



# Alabama

## Board for Registration of Architects

### SUMMER 2007 NEWSLETTER

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#### FUTURE BOARD MEETINGS:

August 2 and 3, 2007  
Montgomery

#### BOARD MEMBERS:

Joseph L. Bynum  
Kristine A. Harding  
Renis O. Jones, Jr.  
Chuck E. Penuel  
Jim H. Seay, Jr.  
Mac Walcott

#### STAFF:

Cindy McKim  
Executive Director  
  
Bonnie Singleton  
Executive Secretary

#### IMPORTANT INFORMATION REGARDING RENEWAL NOTICES!!

All registrants are reminded that notices regarding registration renewals will be mailed in mid-August. It is important to note that only emeritus status architects will receive paper renewal forms. If a paper renewal form is desired, it must be printed from our web site. While we realize that this may be an inconvenience for some, in this age of technology and rising costs of "snail" mail, this change makes sense!

As in previous years, registrants are encouraged to use the on-line renewal system hosted on our web site. It's fast, convenient, and securely operated by the State's e-gov vendor, Alabama Interactive.

As always, Board staff members will be available to answer any questions regarding renewal, continuing education, or the on-line renewal system during normal business hours.

If you would like to receive mailings from the Board by e-mail and we do not already have your e-mail address, please forward it to Bonnie Singleton at the Board office by phone at (334) 242-4179 or by e-mail at [Bonnie.Singleton@boa.alabama.gov](mailto:Bonnie.Singleton@boa.alabama.gov). Please keep us updated on changes in your mailing address and e-mail address.

We will appreciate your cooperation.

## CONSTRUCTION ADMINISTRATION SERVICES

Did you know that Construction Administration is required by law? It's true! The Code for Professional Conduct (excerpt below) outlines a process that has been implemented to notify building officials when an architect has either not been contracted to provide these services or has been terminated from the project.

*In the Code for Professional Conduct: Paragraph 3.7 – “On a project where a building permit has been issued and the sealing architect has not been engaged, or is no longer engaged, to perform at least minimum construction administration services, as defined in subsection b. below, the sealing architect must report to the building official and the Board that he or she has not been, or is no longer, so engaged.*

*“The minimum construction administration services expected of the sealing architect deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents that the architect observed.”*

**What happens after the architect notifies the building official and the Board?** Board staff will direct a letter to the owner (your client) advising them of the need for a qualified professional to provide construction administration services. Also, a letter will be forwarded to the appropriate building official informing him of the same. In the case of a county jurisdiction with no inspection department, the state fire marshal will be notified.

**Why is the Board doing this?** Our goal is to do everything possible to protect the health, safety, and welfare of the occupants of the building.

**How will building officials react when they receive the notice?** The Board believes that building officials should consider not issuing a permit without a qualified professional conducting the construction administration. If a permit has already been issued, a certificate of occupancy should be withheld until an architect has signed off on the project certifying that the building has been constructed as represented by the contract documents. If nothing else, the building officials should watch these particular projects closer than normal and take whatever action deemed appropriate to ensure that construction is proceeding with no significant deviations from the approved, permitted set of plans, unless authorized by the architect of record.

**What is the danger?** It is a known fact that changes happen during construction. When an architect provides construction administration services, he/she oversees the changes and, in many cases, provides a sealed

drawing documenting the changes. When changes are made without the architect's oversight, how will the building official and the owner become aware that changes have been made to a permitted set of documents? How will the building's occupants be protected from construction that deviates from the architect's documents?

**Who is a "qualified professional?"** In the Board's opinion, it is an architect who is registered to practice in the State of Alabama. There are all sorts of professionals out there who will tell the building official that they are "qualified", but ultimately, the sealing architect is the one who is held responsible for the design of that building and charged with protecting the health, safety and welfare of the public.

**Where can I find the report form?** The Construction Administration Services Form is located on the Board's web site on the FORMS page. It can be mailed, faxed, or e-mailed to the Board office.

### **CUSTOMER SERVICE SURVEY**

Recently, the Board staff conducted a survey to assess the quality and efficiency of services provided to architects and interns. A total of 187 surveys were mailed, and 45 were returned. While the response rate wasn't as high as we had hoped, the results were very positive.

Customers were surveyed on the following areas:

- Method of contact (phone, e-mail, correspondence)
- Timeliness of response
- Thoroughness of responses
- Friendliness/professionalism of response
- Grammar/spelling in verbal and written communications
- Nature of inquiry
- Clarity of board publications
- User-friendliness of web site
- Overall customer service experience

The Board and staff received 68 excellent ratings, 88 above-average ratings, 32 average ratings, and 0 below average or poor ratings. While we are proud of these results, there is always room for improvement! Your input is always welcome.

**Do we have your current address? E-mail address? Telephone number?**

#### **CFPC 4.4 ADOPTED BY BOARD**

At its May 23, 2007 meeting, Board members adopted the following addition to the Code for Professional Conduct. This addition will be included in the August 2007 edition of *The Red Book*.

**4.4** An architect shall not present a check to the Board that is returned unpaid by his or her financial institution.

Commentary: The Board expects timely and accurate payments for all fees or obligations.

#### **REGULATION 100-X-2-.08 AMENDED BY BOARD**

At its May 23, 2007 meeting, Board members adopted the following regulation, as amended (see underlined text). This amendment will be reflected in the August 2007 edition of *The Red Book*.

##### **100-X-2-.08 Violations and Investigations.**

The Board shall have the power to investigate or cause to be investigated any matter that is brought to the Board's attention. The Board shall supply form entitled "Report of Possible Violation" to the public to aid in handling complaints. All complaints shall be in writing. The Board, through its executive director, has the authority to subpoena records during the course of investigations and to compel the attendance of witnesses to testify during the course of investigations or to testify at hearings before the Board. The Board shall have the power to hold informal hearings and formal hearings. The Board has the power to enter into contract agreements with an attorney and/or investigators in accordance with state laws. Violations are described in the Code for Professional Conduct. The Board has the power to set fines, to suspend registration, to revoke registration, and/or other appropriate measures upon any architect found guilty of any violation.

#### **PROPOSED ADDITIONS TO CODE FOR PROFESSIONAL CONDUCT**

The Board is proposing to add new sections 4.5 and 5.5 to its Code for Professional Conduct, as follows. Interested parties are encouraged to send written comments to the Board Office by August 2, 2007.

4.5 An architect registered in Alabama shall answer an inquiry concerning any matter under the jurisdiction of the Board within thirty (30) days after the date the architect receives notice of the inquiry. Failure to respond to an inquiry concerning any matter under the jurisdiction of the Board shall constitute a separate violation subject to disciplinary action by the Board.

5.5 In circumstances where an Alabama registered architect can no longer provide services on a project (such as death, retirement, disability, contract termination, etc.), a successor architect (who is also registered in Alabama) may undertake a project by performing all professional services, including development of a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor architect but must clearly and accurately reflect the successor's work. The burden is on the successor architect to show such compliance. The successor architect shall have control of and responsibility for the work product and the originals of all documents. All references to the original architect (title block, seal, signatures, etc.) must be removed from the documents.

In cases of termination, the successor architect should ensure that the original architect has been advised in writing by the client that the contract with the original architect has been terminated.

### **PROPOSED NEW RULE**

The Board is proposing to add new Rule 100-X-2-.19 to its Administrative Code (rules and regulations) as follows. Interested parties are encouraged to send written comments to the Board Office by August 2, 2007.

#### 100-X-2-.19 Remediation of Unsealed or Improperly Sealed Documents

Pursuant to a complaint alleging the unlicensed practice of architecture, work not in compliance with the law may be remedied by the following method:

- (1) The owner of the project employs an architect registered in Alabama and advises the Board accordingly; and
- (2) The architect acknowledges this relationship in a letter to the Board and outlines the scope of work and time line for completion; and
- (3) The architect conducts an on-site inspection of the project, prepares "as-built" drawings to document existing building conditions, and prepares a report of any building and life safety code deficiencies, including recommended actions that will bring the building into conformance with all applicable codes. If "as-built" drawings are deemed unnecessary by the architect, the architect shall submit a written statement of explanation to the Board; and
- (4) The architect assumes responsibility for the design and becomes the coordinating professional for the project; and
- (5) The architect provides notice to the Board when all deficiencies have been corrected.

**STATE OF ALABAMA  
BOARD FOR REGISTRATION OF ARCHITECTS  
770 WASHINGTON AVENUE, #150  
MONTGOMERY, AL 36130-4450  
<http://www.boa.alabama.gov>**

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## CONGRATULATIONS!

The following individuals passed the Architects Registration Exam since publication of our last newsletter:

Michele W. Adams – Houston, Texas  
Erik A. Lindholm – Gardendale, Alabama  
B. Craig Lipscomb – Hokes Bluff, Alabama



**QUOTABLE QUOTE:**

Some beautiful things are more impressive when left imperfect than when too highly finished.

--Francois de La Rochefoucauld