



## Legislative Review of Board Underway

by Bill Newell, P.E., Board member and Sunset Review Committee Chair

### Background

The laws of Colorado require that every regulatory program in the state go through a periodic evaluation that is called "sunset review." The process is intended to ensure that the need to continue regulation is still necessary to protect the public. Currently, the laws regulating the practice of architecture are set to expire on July 1, 2006, unless the Legislature passes new laws in the 2006 session to govern the practice.

### Board Preparation

In preparation for this process, the State Board of Examiners of Architects established its own committee in September 2004 to review the existing statutes. The goal of the committee has been to determine what changes need to be made based on the Board's experiences and the

industry's perceptions in working with the existing laws since the last review in 1998. In order to develop a broad consensus, invitations to participate were extended to any interested parties. Ultimately, the committee has been comprised of representatives from the Board, the American Institute of Architects, non-AIA members, an architect who works for the federal government, and a building official.

During meetings over the past six months, the committee worked through the practice act and discussed priorities for changes to the laws. The result is a report entitled "Sunset Review Committee Report March 2005" and it can be found on the Board's website at [www.dora.state.co.us/architects/publications.htm](http://www.dora.state.co.us/architects/publications.htm).

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## Board Rules Are Being Revised

by James H. Bradburn, Architect,  
and Karen L.W. Harris, Architect, Board Vice President

The Board has just concluded a comprehensive review of its rules to address several areas that generate confusion and questions for licensees and the public, as well as to deal with some minor typographical errors, and organizational and wording changes.

To accomplish this, the Board convened a rulemaking committee last fall. The Board attempted to include a variety

of viewpoints on the committee beyond the Board itself. Members included Kin DuBois, AIA, former Board member; Phil Greenberg, Architect; Dave Lingle, AIA; Duane Boyle, Board President; and, Chuck Brenner, now a former Board Member. It was co-chaired by both of us, Jim Bradburn, FAIA, and Karen Harris, AIA.

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*Bill Owens, Governor*

*Tambor Williams,  
Executive Director, Department  
of Regulatory Agencies*

*Rosemary McCool, Director,  
Division of Registrations*

### Board Members

*President*  
Duane A. Boyle, Architect

*Vice President*  
Karen L. W. Harris, Architect

*Secretary*  
Nicholas A. Jovene, Jr.,  
General Contractor

James H. Bradburn, Architect  
Sally L. Corey, Public Member  
William H. Newell, PE,  
Public Member  
Michael E. Oney, Architect

### Board Staff

*Program Director*  
Angeline C. Kinnaird

*Administrative Assistant*  
Sarah Segall

### Board Counsel

*Assistant Attorney General*  
John J. Roberts

### Board Address

1560 Broadway, Suite 1300  
Denver, Colorado 80202  
Telephone: 303/894-7775  
Fax: 303/894-7790

### Board Website Address

[www.dora.state.co.us/architects](http://www.dora.state.co.us/architects)

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## Have You Moved Lately?

It's imperative that you notify the Board office of your new address when you move so that we can keep you informed. It's also required by law! Change your address online at <https://www.doradls.state.co.us> or send us your new address in writing by mail, fax or email to 1560 Broadway, Suite 1350, Denver, Colorado 80202  
 FAX: 303/894-7790  
 Email: [architects@dora.state.co.us](mailto:architects@dora.state.co.us)

A change of address form can also be found at [www.dora.state.co.us/registrations/NameandAddressChanges.htm](http://www.dora.state.co.us/registrations/NameandAddressChanges.htm) and on the back page of this newsletter.

## Your License Expires July 31st!

The bi-annual renewal period for architect licenses is approaching. Be sure to renew your license by July 31, 2005. You may do so in person at our office, by mail, or online at <https://www.doradls.state.co.us> starting about mid-June.

**The renewal fee is anticipated to be \$37.**

There will be a \$15 delinquency charge to all those whose renewal fees are postmarked after July 31, 2005. There is a 60-day grace period ending September 30, 2005, to allow architects to continue to renew without further application or penalty. After September 30, 2005, if your license is expired and you wish to practice, you will need to complete a reinstatement application, which can be found online.

## Board "People" News

### Board Members

Public members Linda Smith and Dan Sandoval completed their terms with the Architects Board in February 2004. Ms. Smith had served two terms and was ineligible to be re-appointed. Mr. Sandoval chose not to seek a second term with the Board. In addition, Architect Board member Chuck Brenner, who served two terms on the Board, completed his last term in February 2005. The Board appreciates the many years of service given faithfully by Ms. Smith, Mr. Sandoval, and Mr. Brenner.

The Board's "new" public members are Sally L. Corey and William H. Newell, PE. Ms. Corey is the principal of Outsourcing Marketing in Arvada with years of experience in the design industry. Mr. Newell is a principal in the

structural engineering firm Monroe & Newell Engineers with offices in Denver, Dillon, and Avon.

Be aware that you may be subject to disciplinary action. Representing oneself as an architect or stamping plans with an expired license is a violation of the practice act. In such circumstances, the Board may take disciplinary action. Refer to Board Policy *10-6 Disciplinary Action Regarding Expired Licenses* for specific details, found at [www.dora.state.co.us/architects/archpolicies.pdf](http://www.dora.state.co.us/architects/archpolicies.pdf).

The status of any professional's license may be checked by going online to the Board's website, [www.dora.state.co.us/architects/index.htm](http://www.dora.state.co.us/architects/index.htm), clicking on the "Search the Automated Licensure System Online—ALISON" link at the bottom of the homepage, and following the instructions.

Michael E. Oney was appointed in February 2005, and is a principal in Michael E. Oney, Architect LLC in Grand Junction.

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### Board Counsel

The Board is fortunate to have the services of John J. Roberts, Esq., after a few months of various attorneys stepping into the position. John's background includes working with the Public Utilities Commission. Because of this experience, he has a strong familiarity with the technical aspects of the Board's cases.

The Board warmly welcomes the new Board members and its new attorney.

## Update on the Division of Registrations

The Division of Registrations is the umbrella agency within the Colorado Department of Regulatory Agencies that provides administrative support to the Architects Board along with more than 30 other licensing programs, such as those for doctors, plumbers, engineers/surveyors, etc. The Division has been going through a major effort to upgrade its licensing database system and concurrently, centralize and standardize duplicative functions throughout the Division. The purpose of this endeavor, called "Project T:

Transformation" was to make all of our business processes more efficient and provide you with enhanced customer service.

The transition has included the relocation of personnel into centralized areas, the reconfiguration of workspace, the implementation of a myriad of new processes, the conversion of data into the new licensing system and, of course, a learning curve for the entire division. We hope that if you have had any interaction with us during this time that

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**Doing business with the Division of Registrations just got easier!**

*Introducing*  
**REGISTRATIONS ONLINE SERVICES**  
<https://www.doradls.state.co.us>

**After a simple online registration process, you can now:**

**Renew your license**

- Anytime 45 days before your license expires, whether you receive a renewal notice or not;
- Use your Visa, MasterCard, Discover, or American Express card;
- Get instant payment confirmation;
- Cut the renewal processing time in half.

**Change your mailing address**

- Update your contact information in “real time” - no more waiting for your written request to be received and processed by staff.

**Check the status of a pending application**

- Track your application from the date we log it into our database to the date your license is printed.

**...and more!**

**Visit us on the Web at <https://www.doradls.state.co.us>**

Registrations Online Services is the final phase of Project T, the Division of Registrations’ ongoing effort to streamline, standardize, and improve the way we do business. For the latest updates on Registrations Online Services, visit the Division’s home page at [www.dora.state.co.us/registrations/index.htm](http://www.dora.state.co.us/registrations/index.htm).

**REGISTRATIONS ONLINE SERVICES:  
Open 24 hours a day, 7 days a week**



## Board Meeting Calendar

The Board meets on the fourth Friday of every other month beginning in January each year. The exception is that the Board meets on the first Friday in December to avoid the Thanksgiving holiday. All meetings are open to the public except during Executive Session when the Board considers pending disciplinary matters. Below is the schedule of the 2005 board meeting dates, which is subject to change. Please refer to the General Board Information link on the Board's website for the current list of meeting dates, agendas, and minutes.

### 2005 Board Meeting Dates

January 28  
 March 25  
 May 27  
 July 22  
 September 23  
 December 2

Board meetings are held in Conference Room 1380 at 1560 Broadway, Denver, Colorado.

## Legislative Review of Board Underway ...continued

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The committee's recommended changes are wide-ranging. The suggestions include language to line up with the national model law definition of "the practice of architecture;" clarifications of the requirements for entities offering and providing architectural services; holding complaints confidential until they are either dismissed or a notice of charges are filed; adding the authority for the Board to issue Confidential Letters of Concern; eliminating the exemption for the design of three and four family dwellings; deleting the specific provisions for interior designers in the exemptions to the practice act; and, clearer wording to define the parameters of a "record set."

At its meeting on March 25, 2005, the Board reviewed the committee's report and voted to support the recommendations.

### The Process

The next step in the process has already overlapped with the internal evaluation that the Board and the industry have been conducting. It is an analysis of the program by the Office of Policy, Research and Regulatory Reform, housed within the Department of Regulatory Agencies (DORA). Brian Tobias, the analyst assigned to evaluate the program, began his research in December 2004 and observed several committee meetings. In addition to reviewing the recommendations made in the committee's report, the analyst is attending Board meetings, has interviewed staff, is examining agency records, reviewing disciplinary actions, meeting with representatives of the industry, and examining similar laws in other states. He is accepting input until the beginning of June, when he must end the research phase and begin the report-writing phase. Anyone is welcome to provide input

about the program to Mr. Tobias. He can be reached at [brian.tobias@dora.state.co.us](mailto:brian.tobias@dora.state.co.us).

The sunset report will be released to the Legislature and the public on October 15, 2005. It will include recommendations for changes to the program. You may look for the report at [www.dora.state.co.us/opr/index.htm](http://www.dora.state.co.us/opr/index.htm). The criteria used in the analysis may also be found at that website address.

### Drafting of the Sunset Bill

After the report is released, a bill will be drafted by Legislative Legal Services based on the DORA report and its recommendations. The bill will be introduced early in the 2006 Session and will begin in the House with committee hearings. It is likely that Board members,

industry representatives and concerned individuals will testify during the hearings. This is probably the time when participation in the process is most critical to the outcome. Amendments to the bill can be made during the hearing process. And, as with any successful bill, it will work its way through one house and go through the same

process in the other. Often, a lot of compromise must be accomplished along the way to ensure the progress of the legislation.

### Get Informed

Check the portion of the Board's website called "What's New" in the months leading up to and following the end of the legislative session. It will have information about the sunset process, resulting changes to the laws, and how the changes may affect your practice. The website address is [www.dora.state.co.us/architects/whatsnew.htm](http://www.dora.state.co.us/architects/whatsnew.htm).



## Architectural Interns' Corner

### Licensees: Please Forward to Those Who Need to Know!

#### Debut of a National "Rolling Clock" for the ARE

After two years of study, the National Council of Architectural Registration Boards (NCARB) has instituted a requirement that all divisions of the Architectural Registration Exam (ARE) must be passed within five years. To come up with that timeframe, an NCARB committee reviewed the historical changes to the exam, the requirements of those member boards that currently have "rolling clock" provisions, similar requirements in other professions, and related content validity information. NCARB ultimately determined that a five-year eligibility period was most appropriate for this new national standard.

By implementing a "rolling clock," NCARB Member Boards have strengthened the validity of the ARE, as the exam continues to evolve in terms of content, format, and administration. A "rolling clock" acknowledges such changes and further ensures the public that new licensees have attained those competencies necessary for independent practice.

Three basic rules will guide implementation of the "rolling clock":

1. Applicants who have passed all divisions of the ARE by January 1, 2006, regardless of the time taken, will have passed the ARE.

2. Applicants who have passed one or more, but not all divisions of the ARE by January 1, 2006, will have five years to pass all remaining divisions. The five-year period will commence after January 1, 2006, on the date when the first passed division is administered. A passing grade for any remaining division will be valid for five years, after which time the division must be re-taken if the remaining divisions have not been passed.

3. Divisions passed before January 1, 2006 will not have to be re-taken.

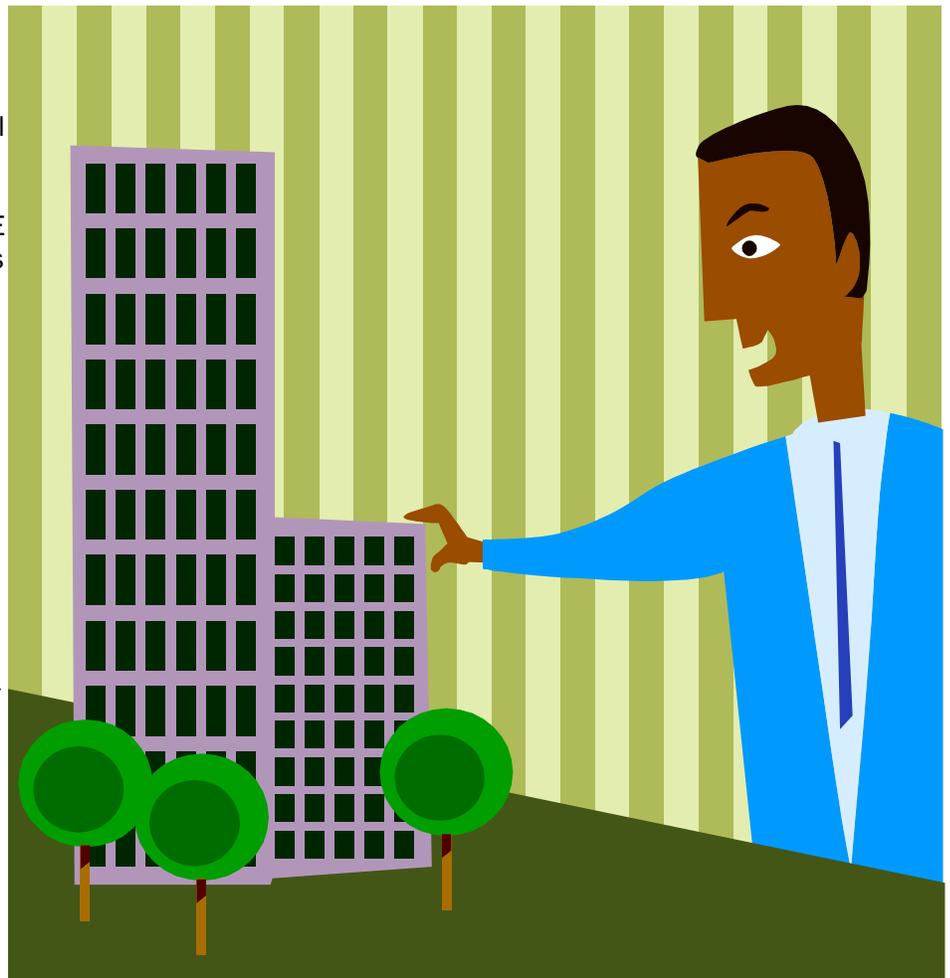
Applicants who have passed no divisions of the ARE by January 1, 2006, will be governed by the above five-year requirement. The five-year period will commence on the date when the first passed division is administered. For detailed information regarding the "rolling clock" or the ARE, visit the NCARB web site at [www.ncarb.org](http://www.ncarb.org).

#### Emerging Professional's Companion

The American Institute of Architects (AIA) and NCARB recently announced the release of the Emerging Professional's Companion (EPC). This new online training resource is designed to expose students, architectural interns, young architects, and more seasoned professionals to current practice models through an array of educational activities.

The EPC was developed in response to an ongoing need in the profession to support emerging professionals on their path from education to licensure. This resource is a complete revision of the AIA Supplementary Education Handbook and can be used by interns to receive up to 225 training units in the Intern Development Program (IDP).

The EPC is available now to anyone that is interested and is free to AIA Associate members and NCARB IDP Council Record holders through the AIA bookstore at [www/aia/org/books](http://www/aia/org/books), or by visiting [www.EPCCompanion.org](http://www.EPCCompanion.org).



## Reminder: File Notice of Life Safety Claims with the Board

As mentioned in last year's newsletter, there is a provision within the Architecture Practice Act that requires architects to notify the Board of any life safety claims made against them. Many licensees still seem to be unaware of this requirement. Therefore, the Board reminds you of your obligation to comply with this portion of the law and requests that when you provide such information to the Board that you provide as much specificity about the nature of the claim as possible.

For your reference, the following is the section of the law at issue:

**12-4-117. Notification to board.** Each architect shall notify the board of any action or arbitration in which claims regarding the life safety of the occupants of the building are made. Such notification shall be made within ninety days of notice to the architect of such action or arbitration.

Due to the variety of ways to interpret the term "life safety," there is a Board policy to define the meaning of the term for clarity in knowing when a licensee is required to file with the Board.

Here is the policy:

**50-9 Notification to board of any action or arbitration concerning life safety claims**

It is the opinion of the Board of Examiners of

Architects that life safety includes, but is not necessarily limited to the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards.

Forms on which to file information about such claims can be found at [www.dora.state.co.us/architects/forms.htm](http://www.dora.state.co.us/architects/forms.htm) under "Life Safety Claims Report Form."

Also, please be advised that your insurance carrier is required to file a report of any and all malpractice claims against you with the Board. That requirement is under the laws regulating the insurance industry in Colorado. The form to be used and a bulletin on the subject can be found at the same website address listed above under the link to "Architects Insurance Liability Report Form."

If you have any questions about whether you are required to file and what the process is, please contact the Board staff at 303/894-7775 or [sarah.segall@dora.state.co.us](mailto:sarah.segall@dora.state.co.us).

If you would like to review any of the statutes, rules or policies of the Architects Board, log onto [www.dora.state.co.us/architects/lawsrulespolicies.htm](http://www.dora.state.co.us/architects/lawsrulespolicies.htm).

## Board Rules Are Being Revised...continued

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Through several face-to-face meetings, the committee reviewed all the rules, adding rules where information was lacking and rewriting those rules where clarity was lacking. The committee then presented its recommendations to the Board last December, at which time the Board agreed to publish the proposed rule revisions and conduct a public hearing, as required. The hearing was held at the Board's March 25, 2005 meeting. During the hearing, further modifications were made and revised rules were adopted. The revised rules will **go into effect on July 1, 2005**. They can be found in a format showing the changed language on the Board's website at [www.dora.state.co.us/architects/rulemakingactivity.htm](http://www.dora.state.co.us/architects/rulemakingactivity.htm).

### Important Changes to Know About

There are a few changes that you should be aware of, specifically:

- ▶ Architects will be able to sign documents manually

or electronically. The criteria allowing electronic signatures has been defined and is specific. Be aware that electronic seals have been allowed since late 2001 when the rules were last revised. *Refer to Rule 100.705 (C) for detailed language.*

▶ A newly instituted definition of "Responsible Control of Architecture" has been adopted to clearly outline what it means for a licensee to be in compliance with the law when he or she seals and signs work. This is timely in light of long-distance operations and electronic communications that are common in the course of doing business. *Refer to Rule 100.706 for detailed language.*

The Board intends to go through another revision of its rules in the fall with a focus on the qualifications for licensure (Rule 100.300 Licensure Qualifications). If you are interested in participating in the process, please contact the Board office either by telephone at 303/894-7775 or email at [angie.kinnaird@dora.state.co.us](mailto:angie.kinnaird@dora.state.co.us).

## Legal Actions

The following actions were taken by the Board from April 1, 2004 through March 31, 2005. Many thanks are in order for the professional assistance from the Office of Investigations within the Division of Registrations, as well as the Office of the Attorney General. As a result of such efforts, the Board is able to pursue enforcement of the architectural licensing laws and rules. Disciplinary files are public records. If you need additional information regarding any of the actions listed below, please contact Angie Kinnaird, Program Director, or Sarah Segall, Administrative Assistant, at the Board office.

**Alvah P. Breiweiser, Arch 301331**, entered into a Stipulation with the Board on May 28, 2004, based on disciplinary action taken by Florida for substandard practice, practicing beyond his expertise, improperly certifying another person's work and assisting the unlicensed practice of architec-

ture. The Board ordered that Mr. Breiweiser's license be suspended until June 30, 2004, that his license be put on probation after the suspension was served until December 30, 2008, or until the terms of the Florida Order are met, and that he notify the Board upon acceptance of any work in Colorado during the probationary period.

**Paul J. Foster, Arch 200699**, entered into a Stipulation with the Board on August 17, 2004, for practicing with a lapsed license. The Board ordered that Mr. Foster pay a fine of \$1,000.



**Jerry R. Kannapinn, Unlicensed**, entered into a Stipulated Cease and Desist Order with the Board on October 15, 2004, for providing architectural services without a license.

**Paul F. Madigan, Arch 201853**, entered into a Stipulation with the Board on August 3, 2004, for practicing with a lapsed license. The Board ordered that Mr. Madigan pay a fine of \$500.

**David T. Milliken, Arch 304439**, entered into a Stipulation with the Board on October 8, 2004, for substandard practice. The Board ordered that Mr. Milliken pay a fine of \$1,500.

**Duncan A. Moyes, Arch 200824**, entered into a Stipulation with the Board on June 21, 2004, for practicing with a lapsed license. The Board ordered that Mr. Moyes pay a fine of \$500.

**Thomas J. Peterson, Arch 203351**, entered into a Stipulation with the Board on June 21, 2004, for practicing with a lapsed license. The Board ordered that Mr. Peterson pay a fine of \$100.

**Theodore J. Tinsman, Arch 203203**, entered into a Stipulation with the Board on June 3, 2004, for practicing with a lapsed license. The Board ordered that Mr. Tinsman pay a fine of \$500.

**Brooks H. Waldman, Lapsed Arch License 200643**, entered into a Stipulated Cease and Desist Order with the Board on October 15, 2004, for offering and providing architectural services with a lapsed license. The Board ordered that Mr. Waldman cease and desist until licensed and pay a fine of \$2,400.

### Update on the Division of Registrations ...continued

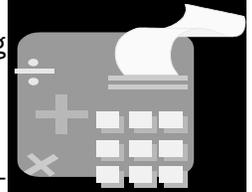
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these changes were transparent. But you may have witnessed some of our "challenges" and we appreciate your patience through this period.

In January 2005, the Division entered the last phase of the transformation with the implementation of its Registrations Online Services, an online system that allows you to change your address, renew your license, and check the status of an application via the Internet. Check it out at <https://www.doradls.state.co.us>. This means that the next time your

license needs to be renewed, you will be able to complete the task electronically.

As we move toward completion of Project T and beyond, some Board policies and processes may change in order to streamline functions across the Division, as well as increase the level of consistency in how various professions are treated. In the end, we hope you will witness improvements in timeliness, automation, access to information and ease of interaction with the Board and the Division.



### Board Statistics

Fiscal Year 2004	
Active Licenses	6,366
New Licensees	244
License Renewals	6,026
Number of Examinations	643
Disciplinary Actions	
Complaints Filed	18
Dismissed	7
LOA	1
Cease & Desist	2
Stipulation	10
Suspension	1
Surrender	0
Revocation	0
Fines Levied	7

## ADDRESS CHANGE? Let Us Know!

Licensee name \_\_\_\_\_  
Last Name Jr./III First Middle

License number \_\_\_\_\_

Current home address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Current business address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Employer \_\_\_\_\_

Business telephone ( ) \_\_\_\_\_ Home telephone ( ) \_\_\_\_\_

Preferred mailing address:  Home  Business

Signature \_\_\_\_\_ Date \_\_\_\_\_

MAIL TO: Board of Examiners of Architects  
1560 BROADWAY, SUITE 1300  
DENVER, CO 80202

or FAX TO: 303/894-7790

or Email TO: [architects@dora.state.co.us](mailto:architects@dora.state.co.us)

or Online AT: <https://www.doradls.state.co.us>

Licensees who do not notify the Board in writing within 30 days of a change of address may be subject to disciplinary action.

COLORADO BOARD OF EXAMINERS  
OF ARCHITECTS  
1560 Broadway, Suite 1300  
Denver, CO 80202

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