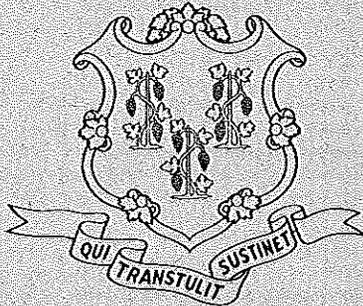


Architectural Registration Board

Connecticut
General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

SUNSET 1983

Volume IV-16
January 1983

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

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SUNSET REVIEW 1983
ARCHITECTURAL REGISTRATION BOARD

VOL IV - 16

JANUARY 1983

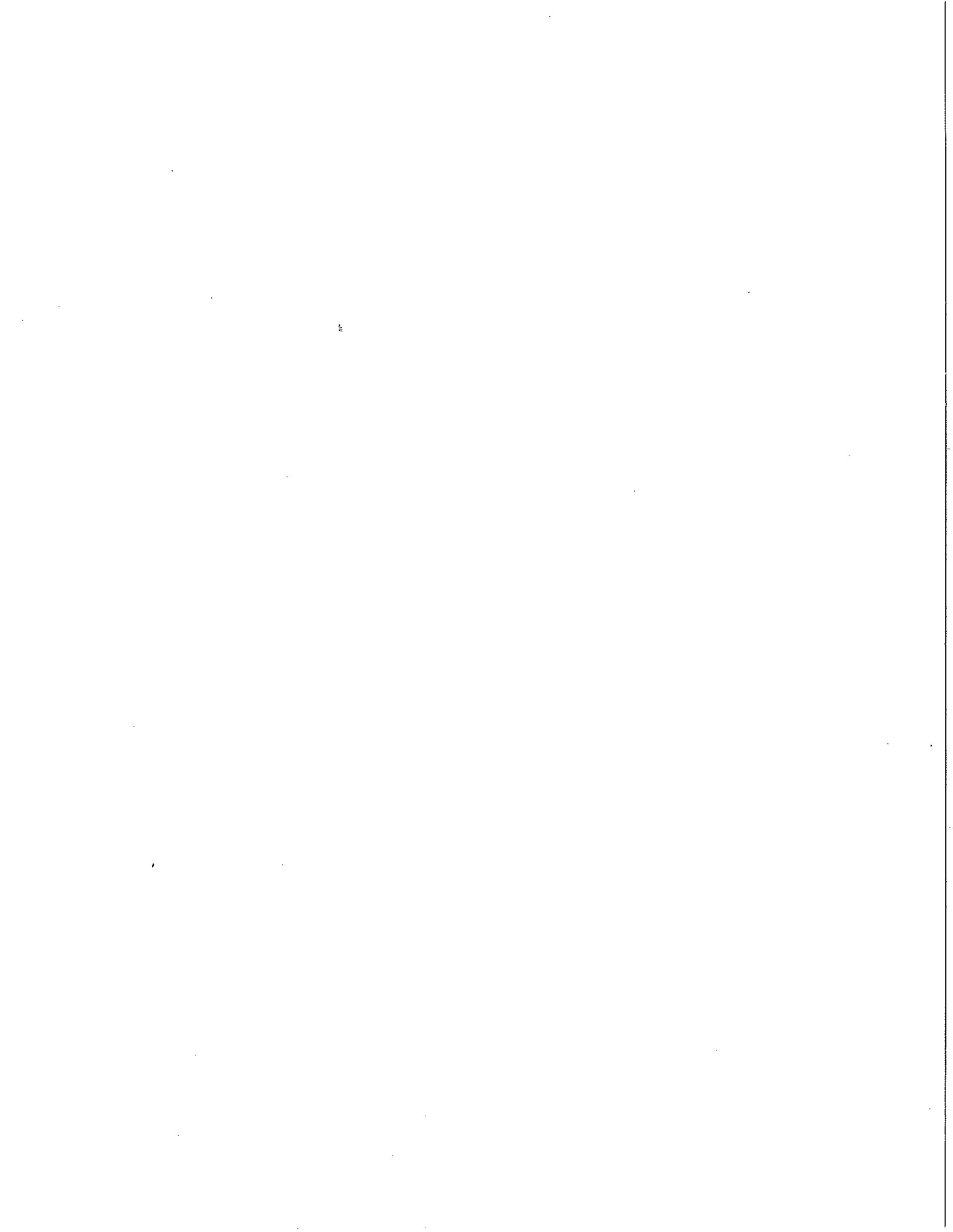
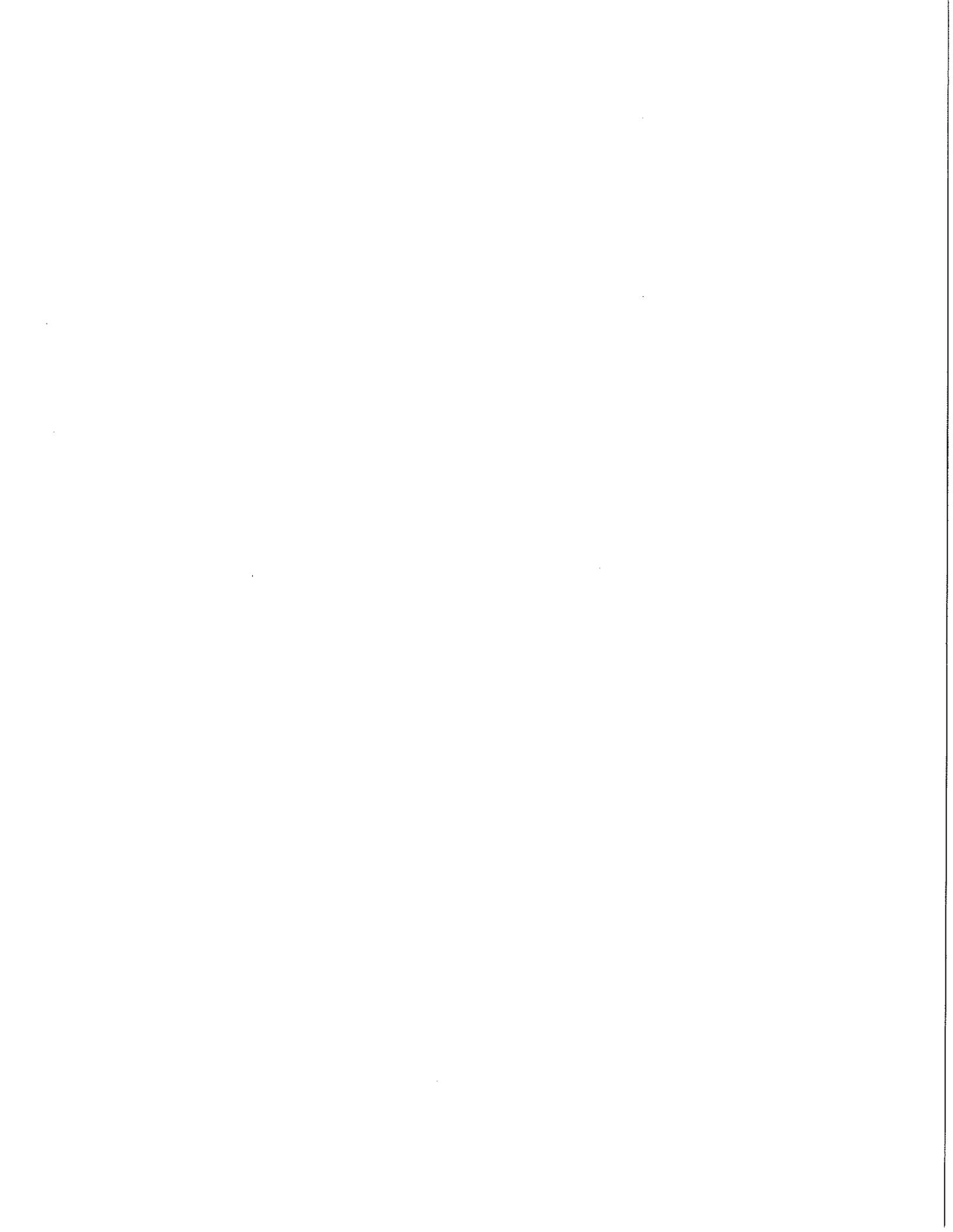


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ARCHITECTURAL REGISTRATION BOARD

SUMMARY

The practice of architecture was first regulated in Connecticut in 1933 with the passage of a "title statute" that limited the use of the term architect to individuals with specified qualifications but did not prohibit others from preparing plans and specifications or supervising building construction. The 1933 legislation, which essentially created a certification system, also established an architectural examining board comprised of five architects empowered to issue certificates, through examination or reciprocity, to qualified practitioners.

The General Assembly adopted a legal definition of architectural practice and a licensing law in 1953. The licensing act set minimum competency standards for the practice of architecture and further required that all buildings over 5,000 square feet, except certain types of residential or agricultural structures, be designed by a licensed architect or professional engineer. The licensing standards, practice requirements and exemptions have undergone few significant statutory changes since 1953.

Until the mid-1960's, architects could only practice as individuals or in partnerships with other architects. In 1965, architects were allowed by law to form partnerships with professional engineers, and the corporate practice of architecture was statutorily permitted in 1969. Joint corporate practice of architecture and professional engineering was authorized in 1971.

The Architectural Registration Board operated as an independent entity until 1977 when it was placed within the Department of Consumer Protection under Public Act 77-614. At present, the board's major functions include: advising the consumer protection commissioner on architectural regulation matters; making determinations concerning issuance of licenses; holding hearings on violations of architectural laws and regulations; and deciding disciplinary actions.

The expenses related to architectural regulation functions for fiscal years 1980-81 and 1981-82 were \$41,835 and \$40,286 respectively. Revenues generated from architect licensing activities totaled \$72,593 in FY 1980-81 and \$166,224 in FY 1981-82.

During fiscal year 1981-82, the Architectural Registration Board reviewed 194 applications for licensing examinations, authorized the issuance of 50 new licenses through examination and 139 through reciprocity and renewed 2,204 architect licenses. Two new architectural corporation licenses were issued and 9 were renewed while no new joint architecture/professional engineering corporate licenses were issued and only 2 were renewed. In addition, from January 1981 through January 1982, the board held 10 meetings and handled 16 complaints.

In its sunset review, the Legislative Program Review and Investigations Committee examined several issues relating to the Architectural Registration Board as well as the practice of architecture generally. The following is a summary of the analysis of those issues, along with the resulting recommendations.

Level of Regulation

In considering whether licensure is the appropriate level of regulation for architecture, the program review committee examined the potential danger to the public from unregulated practice. In order to minimize the risks to the public health and safety, including serious injury or death, that can result from building failure, the committee believes that only qualified individuals should be permitted to design buildings. Furthermore, only individuals who possess a minimum level of competence should be allowed to provide architectural services in order to protect consumers from the economic harm possible when poor design results in costly construction delays or necessitates expensive redesign and/or reconstruction. For these reasons, *the Legislative Program Review and Investigations Committee recommends continuation of licensure for architects.*

Continuation of the Board

The Legislative Program Review and Investigations Committee concluded there was a need to retain the Architectural Registration Board on the basis of two factors: the workload of the board and the need for expertise provided by board members. Committee staff observations of meetings during the first half of 1982 and an analysis of minutes for the past year revealed that the board played an active role in regulating the architectural profession both through licensure and the handling of complaints. At each meeting held in 1981, the board reviewed on the average more than 11 reciprocity requests, discussed from 3 to 7 new or continued complaints, and addressed an average of 5 other policy matters.

In general, the board's regulatory activities involved questions related to the scope and content of architectural practice that required the knowledge and technical expertise of licensed professionals. This knowledge and expertise is not available within the Department of Consumer Protection or any other state agency. Given the technical nature of architectural regulation and the number of policy issues it entails, *the Legislative Program Review and Investigations Committee recommends that the state Architectural Registration Board, with its current composition of three architects and two public members, be continued.*

Regulation of Business Practices

Current Connecticut law strictly limits the business form of architectural practice. Architects may form partnerships or corporations in order to provide their services but only with other architects or professional engineers. Furthermore, licensed architects must comprise at least half of the partners, owners and/or directors of such business entities, and all architectural or architect/engineering corporations must obtain a license from the Architectural Registration Board before offering services to the public.

It is the committee's opinion that regulation of business practices such as restrictions on the ownership of lawful entities that offer professional services, as long as the professionals providing services are licensed and are in no way relieved of professional liability, is not necessary to protect public health, safety and welfare. The Legislative Program Review and Investigations Committee found no evidence that indicates the quality of a licensed architect's services will be affected if present ownership restrictions are eliminated. Connecticut statutes on professional engineering, a practice very similar to architecture, do not restrict the business form for engineering services and in several other states, any individual may own an architectural corporation.

Since the public is adequately protected from incompetent or unethical architectural practice through licensure of the individuals who directly provide the regulated services, *the Legislative Program Review and Investigations Committee recommends that all restrictions on the ownership of firms, partnerships, corporations and other lawful entities that offer or provide architectural services be eliminated. However, the committee also believes that a registration system for entities providing architectural services would facilitate oversight of the practice of architecture in Connecticut without restricting the business form for providing services. Therefore, the program review committee recommends that all firms, partnerships, corporations and other lawful entities that provide architectural services be required to register with the state board.*

General Revisions

In its prior sunset reviews the Legislative Program Review and Investigations Committee has recommended model regulatory procedures and policies to provide for uniformity and consistency and to eliminate unnecessary, outdated or overly restrictive requirements. The architectural statutes recently have been amended to include nearly all of the provisions from the committee's model.

However, to achieve full compliance with the committee's model criteria recommended in 1980 the following requirements should be deleted: the requirement that professional members of the board have 10 years experience as licensed architects prior to their appointment; and the requirements that all applicants possess good moral character and those licensed in states with standards substantially equivalent to Connecticut's be granted reciprocity only if they have held licenses for 10 years. *Therefore, the Legislative Program Review and Investigations Committee recommends that these specific provisions be eliminated from the architectural statutes.*

In addition, the program review committee found that while policies and guidelines concerning eligibility for examination, appeals of examination grades and reciprocal licensing appear to be applied consistently and fairly by the board, they have never been formally adopted. To avoid possible legal problems, *the committee recommends that the current policies and guidelines concerning architect licensure be adopted as formal regulations.*

INTRODUCTION

Purpose and Authority

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that a proliferation of governmental entities and programs had occurred without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. The committee is charged, under the provisions of Section 2c-3 of Chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in Section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

In addition to the criteria contained in Section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

Methodology

The Legislative Program Review and Investigations Committee's sunset review process is divided into three phases. The initial phase focuses on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs and accomplishments. Several methods are used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (e.g., minutes, complaint files, administrative reports, etc.), and data and statutes of other states; (2) staff observation of meetings held by each entity during the review period; (3) surveys of selected persons and groups associated with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organizes the information into descriptive packages and presents it to the committee. The presentations take place in public sessions designed to prepare committee members for the hearings, identify options for exploration and alert entity officials to the issues the committee will pursue at the hearings.

The final step of the review involves committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepares decision papers and presents recommendations to the committee. The committee, in public sessions, then debates and votes upon recommendations for the continuation, termination or modification of each entity.

BACKGROUND

Legislative History

The practice of architecture was first regulated in Connecticut in 1933 with the passage of Public Act 319. This act established a gubernatorially appointed architectural examining board comprised of five architects empowered to issue certificates through examination or reciprocity to individuals qualified to practice architecture. The board was also authorized to discipline architects who failed to comply with state requirements for architectural practice. The 1933 legislation actually was a "title statute" or certification system, limiting the use of the term architect to those individuals with certificates from the examining board, but not prohibiting others from preparing plans or specifications and supervising the construction of buildings.

The original examination fee was set at \$10. Architect certificates were issued for a fee of \$15 and the annual renewal fee was \$5. Examination, license and renewal fees have increased several times over the years. The current \$100 fee for the architectural licensing examination or any re-examination was established in 1978. The fee for an architect's license obtained through a process other than examination was set at \$50, the present rate, in 1971, while the annual renewal fee was increased from \$35 to \$75 during the 1982 legislative session.

The General Assembly adopted a legal definition of architectural practice and a licensing law in 1953. Under Public Act 53-284, individuals were required to obtain a "certificate of registration" from the state examining board before practicing architecture in Connecticut. The licensing act also required the working drawings or specifications prepared by licensed architects to be stamped with a personal seal approved by the board. Furthermore, state and local building officials were prohibited from accepting building plans or specifications unless they had been stamped by a licensed architect or professional engineer except when the plans or specifications involved: 1) construction or alteration of a residential building for not more than two families or a private garage or accessory building for use with such a building; 2) a farm building or structure for agricultural use; or 3) a building or building addition containing less than 5,000 square feet or alterations to such a building. In addition, certain individuals who may engage in architectural work that is incidental to their profession or occupation (such as professional engineers, persons who prepare shop drawings, construction superintendants, and employees of licensed

architects acting under the control, supervision or instruction of their architect-employers) were exempted from the architectural licensing requirements. The exemptions established under the original architect licensing act, with only some minor changes, remain in effect today.

Like the previous standards for certification, the 1953 licensure requirements included a minimum number of years of experience, a provision for substituting approved educational training for some practical experience and an examination process. In lieu of examination, applicants who were licensed in other states with substantially equal requirements and had practiced architecture for at least 10 years or had a certificate from the National Council of Architectural Registration Boards (NCARB) could be granted a Connecticut license through reciprocity.

The original licensing standards have undergone few significant changes. The current statutes, like the 1953 law, require a minimum of eight years of practical experience or the substitution of each completed year of approved education for a year of experience provided the applicant has at least three years of practical experience prior to examination for licensure. In 1971, P.A. 703 eliminated the U.S. citizenship requirement for most professional licenses including architecture and the age requirement was lowered to 18 from 21 in 1972 (P.A. 127).

During the 1955 legislative session, the architecture statutes were amended to allow unlicensed persons who were engaged in preparing plans and specifications and the supervising of construction of buildings prior to the effective date of the licensing act to continue these specific activities (but not the full range of architectural services) without obtaining an architect's license. In 1957, P.A. 552 required these individuals to obtain a "certificate of authority" from the board at a fee of \$10 and to renew their certificates annually at a fee of \$5. Holders of certificates of authority were designated architectural designers under legislation passed in 1965 (P.A. 584), although later, in 1969, architectural designers were grandfathered into the system as licensed architects and all statutory provisions concerning this special category were repealed (P.A. 385).

Until the mid-1960's, architects could only practice as individuals or in partnerships with other architects. In 1965, P.A. 495 allowed architects to form partnerships with professional engineers provided at least half of the partners or principals were licensed architects. The corporate practice of architecture was first permitted in Connecticut in 1969 (P.A. 422),

although the statutes required all personnel acting as architects, the chief executive officer and holders of voting stock to have state architect licenses. Such corporations were also required to obtain a certificate of authorization from the state architectural board prior to offering services to the public. Both the application and annual renewal fees for the corporate practice license were initially established at \$50. The renewal fee was set at \$100, the current rate, in 1972.

Joint corporate practice of architecture and professional engineering was allowed under legislation enacted in 1973 (P.A. 470), provided that the chief executive officer and all holders of voting stock of the joint corporation were either licensed architects or licensed professional engineers. Architect-engineering corporations were further required to obtain a certificate of authorization issued jointly by the Architectural Registration Board and the State Board of Registration for Professional Engineers and Land Surveyors. The application fee for a joint corporation license was set at \$150 and could be renewed annually for a fee of \$50. The renewal fee was increased to its present rate of \$200 during the 1982 legislative session (P.A. 317).

Although Public Act 103 of the 1959 legislative session charged the commissioner of public works with performing fiscal duties for and providing clerical assistance to the Architectural Registration Board, the board retained full authority over all licensing functions. The 1977 Executive Reorganization Act (P.A. 614), however, had a major impact on the architectural board's composition, powers and duties. The act placed the board under the Department of Consumer Protection and replaced two of the five architect members of the board with public members. Under P.A. 77-614, responsibility for issuing regulations, receiving and investigating complaints, and conducting most administrative functions related to architectural regulation was transferred from the board to the consumer protection commissioner. The board's authority was limited to advising the commissioner, making determinations concerning issuance of licenses, holding hearings and deciding disciplinary actions. The relationship established under executive reorganization between the department and the licensing boards within it was clarified through a number of technical amendments enacted in 1981 (P.A. 361).

Two 1982 acts, P.A. 370 and P.A. 419, made a number of technical and substantive changes to all licensing boards and programs, including architectural licensing, overseen by the Department of Consumer Protection. The primary purpose of these changes, which resulted from sunset reviews completed prior to 1982, was

to establish uniformity and standardization among all the boards and commissions within the department. Among the modifications affecting the architectural board were: a requirement that the board meet quarterly; a provision that a board member who misses three consecutive meetings or fails to attend 50 percent of the meetings during a year is deemed to have resigned; a provision that limits members to serving two consecutive full terms; and elimination of habitual drunkenness, addiction to narcotics or conviction of any felony as grounds for disciplinary action. Public Act 82-419 also changed the name of the board from the Architectural Registration Board to the Architectural Licensing Board.

Nature of the Profession

The practice of architecture includes

"...consultation, investigation, evaluations, preliminary studies, plans specifications and coordination of structural factors concerning the aesthetic or structural design and contract administration of building construction or any other service in connection with the designing or contract administration of building construction...." (C.G.S. Sec. 20-288)

The architect's goal, according to a professional association publication, is "...to put together a building which will function well, is structurally sound, meets budget requirements, provides the appropriate environment for its occupants, and also is a fitting addition to its surroundings."¹

An architect's services may be limited to the drawing of plans or may include a full range of design, design development, contract document preparation, bid and negotiation, and construction administration and field supervision functions. In the latter case, the architect often heads a team of design specialists (e.g., engineers, interior designers, landscape architects, etc.) and acts as the building owner's agent. Architect's fees are negotiable and usually range from 4 to 10 percent of "hard" construction costs (site preparation, building construction, fixed equipment and systems), depending on the extensiveness of professional services required as well as a project's size, cost and complexity.

¹ Connecticut Society of Architects, "What Does An Architect Do," Connecticut Architect, Summer, 1980, p. 3.

Architects practice independently, in firms with other architects or, less frequently, in partnerships or corporations with professional engineers and other design professionals. A survey conducted by the American Institute of Architects (AIA) showed that in 1981, only about 11 percent of the AIA member firms included in the survey sample were mixed architecture/engineering firms while 86.3 percent were purely architectural businesses.²

The institute's study also revealed that most architectural firms in the U.S. are small; 80 percent of the AIA firms surveyed had 10 or less employees. The Connecticut Society of Architects estimates that the average architectural firm in this state is comprised of 3 to 4 employees. About one-third of the society's 400 licensed architect members are sole practitioners.

Architecture is a highly mobile profession. Architects typically practice in several states and, therefore, tend to be licensed in their state of residence as well as all surrounding states. Many large architectural firms have a national and sometimes international scope of practice and thus require their architect employees to hold multiple licenses. The profession's frequent and extensive need for reciprocal licensing resulted in the development of a national clearinghouse from after the first state architectural regulation statutes were enacted.

In 1920, a committee of state architectural boards formed the National Council of Architectural Registration Boards as a mechanism, controlled by the state boards, for developing and implementing uniform examination procedures, educational standards and a reciprocal licensing system. Today, in addition to producing the national licensing exams, NCARB maintains a certification system that facilitates reciprocal licensing of architects and provides guidelines for uniform licensing and disciplinary standards and procedures.

At present, the architectural licensing boards of all 50 states, the District of Columbia and 3 U.S. territories are members of the national council. All architectural boards prescribe the NCARB licensure examinations, although during 1981 and 1982 several states were considering development of their own licensing tests. While a number of states, including Connecticut, also have adopted the entry standards recommended by the national council, there still is considerable variation among states in terms of education and training requirements for an architect's license.

² The American Institute of Architects, The 1981 AIA Firm Survey (Washington, D.C.: April 1982), pp. 4-11.

Other States

Most states have laws that require a licensed architect or professional engineer to prepare the plans for new buildings and major structural alterations over a certain size and/or estimated construction cost or for structures used by the general public. Like Connecticut, 28 states exempt farm buildings while 19 states do not require a building constructed for the owner's personal use to be designed by an architect or engineer. Thirty-one states including Connecticut exempt residences, however, in some cases this applies only to single family dwellings while in others, apartment buildings containing up to eight units do not have to be professionally designed. Size and/or construction cost exemptions are in effect in 29 states and generally apply to commercial and industrial types of buildings. Fourteen states have statutory cost limits which range from \$5,000 to \$200,000; in 4 states, plans for any building involving over \$50,000 in construction costs must be prepared by an architect or engineer.

Size restrictions, which are used in Connecticut and 14 other states, may be in terms of square footage, cubic footage and/or number of stories. Exemptions based on square footage range from a low of 500 square feet to a high, in Connecticut, of 5,000, although in one state buildings up to 20,000 square feet do not have to be designed by an architect or engineer if they are not used by the general public. In three states, anyone can prepare the plans for certain types of buildings that do not exceed two stories and in 4 states, certain structures under a maximum cubic footage (ranging from 20,000 to 50,000 cubic feet) are exempt.

Structure

The Connecticut Architectural Registration Board is located within the Department of Consumer Protection. The board is comprised of three practicing architects and two public members, with all five members appointed by the governor. To be eligible for appointment, the licensed architect members must have at least 10 years experience.

The board is staffed by one full-time secretary. In addition, as needed, the services of the centralized administrative, investigative and legal personnel of the consumer protection department are available to the architectural board as well as to the other regulatory boards and commissions within the Department of Consumer Protection.

Purpose, Powers and Duties

The general purpose of the Architectural Registration Board is to oversee the practice of architecture in Connecticut. To fulfill this purpose, the board is empowered by statute to:

- advise and assist the commissioner of consumer protection in the adoption of regulations for performance of its duties and for the practice of architecture;
- prescribe, with the consent of the commissioner of consumer protection, examinations for qualified applicants;
- review applications and evaluate qualifications of individuals and corporations seeking architectural licensure;
- authorize the consumer protection commissioner to issue licenses to individuals and corporations deemed qualified;
- accredit schools or colleges of architecture;
- approve the seal each licensed architect must use on working drawings and specifications;
- maintain a record of its proceedings and a roster of licensed architects and corporations;
- request the commissioner of consumer protection to conduct an investigation and make findings and recommendations regarding any matter within its statutory jurisdiction
- conduct hearings on any matter within its statutory jurisdiction (in connection with any such hearing, the board may administer oaths, issue subpoenas, compel testimony, and order the production of books, records and documents); and
- decide disciplinary actions and issue orders concerning violations of architectural statutes and regulations.

Fiscal Information

Expenses incurred by the Architectural Registration Board are accounted for in the Department of Consumer Protection budget. Information on board expenses for the last two fiscal years, supplied by the department, is shown in Table II-1.

Table II-1. Architectural Registration Board Expenses, Fiscal Years 1980-81 and 1981-82.

	<u>FY 1980-81</u>	<u>FY 1981-82</u>
Board Expenses	\$ 1,413	\$ 536
Staff Expenses	11,830	11,750
Other Expenses	20,592	20,000
Administrative Expenses	<u>8,000</u>	<u>8,000</u>
TOTAL	\$41,835	\$40,286

Source: Department of Consumer Protection.

The fee schedule for various architectural licenses and the revenues from the board's licensing and examination activities for fiscal years 1980-81 and 1981-82 as well as part of FY 1982-83 are presented in Table II-2. As Table II-2 indicates, the increase in the annual renewal fee for an individual architect's license, from \$35 to \$75, during the 1982 legislative session has had a dramatic impact on revenues. From July 1, 1982, the effective date of the increase (and the deadline for the current 1982-83 renewal period), through October 1982, the board had received almost \$160,000 in renewal fees at the \$75 rate. This is more revenue than from all fees collected during the entire 1981-82 fiscal year.

Table II-2. Architectural Registration Board Revenues.

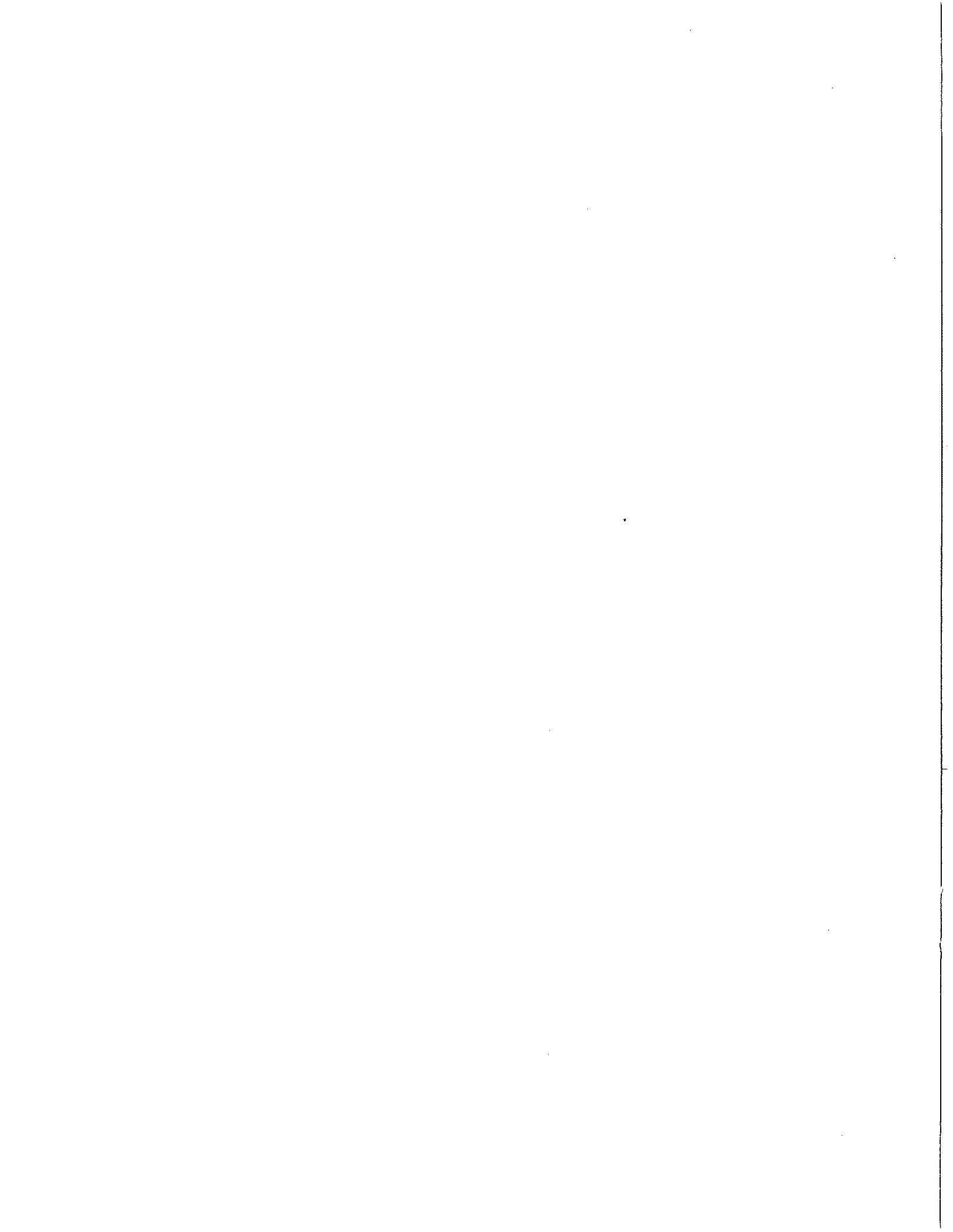
Source	Fee	FY 1980-81		FY 1981-82		FY 1982-83*	
		No.	Revenue (\$)	No.	Revenue (\$)	No.	Revenue (\$)
<u>Exams/ Reexams</u>	\$100	192	\$19,200	194	\$19,400	21	\$2,100
<u>Arch. Licenses</u>							
Reciprocity	\$ 50	117	5,850	132	6,600	38	1,900
Renewals ¹	\$ 35	2,174	76,090	1,136	39,760	10	350
	\$ 75	-	-	68	5,100	2,114	158,550
Penalty Fee	\$ 5	101	505	116	580	51	255
<u>Corp. Licenses</u>							
Arch. Corp.							
Initial	\$ 50	1	50	2	100	1	50
Renewal	\$100	26	2,600	9	900	30	3,000
A/E Corp. ²							
Initial	\$150	-	-	-	-	-	-
Renewal	\$ 50	4	200	2	100	-	-
Other (Duplicate Licenses, Rosters, Etc.)	(vary)	31	75	20	53	9	19
TOTAL REVENUE			<u>\$104,570</u>		<u>\$72,593</u>		<u>\$166,224</u>

* Revenue received from July 1, 1982 through October 22, 1982 only.

¹ The renewal fee for an individual architect license was increased to \$75 effective July 1, 1982. Renewals at the \$35 rate shown for FY 1981-82 are for those paid prior to July 1, 1982, and for lapsed licenses; FY 1982-83 renewal fees at the \$35 rate are for lapsed licenses only.

² Revenues from architect/engineering (A/E) corporation licenses are equally split between the architect and the engineering boards.

Source: Architectural Registration Board.



ACTIVITIES

The Architectural Registration Board is statutorily required to meet quarterly, however, meetings are generally held each month except during the licensing examination periods--June and December. From January 1981 through May 1982, the board held 13 regular meetings and conducted one formal hearing. The usual length of the regular meetings was about four hours and attendance averaged 80 percent (four out of five members).

The board's primary activities are licensing architects and architectural corporations and handling complaints against licensed practitioners. A description of the board's role in each of these areas follows.

Licensure

In Connecticut, an architect's license can be obtained through examination, direct reciprocity or reciprocity through the National Council of Architectural Registration Boards. To be eligible for examination, a candidate must be at least 18 years of age, of good moral character, have completed a four year high school course (or its equivalent), and have:

- eight years of "adequate practical experience"; or
- a combination of education and experience totaling eight years with a minimum of three years practical experience under the direct supervision of a licensed architect (or its equivalent).

Thus, a college degree is not required for architectural licensure, although each year completed in an accredited school or college of architecture can be substituted for one year of the experience required prior to examination.

Like all other states, Connecticut utilizes the licensure examinations provided by the National Council of Architectural Registration Boards. The board requires applicants for licensure through examination to pass three separate national exams:

- the Qualifying Exam, a four part, two day multiple choice exam:

Table III-1. Architectural Registration Board Examination Activities.

Examination Applications

	<u>FY 1980-81</u>	<u>FY 1981-82</u>
No. Received		
for Examination	79	67
for Reexamination	<u>113</u>	<u>127</u>
Total No. Applications Received	<u>192</u>	<u>194</u>

Examination Candidates

	<u>FY 1981-82</u>	<u>FY 1982-83</u>
No. Scheduled		
for June Exams	173	175
for Dec. Exam	<u>82</u>	<u>90*</u>
Total No. Candidates Scheduled:	<u>255</u>	<u>265</u>

* No. candidates scheduled as of October 1982; final number may be less or more.

Examination Results

	<u>No. Examinees</u>	<u>No. Passed (%)</u>
June 1981 Qualifying Test		
Part A	66	40 (61%)
Part B	68	44 (65%)
Part C	53	40 (75%)
Part D	84	42 (50%)
June 1981 Professional		
Part A (Site/Design) Exam	135	56 (41%)
December 1980 Professional		
Part B Exam	93	46 (49%)

Source: Architectural Registration Board.

- the Professional Exam Part A, a 12 hour practical site/design examination; and
- the Professional Exam Part B, a four part, two day multiple choice exam.

While all state boards prescribe both parts of the professional examination for licensure, some do not require the Qualifying Exam or require it only for candidates without architectural degrees. In Connecticut, all applicants must pass the Qualifying Exam before they can take the Professional Part B Exam. However, eligible candidates can take the site/design (Professional Part A) at any point or simultaneously with the Qualifying Exam.

In accordance with the requirements of the National Council of Architectural Registration Boards, the Qualifying Exam and the Professional Part A Exam are given in all states in June; the Professional Part B Exam is held in December. There is no limit on the number of times an applicant can retake any examination or any failed portion of a multi-part examination. Data on examination and re-examination applications received, examination candidates scheduled by the Architectural Registration Board, and selected examination results are shown in Table III-1.

Applicants may be granted reciprocity by the board if: 1) they hold a license from another state and have been certified by the National Council of Architectural Registration Boards; or 2) they hold a license from another state with requirements substantially equal to Connecticut's and have practiced in that state for at least 10 years. Connecticut has direct reciprocity with 22 other states. Licensees from states that do not meet entry standards equivalent to Connecticut's must obtain a national certificate or go through the examination process to be licensed in this state.

Since 1969, the board has issued certificates authorizing the practice of architecture in the corporate form. Eligibility for a corporate practice license requires that:

- all personnel of the corporation who are acting as architects, the chief executive officer and holder(s) of voting stock must be Connecticut licensed architects; and
- an application stating the name and address of the corporation, the address of the Connecticut principal office, the names and addresses of all stockholders, directors and officers, and a statement as to whether holder(s) of voting stock are licensed architects must be filed with the board.

In addition, the corporate practice license application must be accompanied by a \$50 fee.

The Architectural Registration Board, jointly with the Connecticut Board of Registration for Professional Engineers and Land Surveyors, also issues licenses for the joint corporate practice of architecture and professional engineering provided that: 1) the chief executive officer and all holders of voting stock are either licensed architects or engineers; 2) the personnel in charge of the corporation's architectural practice and of the engineering practice are, respectively, licensed architects and licensed professional engineers; and 3) an application, accompanied by a fee of \$150, is filed with both boards. (The application fees as well as renewal fees, which were recently increased from \$50 to \$200 under P.A. 82-317, for joint corporate practice licenses are split equally between the architectural and engineering boards.)

Individual architect licenses must be renewed on or before July 1 each year. By regulation, failure to renew within 60 days of expiration results in a penalty fee of \$5; after the 60 day grace period, a license is deemed to have lapsed. Lapsed licenses can be renewed by paying the renewal fee and the five dollar penalty fee for each lapsed year, provided that payment is made within three years. If a license has been allowed to lapse for more than three years, the holder must be relicensed. Similar renewal, penalty and relicensure provisions apply to corporate practice licenses. Statistical information on the Architectural Registration Board's licensure activities for the past two fiscal years is presented in Table III-2.

Complaint Process

The Architectural Registration Board is empowered to conduct hearings on complaints against license holders and when violations are found to impose disciplinary actions upon findings of fraud, deceit, misrepresentation, misconduct, gross negligence or incompetence, or violation of an architectural statute or regulation, the board may censure or reprimand a licensee or suspend or revoke a license. The board is also authorized to order unlicensed persons to "cease, desist and discontinue" the practice of architecture. Board decisions can be appealed to the courts.

According to board minutes, 16 complaints were handled during the period January 1981 through January 1982. Most of the complaints concerned alleged violations of the "title statute" (e.g., use of the term architect by unlicensed persons or unlicensed architectural practice) and of the corporate practice

Table III-2. Architectural Registration Board Licensure Activities.

	<u>FY 1980-81</u>	<u>FY 1981-82</u>
<u>Architect Licenses</u>		
No. New Licenses Issued		
by NCARB reciprocity	108	119
by direct reciprocity	9	20
by examination	<u>24</u>	<u>50</u>
Total No. New Issues	141	189
Total No. Renewals	2,174	2,204
<u>Corporation Licenses</u>		
No. Arch. Corp.		
new issues	1	2
renewals	26	9
No. Joint Arch./Engin. Corp.		
new issues	-	-
renewals	4	2

Source: Architectural Registration Board.

laws (e.g., unlicensed firms or corporations providing architectural services). Figure III-1 summarizes the types and outcomes of all 16 complaints processed by the board.

The architectural board complaint process was in transition during the sunset review process. Complaints were still being received and screened by the board, although Department of Consumer Protection staff were responsible for conducting investigations of alleged violations. Based on the department's investigation results, the board would decide whether to: dismiss the complaint; issue a warning (advisory letter); seek voluntary correction or other informal settlement; or schedule a formal hearing. In several cases, the board required the assistance of the department's legal staff in deciding whether there was sufficient cause for a hearing.

Figure III-1. Types and Outcomes of Architectural Registration Board Complaints, January 1981 - January 1982.

TYPE: "Title Statute" violations (8 handled)

Outcome: 2 - determined questionable (but not violations);
sent advisory letters
3 - respondents voluntarily corrected violations
1 - determined to be corporation issue
1 - pending (under investigation)
1 - scheduled for formal hearing

TYPE: Unauthorized Firm/Corporation Practice (5 handled)

Outcome: 2 - no action taken (but seeking attorney general
opinion on issue)
2 - scheduled for hearing (but one closed due to
complainant death)
1 - investigated and determined no violation

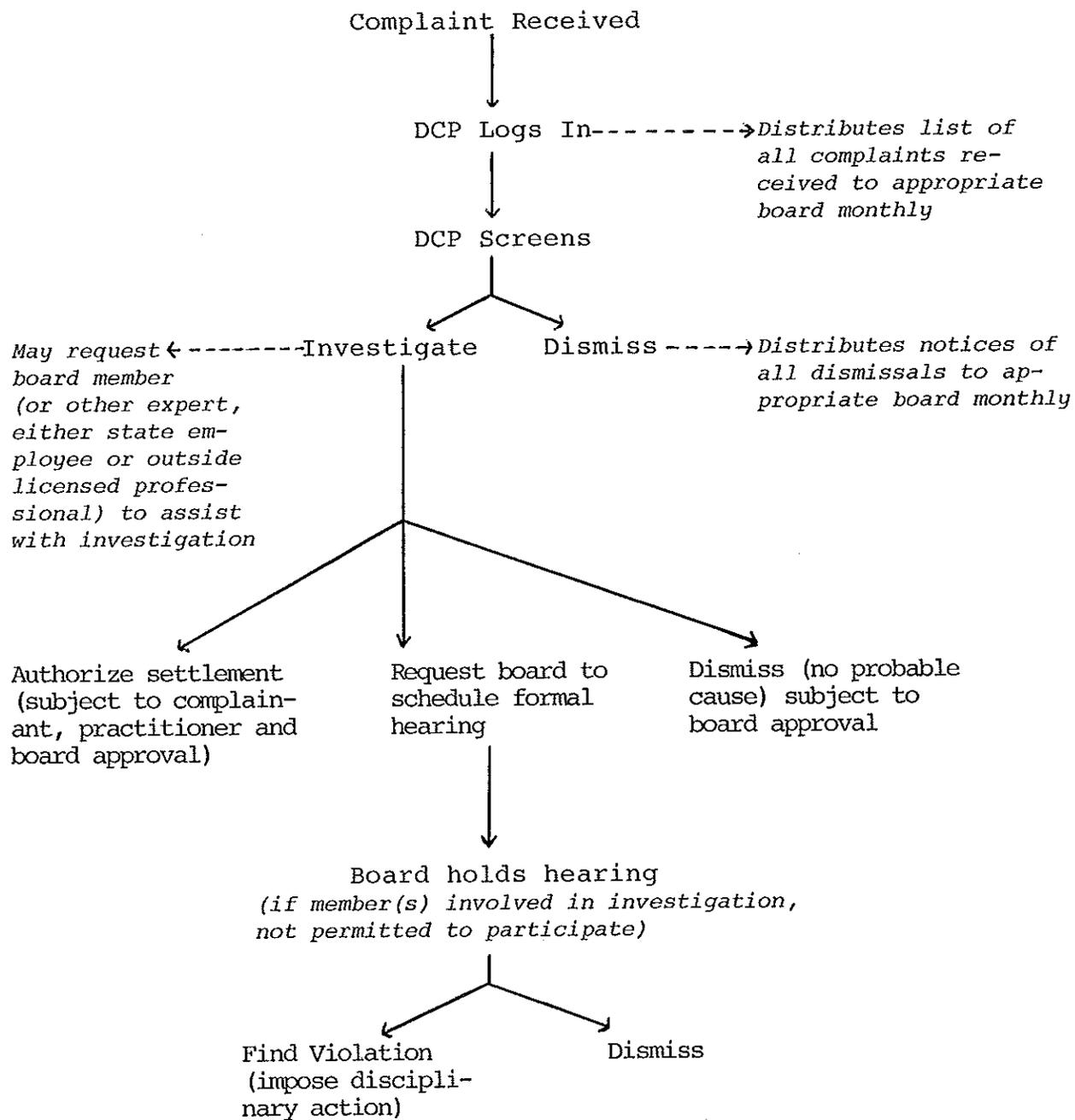
TYPE: Improper Practice by Licensed Architect (3 handled)

Outcome: 1 - advisory letter (re: improper use of seal)
1 - not under board's jurisdiction; referred to
Frauds Division of the Department of Consumer
Protection
1 - respondent voluntarily corrected violation

Source: LPR&IC staff analysis of Architectural Registration Board minutes.

The department has been developing a uniform process for handling complaints, which will apply to all boards and commissions within its jurisdiction. In addition, legislation enacted during the 1982 session (P.A. 82-370 and 82-416) clarified the department's role and responsibilities in handling complaints against architects and other licensed professionals. The major steps in the system now being implemented by the department are outlined in Figure III-2. The primary change affecting the architectural board is that all complaints will be logged in and screened initially by Department of Consumer Protection staff.

Figure III-2. Major Steps in Department of Consumer Protection (DCP) Complaint Process (Under P.A. 82-370 and P.A. 82-419).



A Typical Meeting

The monthly meetings of the Architectural Registration Board follow the same general format which is outlined in a formal agenda. After approving the minutes of the previous meeting, the members receive a report from the board secretary which generally covers: correspondence received; the status of complaint investigations or other pending matters; information about examinations (e.g., applications or arrangements); and other business items.

Applications for licensure which are not clear cut are forwarded to the board by the Department of Consumer Protection for a policy decision. Review and discussion of such applications can be quite lengthy. Usually the applications in question involve reciprocity requests and require board evaluation of the candidate's practical experience.

The board also reviews and formally approves applicants found to be eligible for reciprocity by the department staff. When examination results are received (from the national grading organization), the candidates who passed are also formally approved for licensure by the board.

New complaints received are noted and forwarded to the department for investigation. Reports from the department's investigator on pending complaints are reviewed and members determine whether further action is required. Frequently, the Department of Consumer Protection's legal staff will be asked to attend meetings and advise the board on complaints.

One topic that received a significant amount of the board's attention during the past year was corporate practice policy. After several consultations with the department's assistant attorney general, the board requested a formal legal interpretation of the architectural corporate practice statutes.

The board also initiated revisions of the architectural code of ethics regulations during FY 1981-82. One board member was assigned to work with department legal staff to update the existing regulations to conform with national standards. A public hearing on the proposed revisions was held by the board in September 1981, and the new code of ethics regulations became effective early in 1982.

ANALYSIS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee sunset review of the state Architectural Registration Board focused on the level of regulation for individual practitioners, continuation of the board, regulation of business practices and the revision of regulatory procedures and provisions to comply with uniform, model standards.

Level of Regulation

In considering whether licensure is the appropriate level of regulation for architecture, the program review committee examined the potential danger to the public from unregulated practice. In order to minimize the risks to the public health and safety, including serious injury or death, that can result from building failure, the committee believes that only qualified individuals should be permitted to design buildings. Furthermore, only individuals who possess a minimum level of competence should be allowed to provide architectural services in order to protect consumers from the economic harm possible when poor design results in costly construction delays or necessitates expensive redesign and/or reconstruction.

For these same reasons, the committee believes there is a public need to ensure that standards of architectural competence are maintained, and when incompetence, negligence or malfeasance is found, the individual is prohibited from further practice or otherwise disciplined. The program review committee believes that a change in the level of regulation for architecture could significantly endanger direct consumers of architectural services and third party users, the general public. *Therefore, the Legislative Program Review and Investigations Committee recommends continuation of licensure for architects.*

Continuation of the Board

In determining whether there was a need to retain the Architectural Registration Board or whether another state agency could assume the board's functions, the committee considered two factors: the work load of the board and the need for the expertise provided by board members. Based on committee staff observations of meetings during the first half of 1982 and an analysis of minutes for the past year, the Legislative Program Review and Investigations Committee concluded that the board played an active role in regulating the architectural profession both through licensure and the handling of complaints.

While the Department of Consumer Protection staff are able to process most licensure requests, a number of applications, especially those involving reciprocity, are forwarded to the board for further consideration. At each meeting held during 1981, the board reviewed an average of 11.5 reciprocity requests. In many cases, evaluation of a candidate's practical experience qualifications required the board's expertise since credit can be granted for a wide variety of education, training and employment experiences. Also, these evaluations frequently resulted in new, revised or clarified entry standard policies. For example, the board adopted general policies concerning appeals of examination results, renewals of lapsed licenses and exemptions from the Qualifying Exam requirement after discussing specific licensure requests.

In addition to licensure reviews, the board discussed from three to seven new or continued complaints and an average of five other matters at each regular meeting. In general, complaints involved questions related to the scope and content of architectural practice that required the knowledge and technical expertise of licensed professionals. Among the other items addressed at the board meetings were policy issues related to Connecticut's participation in the National Council of Architectural Registration Boards such as proposed changes in the national exams and the development of a national architectural internship program.

Given the technical nature of architectural regulation and the number of policy issues it entails, the committee believes there is a need to continue the Architectural Registration Board. The technical knowledge and professional expertise necessary for evaluating applications and complaints is not available within the Department of Consumer Protection or another state agency. In addition, continuation of the board would facilitate state participation in the activities of the National Council of Architectural Registration Boards, the organization that develops the national licensing exam, maintains the reciprocal licensing clearinghouse and promotes uniform entry and disciplinary standards. *Therefore, the Legislative Program Review and Investigations Committee recommends that the state Architectural Registration Board, with its current composition of three architects and two public members, be continued.*

Regulation of Business Practices

Under current law, only architects licensed in Connecticut and partnerships owned by Connecticut licensed architects are permitted to offer and provide architectural services to the public, except that: 1) a partnership of licensed architects

and engineers may provide architectural services if at least half of the partners are architects; 2) a professional corporation of architects is permitted to practice architecture under the corporate form, provided the chief executive officer and holders of voting stock are licensed architects and the corporation has obtained a license from the architectural board; and 3) a corporation for the joint practice of architecture and engineering may provide architectural services if the chief executive officer and holders of voting stock are licensed architects or engineers and the corporation has obtained a joint license from the architectural and the engineering boards.

It is the committee's opinion that regulation of business practices such as restrictions on the ownership of firms, partnerships, corporations and other lawful entities that offer professional services, as long as the professionals providing services are licensed and are in no way relieved of professional liability, is not necessary to protect public health, safety and welfare. The Legislative Program Review and Investigations Committee found no evidence that indicates the quality of a licensed architect's services would be affected if individuals other than architects (or engineers in the case of joint practice) were permitted to own (and direct in the case of corporations) lawful entities formed to provide architectural services. Several states allow any individual(s) to own corporations that offer architectural services and only require that services be performed by licensed professionals. Furthermore, Connecticut statutes on professional engineering, a practice very similar to architecture, do not require that corporations practicing engineering be owned by engineers.

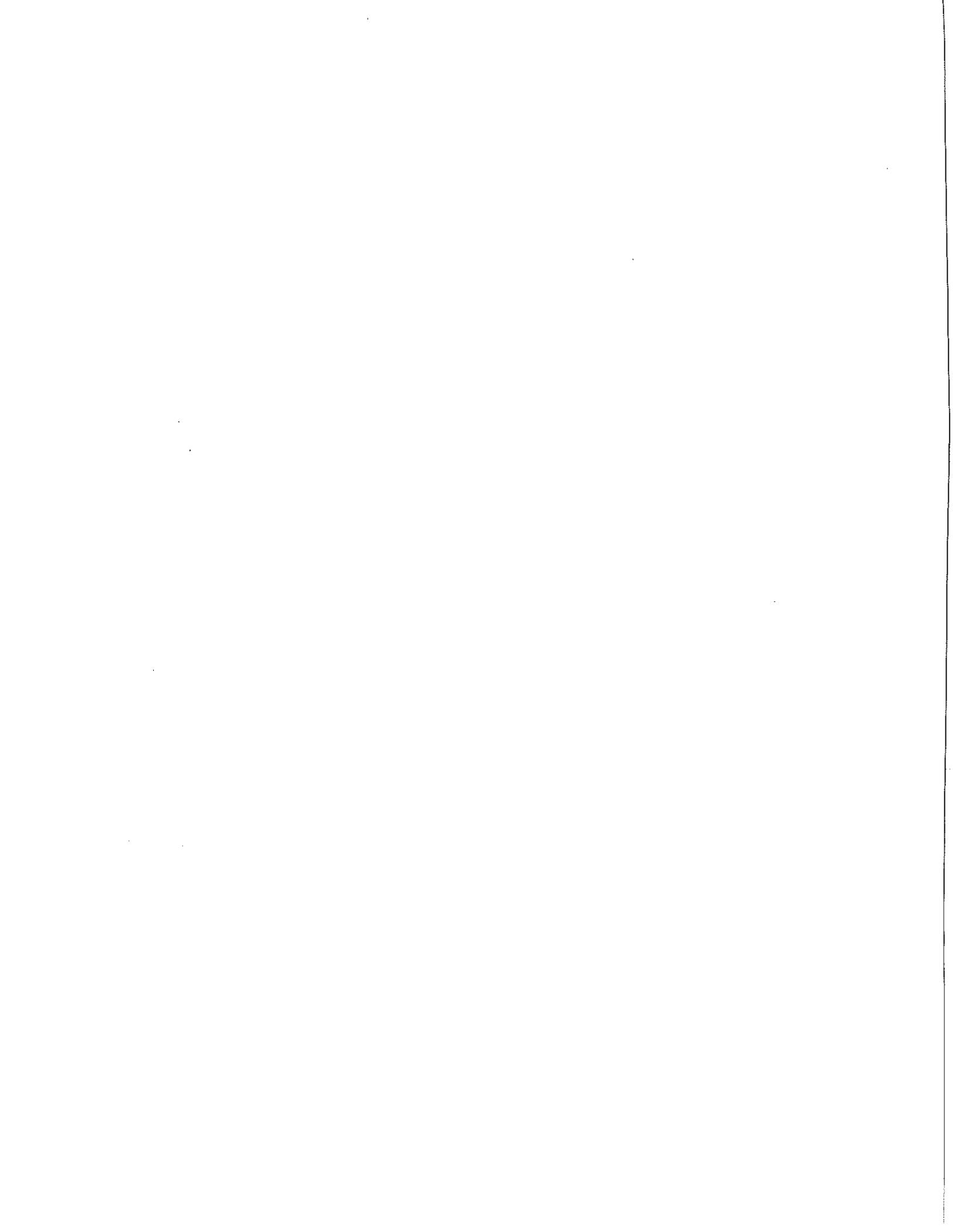
Since the public is adequately protected from incompetent or unethical architectural practice through licensure of the individuals who directly provide the regulated services, *the Legislative Program Review and Investigations Committee recommends that all restrictions on the ownership of firms, partnerships, corporations and other lawful entities that offer or provide architectural services be eliminated.* However, state laws would continue to require that the architectural services offered be provided only by licensed architects and would insure that no licensed architect is relieved of professional responsibilities by reason of employment or other relationship with such an entity. *In addition, the program review committee recommends that all firms, partnerships, corporations and other lawful entities that provide architectural services be required to register with the state board.* A registration system would facilitate oversight of the practice of architecture in Connecticut without restricting the business form for providing services.

General Revisions

In its prior sunset reviews the Legislative Program Review and Investigations Committee has recommended model regulatory procedures and policies to cover all entities within the Department of Consumer Protection in order to: 1) provide for uniformity and consistency; and 2) eliminate unnecessary, outdated or overly restrictive requirements. As a result of legislation enacted during the 1981 and 1982 sessions, the architectural statutes have been amended to include nearly all of the provisions from the committee's model statutes. However, several additional revisions are necessary to achieve full compliance. At present, the requirement that professional members of the board have 10 years experience as licensed architects prior to their appointment and the requirements that all applicants possess good moral character and those licensed in states with standards substantially equivalent to Connecticut's be granted reciprocity only if they have held licenses for 10 years, do not comply with the model criteria recommended by the program review committee in 1980. *Therefore, the Legislative Program Review and Investigations Committee recommends that these specific provisions be eliminated from the architectural statutes.*

Finally, while policies and guidelines concerning eligibility for examination, appeals of examination grades and reciprocal licensing appear to be applied consistently and fairly by the board, they have never been formally adopted. The committee believes regulations covering each of these policy areas should be promulgated to avoid possible legal problems and to formalize entry standards and procedures. *The Legislative Program Review and Investigations Committee, therefore, recommends that the current policies and guidelines concerning architect licensure be adopted as formal regulations.*

APPENDICES



APPENDIX A

Summary Sheet

ARCHITECTURAL REGISTRATION BOARD

STATUTORY REF: C.G. S. Chapter 390

ESTABLISHED: 1933

ORGANIZATIONAL LOCATION: Department of Consumer Protection

PURPOSE: To oversee the practice of architecture in Connecticut

POWERS AND DUTIES:

- To authorize DCP to issue licenses for the practice of architecture by individuals and corporations
- To prescribe, with the consent of DCP, examinations for qualified applicants
- To evaluate qualifications of individuals and corporations seeking licensure
- To accredit schools or colleges of architecture
- To advise the Commissioner of DCP on promulgation of regulations
- To hold hearings on matters within its jurisdiction and decide upon disciplinary action
- To approve the seal each licensed architect must use on working drawings and specifications
- To maintain a roster of licensed architects and corporations

COMPOSITION: Five members--three licensed architects, each with at least ten years experience, and two public members

APPOINTING AUTHORITY: Governor

STAFF: One

REQUIREMENTS FOR LICENSURE:

Architect:

Through Examination

- Be at least 18, of good moral character and have completed a four-year high school course (or its equivalent);
- Have eight years of "adequate practical experience" or a combination of experience and education (each year completed in an accredited school or college of architecture equals one year of experience), provided the applicant has a minimum of three years practical experience under the direct supervision of a licensed architect (or its equivalent); and
- Pass the prescribed examination.

Through Reciprocity

- Hold a license from another state and a certificate from the National Council of Architectural Registration Boards; or
- Hold a license from another state with requirements substantially equivalent to Connecticut's and have practiced in that state for at least ten years.

Architectural Corporation:

- Personnel of corporation acting as architects, chief executive officer and holder(s) of voting stock must be Connecticut licensed architects;
- File an application with the board stating name and address of corporation, address of Connecticut principal office, names and addresses of all stockholders, directors and officers and a statement as to whether holder(s) of voting stock are licensed architects.

Architect-Engineer

(A/E) Joint Corporation:

- Chief executive officer and holder(s) of voting stock must be Connecticut licensed architects or professional engineers;

- Personnel of corporation responsible for architecture must be licensed architects and those responsible for engineering must be licensed professional engineers; and
- File an application with both the architectural and engineering boards jointly on a form prescribed by said boards.

FEES:

Architect License

application (other than exam): \$50
 examination: \$100
 annual renewal: \$75 (increased from \$35 under P.A. 82-394)

Architectural Corporation License

application: \$50
 annual renewal: \$100

A/E Joint Corporation License

application: \$150
 annual renewal: \$200 (increased from \$50 under P.A. 82-317)

BUDGET:

	<u>FY 79-80</u>	<u>FY 80-81</u>	<u>FY 81-82</u>
<u>Expenses</u>			
Board	\$ 1,088	\$ 1,413	\$ 536
Staff	11,000	11,830	11,750
Other	8,781	20,592	20,000
Administrative	<u>4,367</u>	<u>8,000</u>	<u>8,000</u>
TOTAL	\$25,236	\$41,835	\$40,286
<u>Receipts</u>	\$83,999	\$141,575	

LICENSE DATA:

	<u>FY 1980-81</u>	<u>FY 1981-82</u>
<u>Architect Licenses</u>		
total no. issued: (includes renewals, lapsed, duplicates and new issues)	2,174	2,204
no. new licenses issued by examination:	24	50
by reciprocity:	117	139

	<u>FY 1980-81</u>	<u>FY 1981-82</u>
<u>Corporation Licenses</u>		
total no. Architectural Corp.		
issued:	27	11
total no. A/E Joint Corp. issued:	4	2

EXAM DATA:

December 1980 Professional Part B Exam

no. examinees: 93
no. passed: 46 (49%)

June 1981 Professional Part A (Site/Design) Exam

no. examinees: 135
no. passed: 56 (41%) (national average = 26%)

June 1981 Qualifying Test

	<u>no. examinees</u>	<u>no. passed</u>
Part A	66	40 (61%)
Part B	68	44 (65%)
Part C	53	40 (75%)
Part D	84	42 (50%)

COMPLAINT DATA:

Complaints Handled (Jan. 1981 - Jan. 1982): 16

Types and Outcomes:

- 8 - "title statute" complaints
 - 2 - determined questionable (but not violations); sent advisory letters
 - 3 - respondents voluntarily corrected violations
 - 1 - determined to be corporation issue
 - 1 - pending (under investigation)
 - 1 - scheduled for formal hearing (held May 1982)
- 5 - unauthorized firm/corporation complaints
 - 2 - no action taken (but seeking attorney general opinion on issue)
 - 2 - scheduled for hearing (but one closed due to complainant death)
 - 1 - investigated and determined no violation
- 3 - improper practice (by licensed architect) complaints
 - 1 - advisory letter (re: improper use of seal)
 - 1 - not under board's jurisdiction; referred to DCP Frauds Division
 - 1 - respondent voluntarily corrected violation

APPENDIX B

Legislative Changes Needed to Implement the Legislative Program Review and Investigations Committee's Recommendations

- Amend Section 20-289 of the Connecticut General Statutes to eliminate the 10 year experience requirement for board members.
- Amend Section 20-291 of the Connecticut General Statutes to eliminate the good moral character requirement for architect licensure and the 10 year experience requirement for reciprocal architect licensure.
- Amend sections 20-289, 20-292, 20-248a, 20-298b and 20-306b of the Connecticut General Statutes to eliminate all restrictions on the ownership of firms, partnerships, corporations and other lawful entities that offer or provide architectural services.
- Add a section to Chapter 390 of the Connecticut General Statutes to require registration for all firms, partnerships, corporations and other lawful entities that offer or provide architectural services in Connecticut.

