137	7	1	Total	810	28	7		White	Black	Other	Males	1,808	41	24	Females	120	4	8	Total	1,928	45	32
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Reciprocity	<p>The Board may issue to an applicant without further examination, a certificate of registration as an architect, provided the applicant holds an unexpired certificate issued by the National Council of Architectural Registration Boards.</p> <p><i>Code of Alabama 1975</i>, Section 34-2-33(b)</p>
Renewals	<p>Annually, prior to or during the month of December. Delinquent if not renewed by December 31. Registration lapses if not renewed by March 31.</p> <p>Online renewal is available. 92% of licensees renewed online in FY 2018</p> <p><i>Code of Alabama 1975</i>, Section 34-2-33(e)(f) <i>Administrative Rule</i> 100-X-2-.10</p> <p><i>Source:</i> Executive Director</p>
Continuing Education	<p>Twelve hours minimum annually</p> <p><i>Code of Alabama 1975</i>, Section 34-2-39(e) <i>Administrative Code</i> 100-X-3-.03</p>
Employees	<p>Three full-time merit system employees One part-time retired state employee</p>
Immigration	<p>E-Verify – Fully compliant SAVE – Fully compliant</p>
Legal Counsel	<p>Mary Goldthwaite, Assistant Attorney General, Attorney General’s Office.</p>
Subpoena Power	<p>Yes, both witnesses and records</p> <p><i>Code of Alabama 1975</i>, Section 34-2-39 (b)</p>

Internet Presence	www.boa.alabama.gov – contains <ul style="list-style-type: none"> • Home page • Online Renew • License Verification • Proposed Regulation Changes • Exam Information • Fee Schedule • Continuing Education • Board Members and Staff • Complaint Forms • Meeting dates • Newsletters
Attended Board Member Training	No one attended the last Board member training held in 2014.
<u>Financial</u>	
Source of Funds	License/regulatory fees, penalties
State Treasury	Yes, Special Revenue Fund 0353 <i>Code of Alabama 1975</i> , Sections 34-2-41
Required Distributions	None.
Unused Funds	The Board retains unused funds at fiscal year-end.

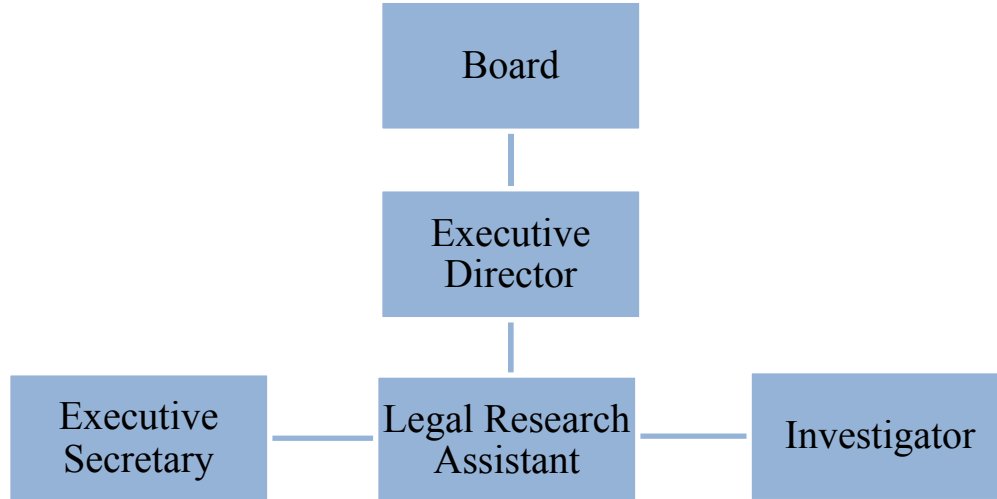
SIGNIFICANT ISSUES

There are no new significant issues.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

There were no prior findings or significant issues.

ORGANIZATION



PERSONNEL

Schedule of Employees By Merit System Classification/Sex/Race				
	#	W/M	W/F	Salary or Salary Range
Merit System				
Executive Director	1		1	\$ 67,375.20
Legal Research Assistant	1		1	\$ 52,663.20
Executive Secretary	1		1	\$ 46,615.20
Retired State Employee – Part Time Investigator	1	1		≤ \$ 30,000
Total	4	1	3	

W/M=white male, W/F=white female

The Board has no vehicles.

Legal Counsel

Mary Goldthwaite, Assistant Attorney General, Attorney General’s office, provides legal services for the Board for Registration of Architects.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee - 814

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,878,747	2,850	1,712
Florida	20,984,400	9,706	2,162
Georgia	10,429,379	5,782	1,804
Mississippi	2,984,100	1,818	1,641
Tennessee	6,715,984	3,834	1,752
<i>*Source:</i> U.S. Census, July 1, 2017 Population Estimates			

Operating Disbursements per Licensee (FY 2017) - \$164.46

Fines and Penalties as a % of Operating Receipts (FY 2017) -1.90%

Notification of Board Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. The Board sends a mass email of changes to licensees who provide email addresses. Additionally, the Board publishes proposed rule changes on the Board’s website.

COMPLAINT HANDLING

The *Code of Alabama 1975*, Section 34-2-36 and *Administrative Rules* 100-X-6-.01 through 100-X-6-.05 provide procedures for receipt, documentation and investigation of complaints against licensees and disciplinary actions.

Initial Contact/Documentation	All complaints must be made in writing. Complaints may be mailed, faxed, or e-mailed to the Board’s Executive Director, or by utilizing the Board’s on-line complaint form. Complaints must contain a detailed factual summary of the issue along with supporting documentation, such as contracts, invoices, correspondence, letterhead, business cards, construction documents, photos, etc. The complainant is notified by letter when the complaint is received.
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Anonymous Complaints Accepted	Yes
Investigative Process and Probable Cause Determination	<p>The complaint is referred to the Probable Cause Committee consisting of the Executive director, a Board member and the Board's legal counsel.</p> <p>The Probable Cause Committee determines if there is probable cause to investigate the complaint.</p> <p>The investigating Board member is no longer involved in the complaint, except as a witness.</p>
Negotiated Settlements	Yes. The Board's legal counsel negotiates the settlement. The Board approves the settlement during a formal meeting.
Notification of Resolution to the Complainant	Once a resolution is determined, the complainant is notified via mail.

Source: Board staff

	Schedule of Complaint Resolutions					
	Fiscal Years 2014 through 2017					
Year/Number Received	Year/Number Resolved					Pending
	2014	2015	2016	2017	2018	
2014 /16	11	5	-	-	-	-
2015 /14		9	4	1	-	-
2016 / 7			6	1	-	-
2017/14				12	2	-
<i>Source:</i> Board Staff						

Resolved - Final order or settlement agreement in hand.

Average Time to Resolve Complaints – 85 days

It appears the system of documenting complaints is complete and allows adequate monitoring of the complaint.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

Architectural services are not regulated by any other state or federal entity.

FINANCIAL INFORMATION

Source of funds

The Board's operating funds consist of licensing fees, fines and penalties.

Fund

The Board operates from Special Revenue Fund 0353 in the State Treasury. Year-end balances are retained for the Board's continuous use subject to appropriations.

The *Code of Alabama 1975*, Section 34-2-41 provides that the Board may make donations from its surplus funds to any state educational institution which has an accredited school of architecture for assistance in promoting education and research programs in architecture. The Board awarded grants to the following universities:

	2013-2014	2014-2015	2015-2016	2016-2017
Auburn University	\$ 81,300	\$ 50,050	\$ 47,150	\$ 64,200
Tuskegee University	18,800	9,150	8,050	19,700
Total	\$ 100,100	\$ 59,200	\$ 55,200	\$ 83,900

Schedule of Fees

Fee Type/Purpose	Statutory Authority	Rule	Amount Authorized	Amount Collected
Application Fee	34-2-33(a)	100-X-1-.14(7)	≤\$ 250.00	\$ 10.00
NCARB Reciprocal Registration	34-2-33(b)	100-X-1-.14(7)	≤\$ 250.00	\$ 150.00
Reinstatement Fee*	34-2-33g	100-X-1-.14(7)	\$ 250.00	*\$ 460.00
Renewal	34-2-33f	100-X-1-.14(7)	≤\$ 250.00	\$ 135
Late Fee**	34-2-33f	100-X-1-.14(7)	≤\$ 75.00	\$ 75
Application for Certificate of Authorization	34-2-37(a)(5)	100-X-1-.14(7)	≤\$ 250.00	\$ 75
Certificate Replacement	Cost Recovery	100-X-1-.14(7)	N/A	\$ 25
Printing Fee for Roster	Cost Recovery	100-X-1-.14(7)	N/A	\$ 10
Mailing Labels	Cost Recovery	100-X-1-.14(7)	N/A	\$ 25
Electronic Mailing List	Cost Recovery	100-X-1-.14(7)	N/A	\$ 25
Returned Check Fee	8-8-15	100-X-1-.14(7)	≤\$ 30.00	\$ 30

*Includes \$250.00 Reinstatement Fee, Late Fee and Renewal Fee.

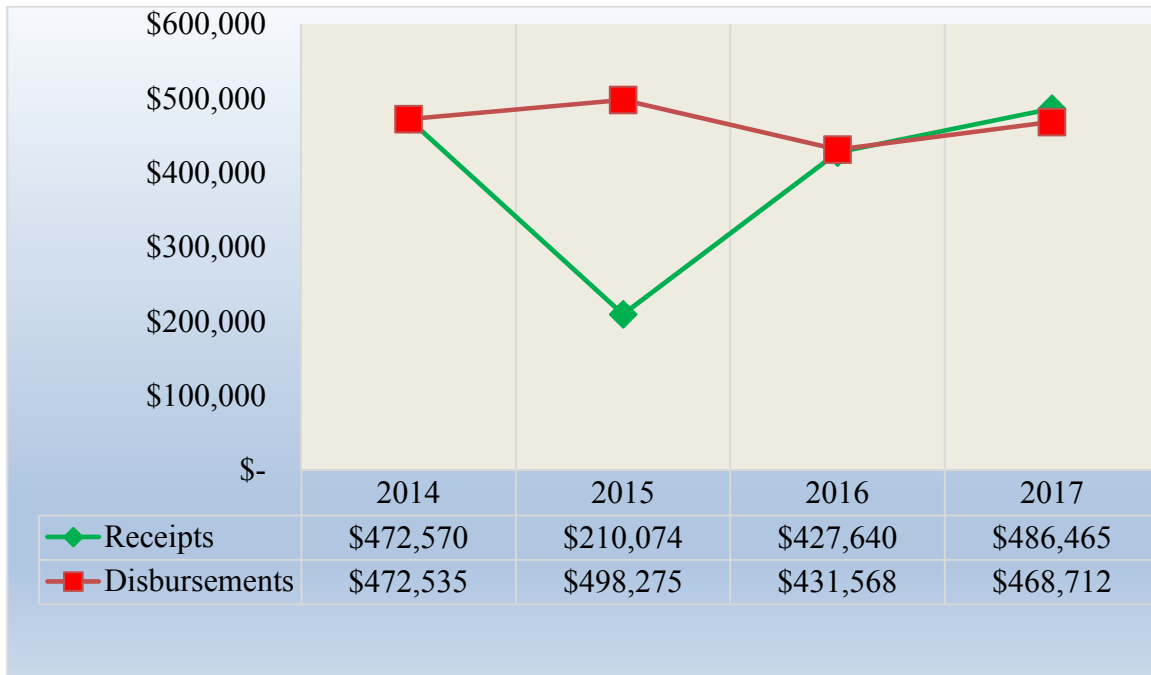
**For renewals submitted January 1 through March 31

Schedule of Receipts, Disbursements and Balances

October 1, 2013 through September 30, 2017

	<u>2016-17</u>	<u>2015-16</u>	<u>2014-15</u>	<u>2013-14</u>
<u>Receipts</u>				
License Fees	\$ 477,065.00	\$ 427,565.00	\$ 201,920.00	\$ 463,960.00
Licensing Registration List	150.00	75.00	125.00	110.00
Fines & Penalties	9,250.00	-	8,000.00	8,500.00
Salvage Equipment	-	-	28.81	-
Total	<u>486,465.00</u>	<u>427,640.00</u>	<u>210,073.81</u>	<u>472,570.00</u>
<u>Disbursements</u>				
Personnel	185,104.42	179,020.19	240,592.73	188,840.23
Employee Benefits	66,917.25	66,127.69	72,505.94	63,808.88
Travel In-State	3,838.70	5,306.39	4,976.68	4,177.95
Travel Out-of-State	15,325.84	7,009.36	12,226.35	7,780.44
Repairs & Maintenance	1,110.00	120.00	15.00	315.00
Rentals & Leases	53,106.89	55,909.84	47,996.18	49,492.36
Utilities & Communication	6,812.60	7,494.95	8,325.90	6,627.51
Professional Services	31,459.80	32,310.77	29,882.15	20,024.56
Supplies, Materials & Operating Expenses	21,136.43	22,360.20	22,553.65	28,782.49
Grants & Benefits	83,900.00	55,200.00	59,200.00	100,100.00
Other Equipment Purchases	-	708.37	-	2,585.86
Total	<u>468,711.93</u>	<u>431,567.76</u>	<u>498,274.58</u>	<u>472,535.28</u>
Excess (Deficiency) of Receipts over Disbursements	17,753.07	(3,927.76)	(288,200.77)	34.72
Cash Balances at Beginning of Year	<u>215,670.53</u>	<u>219,598.29</u>	<u>507,799.06</u>	<u>507,764.34</u>
Cash Balances at End of Year	233,423.60	215,670.53	219,598.29	507,799.06
Reserved for Year End Obligations	<u>(11,984.02)</u>	<u>(13,014.39)</u>	<u>(11,325.15)</u>	<u>(14,537.37)</u>
Unobligated Cash Balance at Year End	<u>\$ 221,439.58</u>	<u>\$ 202,656.14</u>	<u>\$ 208,273.14</u>	<u>\$ 493,261.69</u>

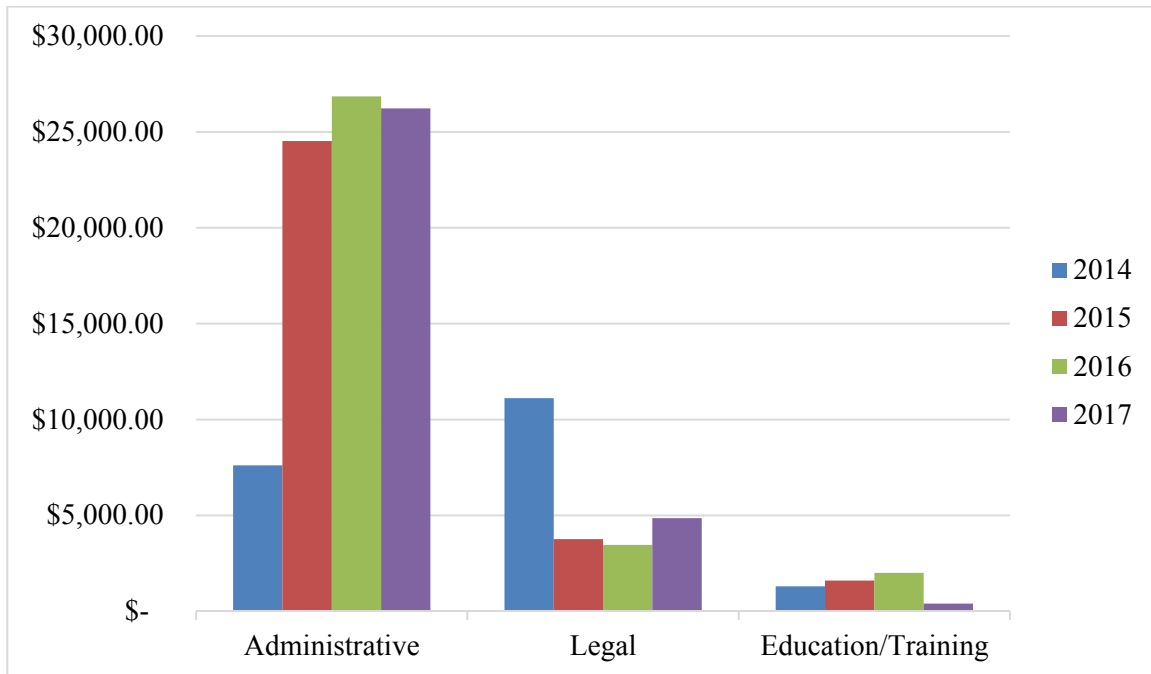
Operating Receipts vs. Operating Disbursements (Chart)



SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30 th				
Type of Service	FY 2014	FY 2015	FY 2016	FY 2017
Administrative Services	\$ 7,607.06	\$ 24,522.15	\$ 26,850.77	\$ 26,229.80
Legal Services	11,117.50	3,760.00	3,460.00	4,830.00
Education/Training	1,300.00	1,600.00	2,000.00	400.00
Totals	\$ 20,024.56	\$ 29,882.15	\$ 32,310.77	\$ 31,459.80

*A detailed schedule of professional service disbursements by vendor is presented in the appendices of this report

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all five members of the Board for Registration of Architects requesting participation in our survey. All five participated in the survey.

1. What are the most significant issues currently facing the Board for Registration of Architects and how is the Board addressing these issues?

Board Member #1 - "Recent Request for Declaratory Ruling related to the construction of townhouse without the involvement of a registered architect. I firmly believe the law is clear, the regulations are clear, and the construction of attached dwelling units without involving an architect poses a serious fire safety risk to the public. Board prepared a preliminary ruling and submitted to the legislative review office for review."

Board Member #2 - "Legislative sentiment to deregulate boards and the challenge to explain how the architectural registration act protects the health and safety of the public (Alabamians)."

Board Member #3 - "Keeping building officials & fire marshals informed, by attending their annual event and being available to answer questions. Learning institutions with unaccredited programs that have misleading names or titles."

Board Member #4 - "Unlicensed practice seems to be recurring issue – Board does a good job assigning investigators to pursue written and potential complaints."

Board Member #5 - "The state law regarding the practice of architecture as related to licensed professionals ensuring the health, safety, and welfare of the public is currently being challenged. The Board is aggressively responding; however, a future law suit would not be surprising. The Office of the Attorney General is assisting in our response to the parties bringing forth the complaint. Also, Board diversity remains an issue."

2. What changes to the Board's law are needed?

Board Member #1 - "None at this time."

Board Member #2 - "Clarify and coordinate definition of single-family dwelling in both the law and the regulations."

Board Member #3 - "Include in the Definition of "Practice of Architecture", "provision of requisite Education and Experience for registration" as a part of that practice."

Board Member #4 - "None that I can think of at this time."

Board Member #5 - "The creation of a public member might help with the diversity issue. This would require a change in the law. Currently, less than one tenth of one percent of registered architects in the state are African American. The creation of a public member would significantly increase the pool of potential candidates."

Board Member Questionnaire

3. Is the Board adequately funded?

Yes	4	80.00%
No	1	20.00%

4. Is the Board adequately staffed?

Yes	4	80.00%
Unknown	1	20.00%

5. Does the Board receive regular reports on the operations of the Board from the Executive Director?

Yes	5	100.00%
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6. Are you satisfied with the reports the Board receives from the Executive Director?

Yes	5	100.00%
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7. Did the Board experience any significant changes to its operations?

Yes	1	20.00%
No	3	60.00%
No Opinion	1	20.00%

8. What, if any, changes does the Board plan to make to its operations?

Board Member #1 - "None at this time."

Board Member #2 - "Continue to pursue operational efficiency."

Board Member #3 - "We moved from the RSA Plaza to another more secure RSA building with our office right next door to the engineers. It works well."

Board Member #4 - "None at this time."

Board Member #5 - "None – the Board operates in an efficient and effective manner and enjoys excellent staff operational leadership."

Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Thirty-nine participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board for Registration of Architects is necessary to protect the public welfare?

Yes	36	92.31%
No	3	7.69%

2. Do you think any of the Board's requirements are an unnecessary restriction?

Yes	7	17.95%
No	32	82.05%

3. Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes	5	12.82%
No	31	79.49%
No Opinion	3	7.69%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and law?

Yes	34	87.18%
No	2	5.13%
Unknown	1	2.56%
No Opinion	2	5.13%

5. Did the Board perform your licensing and renewal in a timely manner?

Yes	38	97.44%
No	1	2.56%

6. Are you satisfied with your experience with the Board?

Yes	33	84.62%
No	3	7.69%
No Opinion	3	7.69%

7. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	26	66.67%
No	10	25.64%
No Opinion	3	7.69%

8. Do you think the Board and its staff are satisfactorily performing their duties?

Yes	31	79.49%
No	2	5.13%
Unknown	2	5.13%
No Opinion	4	10.25%

9. Did any member of the Board, its staff or representatives ask for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

No	39	100.00%
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10. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent #1 - “The interior designer issue still rankles me. Also, it seems there are an increasing number of architects who no longer take responsibility for properly coordinating construction documents.”

Respondent #3 - “The failure of many Alabama municipalities to adequately enforce the law regarding projects that require the services of a registered architect. The Board's most effective tool is to penalize/fine individuals that provide architectural service without proper credentials as required by law - when complaints are filed with the Board. I would like to see efforts made to better educate municipalities, boards, etc. to comply with the law for projects under their jurisdiction that should be designed by Alabama Registered Architects. Maybe exposure / fines to such entities who knowingly circumvent the law and allow projects to be done in their communities without the involvement of an architect, when the law clearly states otherwise.”

Respondent #4 - “Architects take several structural engineering courses, mechanical and plumbing engineering, and electrical engineering as part and partial to the professional curriculum, which imparts sufficient knowledge to competently review the work product of other engineering disciplines, and to perform minor engineering incidental to the practice of architecture. The Board's position is that despite formal training and testing on these ancillary engineering incidental features of an architectural project, they insist that no matter how minor, that a Consulting Engineer must be employed, which is patently unreasonable, and makes the architectural service unaffordable for small additions or modifications to existing structures. Some of the minor trade aspects, like electrical, mechanical, plumbing can be competently performed by trades persons who are qualified and licensed to perform such work. The

majority of small firm work is adapting to a new use, such as child care, or restaurant, of an existing building. As the Architect can inspect and superintend the work of other trades, including engineering, burdening small businesses who include limited fund non-profits with a fee that would be 3x the Architect's fee for incidental engineering work does not protect the public, but rather harms the public by precluding adaptive reuse. The Board is doing nothing to help make the profession's work product affordable for small businesses and non-profits.”

Respondent #6 - “I believe the most significant ISSUE facing architects in Alabama is the lack of enforcement for laws and regulations governing "Contractors." There are far too many home builders and non-licensed contractors performing work for entities such as schools, and municipalities by utilizing loopholes in how projects are bid and/or funded. This makes it very difficult for Architects to explain why their services are required by law when so many projects (which by State law technically require architects) are being constructed without them. It would be helpful if the Alabama Building Commission (or others) could actively pursue this issue. It would also be helpful if the State of Alabama would set up some level of minimum qualifications or minimum education requirements for the hiring of municipal Building Inspectors (especially in rural communities.) I'm not sure what the BoA can do to address these issues, but anything would be appreciated.”

Respondent #9 - “Continuing education requirement is not necessary. It is just another layer of bureaucracy. Having unlicensed architects practice in the state and architects stamping drawings that they did not do is a problem the Board works on. There should be one national standard for an architectural license and it should be good in all states. Large state organizations (such as universities) don't offer projects to small firms, only large firms get the jobs. They make it too hard for small firms to compete which is not fair. Small firms should be able to do projects in their area of the state for any state agency, large or small and should be notified when projects come up so they can apply. We do not get notices of upcoming projects from the Board or from state agencies that would be in our area. It is harder and harder for small firms to make it, seems like the profession is moving toward large firms in big cities and the largest firms seem to get all of the work.”

Respondent #11 - “The requirement for continuing education being required to be HWS is burdensome to a degree and prevents architects from choosing some CEs that would benefit our businesses and creativeness...which ultimately would benefit the community at large by better design.”

Respondent #12 - “The lack of experience of candidates once they have taken the Board Exam for licensure.”

Respondent #14 - “Use of an Architect should not be required for various type projects.”

Respondent #15 - “I feel the Board does a great job and has always been thorough answering any of my questions and very helpful in any way possible. I have never had any negative experiences with the Board. I check on the website periodically to look for news or updates hoping to stay up to date.”

Respondent #17 - “Board does not enforce properly (IMO) the requirement that building plans be produced under the direct supervision of a licensed Architect. They let too many engineers, developers and draftsman get away with either having plans

stamped by architects who should have their licenses revoked for not following the regulations or by simply letting them not have a stamp at all. Part of this blame lies with the municipalities, but it is the responsibility of the Board to police them or fine them BIG TIME! The Architects in this town lose work ALL THE TIME because of these practices. Engineers and developers get away with everything, because engineers are the building officials and because developers have the right political connections. Other problem is that the Montgomery architectural firms are using their connections with school and university public entities in Montgomery to take almost all the work away from local architects ALL OVER THE STATE! Crooked. Wouldn't be surprised if there was money being changed under the table? Local firms throughout the State have no chance. Didn't use to be this way. By the way, I am not naive. Been doing this a long time.”

Respondent #18 - “The creeping transition to General Contractors controlling the building industry, including traditional design services.”

Respondent #19 - “Not sure. The biggest issue I face is trying to keep up with code changes and other ordinances that jurisdictions have adopted.”

Respondent #20 - “Not necessarily the board but the practice as a whole needs more exposure as in what we do and the importance of hiring an architect.”

Respondent #21 - “Engineering disciplines attempting to perform Architectural Services under the guise of architectural elements being incidental to the project.”

Respondent #22 - “Investigating reports of individuals/entities trying to practice Architecture illegally. The board is doing a great job in pursuing this with the AL Attorney General and stopping this on a case by case basis.”

Respondent #24 - “Any issues that I've encountered have been adequately addressed by the Board.”

Respondent #25 - “Practiced by unlicensed individuals”

Respondent #29 - “1. Loss of recognized value- fighting the state against using architectural services as a commodity.”

Respondent #31 - “Non registrants practicing architecture.”

Respondent #33 - “Architects have been traditionally trained to take the .lead in design/construction projects. There seems to be a shift now that engineers or construction managers are now taking the lead and the architect's role is secondary. I am not sure if this is being addressed as part of the professions formal education process or at the State level.”

Respondent #34 - “Practice of architecture without adequate licensing and certification”

Respondent #35 - “For the most part, the public has little knowledge of state registration requirements for architects, but instead has the impression that the American Institute of Architects (AIA) is synonymous with architectural registration. Few people other than architects themselves understand that the AIA is simply a club that an architect may choose to join or choose not to join, and has no bearing whatsoever on the registration status or professional competence of that architect. The Board should take action to help clear up the long-standing misunderstanding on this issue, and if possible, do so in such a way as to avoid angering the AIA infrastructure which is embedded deep in the industry.”

Licensee Questionnaire

Respondent #37 - “The most significant issue facing the architect profession both in Alabama, and throughout the world is that we have failed as a profession to educate the general public and decision-making authorities about our value to them.”

Respondent #38 - “outdated laws regarding bidding processes, negotiated contracts and fee rates - see state building commission schedules and guidelines. Also CON process / requirements for healthcare projects is outdated unnecessary protectionism. Don't know that either of these are currently being addressed by board”

Did Not Respond

15

Complainant Questionnaire

A letter was sent to twenty-three complainants requesting participation in our survey. Nine participated in the survey. The percentages, where shown, are based on the number who responded to the questions.

1. Was your complaint filed with the Board for Registration of Architects by:

Mail	1	11.11%
Phone	2	22.22%
Email	6	66.67%

2. Was receipt of your complaint promptly acknowledged?

Yes	6	66.67%
No	3	33.33%

3. If the answer to #2 was yes, approximately how long after you filed your complaint were you contacted by the Board?

Immediately	3	33.33%
Within 19 days	2	22.22%
More than 30 days	3	33.33%
Skipped	1	11.12%

4. Was the employee who contacted you concerning your complaint knowledgeable and courteous?

Knowledgeable	1	11.11%
Both	5	55.56%
Neither	1	11.11%
Never contacted	2	22.22%

Respondent #1 - "I was notified by mail, after substantial delay, that they were looking into the issue, and then about six months later by mail that an Architect had been fired by the Owner to design the project and they were going to close the complaint. The problem is that the Board did not issue an injunction for occupancy of the structure until a Certificate of Occupancy had been issued, and it was permitted, from the best information available to me, to operate showing motion pictures to public audiences, in contravention of Fire Marshal, State Building Commission (movie theater), and state adopted building and energy codes and regulations as a changed (new) occupancy."

Respondent #4 - "I emailed by complaint to the president of our local A.I.A. chapter who forwarded it to the Board, so I was never contacted personally but perhaps the president was contacted."

Respondent #9 - "Did not explain what would happen thoroughly in any investigative process and I was not confident my complaint would remain confidential"

5. Did the Board for Registration of Architects communicate the results of the investigation of your complaint to you?

Yes	4	44.44%
No	5	55.56%

6. Do you think the Board did everything it could to resolve your complaint?

Yes	4	44.44%
No	4	44.44%
Unknown	1	11.12%

Respondent #1 - “There should have been an investigation to include written interviews with the Local Code Official, the Owner of Record, the local Fire Department Chief, the Mayor, and the Chief of Police, so the concerned governmental entities were apprised of the change of Occupancy requirements for Motion Picture Theater, and requirements for minimum compliance, none of which was advised or accomplished to my knowledge, to protect the health, welfare, and safety of the public.”

Respondent #2 - “I felt the board was bias and not independent.”

Respondent #4 - “My complaint was the continued use of the word “architect” by architectural graduates who are not licensed architects, as well as laymen such as newspaper and magazines articles who do not know better.”

Respondent #9 - “The Board did not seem proactive or serious enough for the reputation of our profession and certainly I was not made aware of exact follow up to be expected. I felt my complaint was quite possibly a waste of time.”

7. Were you satisfied with our experience with the Board?

Yes	4	44.44%
No	5	55.56%

Respondent #1 - “The Board’s activities and investigations may be politically influenced and compromised to erode the investigatory, advisory, and enforcement functions to protect the health, safety, and welfare of the public.”

Respondent #2 - “process was not transparent and the decision making body has a conflict of interest.”

Respondent #3 - “holding off judgement for now.”

Respondent #4 - “With several non-architect architectural graduates in the Mobile and Baldwin county area, and without knowing how many more there are statewide, I think a major effort could be made to educate the public of this problem.”

8. Do you have any other comments regarding your experience?

Respondent #1 - “As the investigation had no documentation and likely was not competently conducted by someone who is familiar with the laws and codes to be applied to new occupancy for Motion Picture Theaters, such as technical advisors from

Complainant Questionnaire

the State Fire Marshall's Office, who are knowledgeable about submission to and approval by the State Building Commission (including Energy Envelope Worksheet and Calculation), the project's planners may still be in the dark as to what is required and have purportedly hired an out-of-state architect, who likely does not know the particular Alabama requirements for Motion Picture Theaters, and I can reasonably foresee the building being occupied as a new occupancy assembly for displaying motion pictures with concessions and toilets, without compliance to the relevant and required building, HVAC, electrical, plumbing, accessibility, and energy conservation codes generally expected in public assembly accommodations.”

Respondent #2 - “the way the board is current set up is ineffective and does not provide due process. Alabama should be more creative than having Architects serve on a board to review other Architects. I knew from the beginning I would not get a fair hearing but wanted to see how the process worked. The process is broken.”

Respondent #3 - “I think the Board does not do enough to police the profession from unregistered individuals who straddle the line between the practice of architecture and home design services.”

Respondent #9 - “I believe in this complaint process and that the Board is well intended and proceeds cautiously but I believe more can be done to protect the integrity of our profession and licensure by the Boards investigative process but am not familiar enough with the legalese parameters allowed them and certainly encourage the Board to continue to police our profession even more vigorously which is vital to the reputation of the profession and the health and safety of the public.”

Did Not Respond

5

APPENDICES

Applicable Statutes

Section 34-2-30 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed by this section:

- (1) ARCHITECT. An individual who is legally qualified to practice architecture.
- (2) BUILDING. A structure consisting of foundation, walls, or supports and roof, with or without related components, systems, or other parts comprising a completed building ready for occupancy.
- (3) PRACTICE ARCHITECTURE or PRACTICING ARCHITECTURE. Performing or doing, or offering or attempting to do or perform any service, work, act, or thing within the scope of the practice of architecture. An individual shall be construed to hold himself or herself out as practicing architecture when, by verbal claim, sign, advertisement, letterhead, card, or any other way, the individual represents himself or herself to be an architect with or without qualifying adjective, or when he or she implies that he or she is an architect through the use of some other title.
- (4) PRACTICE OF ARCHITECTURE. When an individual holds himself or herself out as able to render or when the person does render any service by consultations, investigations, evaluations, preliminary studies, plans, specifications, contract documents, and a coordination of all factors concerning the design and observation of construction of buildings or any other service in connection with the design, observation, or construction of buildings located within the boundaries of the state, regardless of whether such services are performed in connection with one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.
- (5) RESPONSIBLE CONTROL. Control over all phases of the practice of architecture, including, but not limited to, control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care. (*Acts 1979, No. 79-676, p. 1198, §1; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-31 Declaration of policy; chapter liberally construed; compliance with chapter required.

Architects and the practice of architecture are hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the architectural profession merit and receive the confidence of the public and that only qualified architects be permitted to practice architecture in the State of Alabama. All provisions of this chapter relating to the practice of architecture shall be liberally construed to carry out these objects and purposes.

In order to safeguard life, health and property, and to promote the public welfare, no person shall practice architecture in this state, or use the title "architect" or any title, sign, card, or device to indicate that such person is practicing architecture or is an architect unless such person shall thereafter comply with the provisions of this chapter. (*Acts 1979, No. 79-676, p. 1198, §2.*)

Section 34-2-32 Registered architect's services required; employees; exemptions; interprofessional privileges between architects and professional engineers.

(a) Nothing contained in this chapter shall prevent:

(1) Employees of registered architects from acting under the instructions or responsible control of their employers; or,

(2) The employment of on-site observers of the construction or alteration of buildings.

(b) No person shall be required to register as an architect in order to make plans and specifications for or administer the erection, enlargement, or alteration of any building upon any farm for the use of any farmer, irrespective of the cost of such building, or any single family residence building or any utility works, structures, or building, provided that the person performing such architectural works is employed by an electric, gas, or telephone public utility regulated pursuant to the laws of Alabama or by a corporation affiliated with such utility, or of any other type building which has a total area of less than 2,500 square feet provided it is not intended for use as a school, church, auditorium, or other building intended for the assembly occupancy of people.

(c) The services of a registered architect shall be required on all buildings except those hereinabove exempted and no official of this state or of any city, town, or county herein charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications that are not so prepared.

(d) Nothing in this chapter shall prevent registered professional engineers or their employees or subordinates under their responsible control from performing architectural services incidental to their engineering practice. Nothing in this chapter shall prevent registered architects or their employees or subordinates under their responsible control from performing engineering services incidental to their architectural practice.

No professional engineer shall practice architecture or use the designation architect or any terms derived therefrom unless that individual is registered pursuant to this chapter. No architect shall practice professional engineering or use the term engineer or any term derived therefrom unless that individual is also qualified and registered as an engineer.

(Acts 1979, No. 79-676, p. 1198, §3; Acts 1987, No. 87-544, p. 830, §3; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.)

Section 34-2-33 Registration; issuance of certificate; qualifications; renewal, etc.

(a) The board shall receive applications for registration as an architect only on forms prescribed and furnished by the board.

Upon receipt of the application and the payment of a fee, as established by the board, the fee in no event exceeding two hundred fifty dollars (\$250), the board shall promptly notify the applicant of examination requirements for registration, if applicable.

The board may contract with an independent testing agency to prepare, grade, or conduct the examination. If the board determines the applicant requires examination, the applicant shall pay the actual cost of the examination directly to the board-authorized testing agency.

(b) The board may issue to an applicant without further examination, a certificate of registration as an architect, provided the applicant holds an unexpired certificate issued to him or her by the National Council of Architectural Registration Boards, hereinafter referred to as NCARB.

(c) The following facts established in the application shall be regarded as prima facie evidence satisfactory to the board that the applicant is fully qualified to be examined for registration:

(1) Graduation after a course of study of a length as the board shall by regulation determine from a school or college of architecture accredited by the National Architectural Accrediting Board, hereinafter referred to as NAAB; and

(2) An additional period of practical experience in architectural work under the responsible control of a registered architect or architects as the board by regulation shall deem appropriate.

Unless exempted, applicants shall take and pass the professional examination administered by the board or an independent testing agency approved by the board.

(d) In determining the sufficiency of the qualifications of the applicant for registration, a majority vote of the members of the board shall be required.

(e) Certificates for registration shall expire on December 31 following their issuance or renewal and shall become invalid on that day unless renewed.

Certificates of registrants who are or may be in the Armed Forces of the United States shall not expire until December 31 following the discharge or final separation of the registrant from the Armed Forces of the United States.

(f) Renewal may be accomplished at any time prior to or during the month of December by the payment of a fee established by the board not to exceed two hundred fifty dollars (\$250).

A penalty not to exceed the sum of seventy-five dollars (\$75) may be added to the renewal fee for failure to renew a certificate upon such terms and conditions as the board may by regulation determine. Failure to renew a certificate of registration by March 31 shall result in a lapse of registration.

(g) A registrant whose certificate of registration has lapsed may have it reinstated, if in compliance with other relevant requirements, by filing a reinstatement application and paying, in addition to the appropriate renewal fee and late penalty, a reinstatement fee of two hundred fifty dollars (\$250).

(h) There is hereby created, for renewal of certificate purposes, a status to be known as emeritus status architect, which shall apply to architects who have been registered for 10 consecutive years or longer, and who are 65 years of age or older, and who have retired from active practice. The annual renewal of registration for emeritus status shall be renewed without payment of a fee. If an emeritus status architect subsequently wishes to practice, he or she may do so without penalty by proper application to the board. (*Acts 1979, No. 79-676, p. 1198, §4; Acts 1987, No. 87-544, p. 830, §3; Acts 1991, No. 91-157, p. 201, §3; Acts 1995, No. 95-281, p. 514, §3, Act 99-159, p. 216, §3; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.; §2015-096 effective 4/23/15*)

Section 34-2-34 Refusal, revocation, or suspension of certificate; grounds; hearing; appeal.

The board shall have the following disciplinary powers:

(1) To issue reprimands to any licensee who violates any provision of this chapter or the rules and regulations of the board.

(2) To levy administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than \$5,000 for each day the violation continues, but in no event shall an administrative fine exceed \$25,000 total per violation.

(3) To refuse to issue a certificate, to suspend a certificate for a definite period, or to revoke the certificate of registration of an architect who is found guilty of:

- a. Any fraud or deceit in obtaining a certificate of registration as determined by the board at a hearing;
- b. Gross negligence, incompetence, or misconduct in the practice of architecture as determined by the board at a hearing;
- c. A felony or misdemeanor involving moral turpitude by a court of competent jurisdiction;
- d. Practicing architecture in this state in violation of the standards of professional conduct established by the board;
- e. Practicing architecture in this or any other state or country in violation of the laws of that state or country; or
- f. Aiding or abetting any individual, partnership, or corporation to engage in the practice of architecture in violation of any provisions of law.

(4) Pursuant to subdivision (3), notice of the nature of the charges placed against an architect and the time and place of hearing these charges by the board must be sent to the accused by certified mail, with return receipt requested, and addressed to his or her last known place of business, or residence, not less than 30 days before the date fixed for such hearing. The notice shall inform the individual that he or she is entitled to be represented by counsel of his or her choosing at the hearing, to have witnesses testify in his or her behalf at the hearing, to confront and cross-examine witnesses at the hearing, and to testify in his or her own behalf at the hearing.

In all cases of reprimand, administrative fine, refusal, suspension, or revocation of a certificate of registration, or any other disciplinary action of the board, the accused may appeal to the Circuit Court of Montgomery County, Alabama. Either party, the accused or the board, has the right to appeal from the final decree of the circuit court as provided by law. (*Acts 1979, No. 79-676, p. 1198, §5; Acts 1991, No. 91-157, p. 201, §3; Acts 1993, No. 93-614, p. 1006, §1(10); Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-35 Seal of registrant; purpose; violations.

(a) Each registrant must obtain a seal of a design authorized by the board bearing the registrant's name, the legend registered architect, the words State of Alabama, and the registrant's license registration number.

(b) Nothing in this chapter shall prevent a registered architect from being employed by a person, firm, partnership, corporation, or professional corporation.

(c) Plans, specifications, plates, and reports, and all documents prepared by an architect which are issued by a registrant must be stamped with the seal during the life of a registrant's certificate.

(d) It shall be unlawful for anyone to stamp or seal any document with the seal after the certificate or the registrant named thereon has expired or been suspended or revoked.

(e) It shall be unlawful for an architect or any other individual to stamp, to cause to be stamped, or to allow to be stamped any document or documents which were not prepared under the responsible control of the registered architect whose stamp is to be affixed thereon.

(f) On or after July 22, 1987, it shall be unlawful: (1) to practice architecture in a branch office not under the day-to-day supervision of a registered architect, or (2) for an architect to falsely represent himself or herself as being in responsible control of architectural work or to permit his or her seal, or facsimile thereof, to be used by another for any purpose.

Violations shall be penalized as provided in Section 34-2-36. (*Acts 1979, No. 79-676, p. 1198, §6; Acts 1987, No. 87-544, p. 830, §3; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-36 Penalties; hearing; enforcement; appeal.

(a) On or after April 28, 1999, any person who knowingly, willfully, or intentionally violates any provision of this chapter shall be guilty of a Class A misdemeanor. Each day of violation shall constitute a distinct and separate offense.

(b) When it appears to the board that any person is violating any of the provisions of this chapter, the board may in its own name bring an action in the circuit court for an injunction, and the court may enjoin any person from violating this chapter regardless of whether the proceedings have been or may be instituted before the board or whether criminal proceedings have been or may be instituted.

(c) In addition to any other provisions of law, the board may enter an order assessing a civil penalty against any nonregistered person, corporation, or other entity found guilty by the board of, but not limited to, the following violations of this chapter:

(1) Engaging in the practice or offer to practice architecture in this jurisdiction without being registered in accordance with this chapter.

(2) Using or employing the words architect, architecture, or any modification or derivative thereof in its name or form of business activity, except as authorized in this chapter.

(3) Presenting to the board or a member of the board or attempting to use the certificate of registration or the seal of another registered architect to obtain or attempt to obtain a certificate of registration.

(4) Giving false or forged evidence of any kind to the board or a member of the board in obtaining or attempting to obtain a certificate of registration.

(5) Falsely impersonating another registered architect of like or different name.

(6) Using or attempting to use a revoked or nonexistent certificate of registration.

(7) Directing the professional judgment of a registered architect who is responsible for the practice of architecture.

(d) The board shall determine the amount of the civil penalty which shall not exceed five thousand dollars (\$5,000) for each day the violation continues and shall not be greater than twenty-five thousand dollars (\$25,000) total per violation.

(e) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of the notice by the board, a hearing on the record.

(f) Pursuant to the proceedings under this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and disclosure of evidence and may request the Attorney General to bring an action to enforce a subpoena.

(g) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days, notwithstanding the Administrative Procedure Act. Unless an appeal is taken or the penalty paid, the order of the board imposing the civil penalty shall become a judgment.

(h) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to subsection (c) or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed pursuant to subsection (g), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty plus attorney's fees and costs.

(i) The cost to the board of the action shall be paid by the respondent if found in violation. (*Acts 1979, No. 79-676, p. 1198, §7, Act 99-159, p. 216, §3; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-37 Practice of architecture by certain entities.

(a) It shall be lawful for a corporation, a professional corporation, a professional association, a partnership, or a limited liability company (the entity) to practice architecture in this state provided that:

(1) A minimum of two-thirds of those responsible for controlling the activities of the entity, including officers, partners, directors, members, and others depending on the legal structure of the entity, are voting stockholders who are architects or professional engineers, or both, registered under the laws of any United States jurisdiction and at least one is an architect registered in Alabama.

(2) Any agreement to perform such services shall be executed on behalf of the entity by a stockholding officer, partner, director, or member with authority to contractually bind the entity, who is an architect registered in the State of Alabama.

(3) A stockholding officer, partner, director, or member who is an architect registered in the State of Alabama shall exercise responsible control over the particular services contracted for by the entity and that architect's name and seal shall appear on all documents prepared by the entity in its practice of architecture.

(4) Other officers, partners, directors, or members shall not direct the professional judgment of the architect in responsible control over the practice of architecture by the entity.

(5) The entity shall furnish the board with such information about its organization and activities as the board shall require by rule and pay an annual administrative fee as the board may require, not to exceed two hundred fifty dollars (\$250). The board shall maintain a public roster of such entities.

(b) All corporations, professional corporations, professional associations, partnerships, and limited liability companies (entities) practicing architecture in the State of Alabama shall fully comply with the above requirements by July 1, 2012.

(c) Applications to practice as an entity described in subsection (b) shall be made on an annual basis. Disciplinary action for the entities shall be the same as for registered architects. Approved entities shall be responsible for the acts of their agents, employees, general partners, directors, or officers. (*Acts 1979, No. 79-676, p. 1198, §8; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-38 Board for Registration of Architects - Creation; composition.

To carry out the provisions of this chapter, there shall be a State Board for Registration of Architects, consisting of six members, each of whom shall be appointed by the Governor from a list of three persons selected as follows:

(1) All appointments as members of the board shall be architects registered and licensed pursuant to this chapter. The board shall be appointed from the following districts: One from the northern district; two from the north central district; two from the central district, and one from the southern district. The northern district shall be comprised of the Counties of Colbert, Cullman, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston; the north central district shall be comprised of the Counties of Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Etowah, Fayette, Greene, Hale, Jefferson, Lamar, Pickens, Randolph, Shelby, St. Clair, Sumter,

Talladega, Tuscaloosa, and Walker; the central district shall be comprised of the Counties of Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pike, Russell, Tallapoosa, and Wilcox; and the southern district shall be comprised of the Counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington.

(2) Thirty days before the expiration of a board member's term, or for filling a vacancy otherwise occurring, a nominating committee of six members shall be selected by secret ballot from the district entitled to fill the vacancy. The nominating committee shall be elected at a meeting in the district called by the executive director of the board, who shall give notice in writing of the time and place of the called meeting to each architect in the district at least 30 days in advance of the date set for the meeting. Those architects present at the called meeting may vote on the membership of the nominating committee. After the selection of the nominating committee from the district where the vacancy occurs, there shall be a meeting of the committee with the board at the same place within five days to select, by secret ballot, the names of three persons to be sent to the Governor by the executive director of the board. The Governor shall appoint one of the named persons to the board. In appointing members to the board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

(3) The term of office of the members of the board shall be four years and until their successors are appointed and qualified.

(4) A member shall reside and have his or her principal office in the district from which appointed. A member's place on the board shall become vacant if the member removes either his or her residence or principal office from that district. (*Acts 1979, No. 79-676, p. 1198, §9; Act 2003-139, p. 437, §3; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-39 Board for Registration of Architects - Certificates; powers and duties; seals; bylaws; rules and regulations.

(a) Each member of the board shall receive a certificate of appointment from the Governor. Before beginning his or her term of office, each member of the board shall file with the Secretary of State the constitutional oath of office.

(b) The board, or any committee thereof, shall be entitled to the services of the Attorney General in connection with the affairs of the board, and the board shall have the power to compel attendance of witnesses, to require production of documents, to administer oaths, and to take testimony and proof concerning all matters within its jurisdiction.

(c) The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted.

(d) The board shall have power and authority to make and adopt bylaws, rules and regulations consistent with the provisions of this chapter and pursuant to the state administrative procedure law in order to comply with the provisions of this chapter and to establish standards of professional conduct of architects.

(e) The board shall adopt a program of continuing education not later than October 1, 1993, in order to insure that all registered architects remain informed of those technical and professional subjects which the board deems appropriate to professional architectural practice. The board may by regulation describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education

shall result in nonrenewal of an architect's certificate of registration. (*Acts 1979, No. 79-676, p. 1198, §10; Acts 1991, No. 91-157, p. 201, §3.*)

Section 34-2-40 Board for Registration of Architects - Meetings; officers; employees; compensation; quorum.

- (a) The board shall hold at least four regular meetings each year.
- (b) The board shall elect annually a chairman and vice chairman who must be members of the board. The board may employ an executive director, clerks, experts, attorneys, and others, as may be necessary in the carrying out of the provisions of this chapter.
- (c) The board shall have the power, with the approval of the Governor, to fix the compensation of the executive director and other employees.
- (d) A quorum of the board shall consist of not less than a majority of the duly appointed board members. (*Acts 1979, No. 79-676, p. 1198, §11; Acts 1987, No. 87-544, p. 830, §3; Acts 1991, No. 91-157, p. 201, §3; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-41 Fund of the Board for the Registration of Architects; compensation of members; expenses; bond.

The executive director of the board shall receive and account for all moneys derived from the operation of this chapter. Such moneys shall be certified into the treasury in a fund to be known as the Fund of the Board for the Registration of Architects. Such fund shall be drawn against only for the purposes of this chapter.

The fiscal year shall commence on the first day of October and end on the thirtieth day of September.

Each member of the board shall receive a per diem as recommended by the board consistent with applicable state laws for attending sessions of the board or its committee, and for the time spent in necessary travel to attend meetings of the board or its committee. In addition, each member of the board shall be reimbursed for traveling and clerical expenses incurred in carrying out the provisions of this chapter.

Expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including, but limited to, authorized compensations, additional legal services, experts, clerks, office rent, and supplies, shall be paid out of the fund on the warrant of the Comptroller of the state. Such warrant shall be issued on requisitions signed by the chairman and executive director of the board. At no time in any fiscal year shall the total amount of warrants issued exceed the total amount of moneys accumulated in this fund. The board may make donations from its surplus funds to any state educational institution which has an accredited school of architecture for assistance in promoting education and research programs in architecture.

The chairman and the executive director of the board shall give a surety bond in an amount no less than the previous year's budget payable to the State of Alabama and conditioned upon the faithful performance of their duties under this chapter. The premium of the bond shall be paid out of the moneys in the Fund of the Board for the Registration of Architects. (*Acts 1979, No. 79-676, p. 1198, §12; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Section 34-2-42 Annual report.

On or before January 1 of each year, the board shall submit to the Governor a report of its transactions for the preceding fiscal year, together with a complete statement of receipts and disbursements of the board for its last fiscal year, certified by the chairman and the

executive director. (*Acts 1979, No. 79-676, p. 1198, §13; Acts 1982, No. 82-147, p. 175, §4; Act 2010-501, p. 796, §1; Act 2010-534, p. 894, §1.*)

Professional Services by Vendor

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
Education and Training				
Ala Assoc of Regulatory Boards	\$ 175.00	\$ -	\$ 150.00	\$ 400.00
Council on Licensure	450.00	-	-	-
Fed Assoc of Regulatory Boards	675.00	1,600.00	1,450.00	-
COAA	-	-	400.00	-
Total Education and Training	<u>1,300.00</u>	<u>1,600.00</u>	<u>2,000.00</u>	<u>400.00</u>
Legal Services				
Attorney General's Office	8,160.00	3,760.00	3,460.00	4,830.00
H E Nix Jr	2,412.50	-	-	-
Dunn, King & Assoc LLC	545.00	-	-	-
Total Legal Services	<u>11,117.50</u>	<u>3,760.00</u>	<u>3,460.00</u>	<u>4,830.00</u>
Administrative Services				
<i>Advertising Services</i>				
Department of Finance	27.90	-	-	-
Legislative Reference Service	160.00	650.00	390.00	-
<i>Department of Finance</i>				
Comptroller Services	1,276.74	1,372.26	1,376.68	1,303.81
Data Processing	2,194.56	5,232.42	3,141.38	3,600.53
Finance & IT Services	87.50	220.00	210.00	362.59
FRMS	1,121.86	827.34	1,089.74	309.94
STAARS	-	-	18,000.00	18,000.00
<i>Information & Research Services</i>				
Alabama Legislative Reading	1,225.00	1,225.00	1,299.00	1,299.00
Alacourt Online Info Services	360.50	-	-	-
Department of Finance	-	-	-	17.50
Online Information Services	87.00	-	-	-
US Dept of Homeland Security	-	-	75.00	150.00
<i>Imaging Services</i>				
Business Systems & Consulting	-	13,853.02	-	-
<i>Mailing Services</i>				
Department of Finance	-	-	121.17	34.43
<i>Personnel Services</i>				
State Personnel Department	1,066.00	1,105.00	1,120.00	1,152.00
<i>Sanitation Services</i>				
Gilmore Services	-	37.11	27.80	-
Total Administrative Services	<u>7,607.06</u>	<u>24,522.15</u>	<u>26,850.77</u>	<u>26,229.80</u>
Total Professional Services	<u>\$ 20,024.56</u>	<u>\$ 29,882.15</u>	<u>\$ 32,310.77</u>	<u>\$ 31,459.80</u>

Examination Results by Alabama Educational Institutions

October 2013 - September 2014

		Construction Documents & Services 4.0	Programming, Planning & Practice 4.0	Site Planning & Design 4.0	Building Design & Construction Systems 4.0	Structural Systems 4.0	Building Systems 4.0	Schematic Design 4.0
Auburn University	Pass Rate	81%	60%	76%	60%	81%	66%	82%
	Total Exams	63	58	59	53	48	56	71
Tuskegee University	Pass Rate	13%	20%	50%	0%	25%	33%	25%
	Total Exams	8	5	4	8	4	6	4

October 2014 - September 2015

		Construction Documents & Services 4.0	Programming, Planning & Practice 4.0	Site Planning & Design 4.0	Building Design & Construction Systems 4.0	Structural Systems 4.0	Building Systems 4.0	Schematic Design 4.0
Auburn University	Pass Rate	61%	67%	73%	67%	68%	68%	81%
	Total Exams	87	83	70	52	60	60	68
Tuskegee University	Pass Rate	38%	25%	20%	33%	10%	67%	75%
	Total Exams	8	8	5	9	10	3	4

October 2015 - September 2016

		Construction Documents & Services 4.0	Programming, Planning & Practice 4.0	Site Planning & Design 4.0	Building Design & Construction Systems 4.0	Structural Systems 4.0	Building Systems 4.0	Schematic Design 4.0
Auburn University	Pass Rate	67%	71%	75%	72%	61%	56%	74%
	Total Exams	83	98	77	54	44	63	43
Tuskegee University	Pass Rate	22%	0%	14%	0%	40%	0%	50%
	Total Exams	18	6	7	3	5	2	2

October 2016 - September 2017*

		Construction Documents & Services 4.0	Programming, Planning & Practice 4.0	Site Planning & Design 4.0	Building Design & Construction Systems 4.0	Structural Systems 4.0	Building Systems 4.0	Schematic Design 4.0
Auburn University	Pass Rate	61%	67%	85%	58%	61%	56%	95%
	Total Exams	82	70	60	31	41	34	19
Tuskegee University	Pass Rate	15%	8%	20%	100%	0%	0%	50%
	Total Exams	13	12	5	1	2	1	2

		Practice Management 5.0	Project Management 5.0	Programming & Analysis 5.0	Project Planning & Design 5.0	Project Development & Documentation 5.0	Construction & Evaluation 5.0
Auburn University	Pass Rate	53%	57%	58%	58%	59%	44%
	Total Exams	15	14	12	31	29	9
Tuskegee University	Pass Rate	20%	0%	0%	0%	0%	0%
	Total Exams	5	2	4	34	2	1

October 2017 - February 2018*

		Construction Documents & Services 4.0	Programming, Planning & Practice 4.0	Site Planning & Design 4.0	Building Design & Construction Systems 4.0	Structural Systems 4.0	Building Systems 4.0	Schematic Design 4.0
Auburn University	Pass Rate	62%	63%	73%	50%	75%	50%	75%
	Total Exams	26	24	15	8	4	6	8
Tuskegee University	Pass Rate	33%	0%	0%	100%	0%	0%	0%
	Total Exams	3	3	3	1	0	0	0

		Practice Management 5.0	Project Management 5.0	Programming & Analysis 5.0	Project Planning & Design 5.0	Project Development & Documentation 5.0	Construction & Evaluation 5.0
Auburn University	Pass Rate	62%	42%	86%	60%	62%	86%
	Total Exams	13	12	7	30	21	7
Tuskegee University	Pass Rate	33%	100%	0%	0%	100%	0%
	Total Exams	3	1	1	1	1	1

* The National Council of Architectural Registration Boards launched a new examination, ARE 5.0, on November 1, 2016. The ARE 4.0 examination will be offered through June 30, 2018 for those who requested to take the initial examination before November 1, 2016.

Board Members



www.boa.alabama.gov

January 16, 2018

Ms. Christine Kilpatrick
Examiners of Public Accounts
50 North Ripley Street, #3201
Montgomery, AL 36130-2101

Dear Ms. Kilpatrick:

A list of members currently serving on the Board:

Marzette Fisher, Chair
Birmingham, AL
Term: 12/15/2010 – 12/14/2014
Reappointed: 12/15/2014 – 12/14/2018

Daniel D. Bennett, Member
Auburn, AL
Term: 12/5/2008-7/17/2011(appointed to complete term of resigning member)
Reappointed: 9/6/2011 – 9/6/2015
Reappointed: 9/7/2015 – 9/6/2019

Courtney Brett, Member
Daphne, Alabama 36526
Term: 6/29/2016 – 7/18/2020

Michael L. Chapman, Vice Chair
Huntsville, AL
Term: 6/29/2016 – 7/18/2020

Jim H. Seay, Jr., Member
Montgomery, AL
Term: 1/3/2003 - 1/3/2007
Reappointed: 1/4/2007 – 1/1/2011
Reappointed: 1/2/2011-1/2/2015
Reappointed: 1/3/2015-1/2/2019

Yours truly,

A handwritten signature in black ink that reads "Elizabeth C. Bern". The signature is written in a cursive, flowing style.

Elizabeth C. Bern
Executive Director

ALABAMA BOARD FOR REGISTRATION OF ARCHITECTS

100 NORTH UNION STREET, SUITE 390 • MONTGOMERY, AL 36130-4450 • (334) 242-4178 (VOICE) • (334) 242-4531 (FAX)