

BOARD OF ARCHITECTS

Rules Relating to the Profession

1.1 THE BOARD'S PURPOSE

The Board of Architects ("the Board") has been created by Vermont law, which confers certain powers and duties on the Board. The Board's purpose is to protect the public health, safety, and welfare by setting standards for issuing licenses, licensing qualified applicants, and regulating licensed architects and their practice.

1.2 LAWS THAT GOVERN THE BOARD

The Board is governed by a specific state law that establishes its responsibilities for setting standards, issuing licenses, and regulating the profession. The law is the Architects Act, 26 V.S.A. §§ 121-211. In addition, the Board is governed by several other state laws, such as the Administrative Procedure Act, 3 V.S.A. §§ 801-849, the Open Meeting Law, 1 V.S.A. §§ 310-314, the Law of Professional Regulation, 3 V.S.A. §§ 121-131, and the Access to Public Records Law, 1 V.S.A. §§ 315-320. These laws set forth the rights of an applicant, licensed architect, or member of the public. The complete text of these laws is available at most libraries and town clerks' offices. "Vermont Statutes Online" are also available on the Internet at <http://www.leg.state.vt.us>. In addition, the Board has a home page on the Internet at <http://www.vtprofessionals.org/architects/>.

1.3 DEFINITIONS

1.3.1 A "licensed architect" is a person licensed or registered to practice architecture in the jurisdiction in which he or she practices.

1.3.2 A person practices as a "principal" by being (a) a licensed architect and (b) the person in charge of the organization's architectural practice, either alone or with other licensed architects.

1.3.3 An organization will be considered to be "an office of a licensed architect" if: (a) the architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal, and the applicant works under the direct supervision of a licensed architect; and (b) the architectural practice of the organization encompasses the comprehensive practice of architecture including each of the categories found in the Intern Development Program Training Requirement.

1.3.4 "Training Unit" means eight hours of acceptable work in an acceptable work setting.

PART 2. INFORMATION FOR APPLICANTS FOR INITIAL LICENSURE

2.1 APPLICATIONS

Applications and information about licensure requirements are available from the Office of Professional Regulation. An applicant shall submit a fully completed application form with all supporting documentation and the fee to the Office. The Board reviews applications only after the fully completed application and documentation are received, including evidence of any required education, supervision, or training.

Licenses renew on a fixed biennial schedule: January 31 of the odd-numbered years. Applicants issued an initial license within 90 days of the renewal date will not be required to renew and pay the renewal fee. The license will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

2.2 HOW TO OBTAIN A LICENSE BY TAKING AN EXAMINATION

Qualifying for the Examination:

2.2.1. To qualify to take the examination, an applicant must have earned a high school diploma or GED (General Equivalency Degree) and must have attained the age of majority (age 18). In addition an applicant must have accomplished one of the following:

2.2.1.1. Option One - Professional Degree and Three Years of Experience. Graduated from a school or college of architecture accredited by the National Architectural Accrediting Board, and received at least 3 years of PRACTICAL EXPERIENCE under the supervision of an experienced architect. For purposes of this and the succeeding subsection 2.2.1.2, "an experienced architect" is defined as a practicing architect who has been licensed and in general practice for at least three (3) years. For purposes of this and the succeeding subsection 2.2.1.2 "practical experience" is defined as experience acquired through practice rather than theory. Practice, in this context, encompasses the broad variety of skills ordinarily exercised by those in general architectural practice and requires direct and meaningful participation in the various architectural, structural, mechanical, electrical, and civil engineering functions. "Supervision" is defined as overseeing the work of another, where the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

Experience Requirements: Applicants shall present evidence of actual experience or significant exposure in the essential areas of architectural practice as outlined below. Such evidence shall be in the form of official records of a structured intern development program approved by the Board (National Council of Architectural Registration Boards

Intern Development Program). Alternatively, until January 1, 2002, such evidence may be incorporated in the candidate's application and verified by employers (architect/employer reference form). Contact the Board for the architect/employer reference form. A minimum total of 36 months of experience is required for licensure.

Category A - Design and Construction Documents

Minimum of months' work in this category is 18 months. Experience must include the following:

Environmental Analysis	Code Analysis
Client Exposure	Cost Analysis
Programming	Design Development
Schematic Design	Quality Control
Working Drawings	Materials Research
Project Management	Consultant Coordination
Shop Drawing Review	Document Coordination
Agency Interface	Specification Preparation

Category B - Construction Administration

Minimum number of months' work in this category is 5 months. Experience must include the following:

Bidding Procedures	Change Order Preparation
On Site Observation	Schedule of Values Review
Dispute Resolution	Payment Requisitions Review
Progress Meetings	Project Closeout
Time Schedule Review	Punchlist Preparation

Category C - Office Management

Minimum number of months' work in this category is 3 months.

Time Cost Budgeting	Proposal Development
Consultant Contract Preparation	Architectural Contract Preparation

If work experience has allowed only limited access to activities in category C, candidates may provide detailed information on how they have acquired knowledge in areas in which they have little or no direct exposure. Alternatives may include seminars, correspondence courses, professional publications, continuing education courses, workplace instruction programs, etc. The Board may request verification of alternative methods.

Applications and guidelines for the NCARB Intern Development program (IDP) may be obtained by request from:

**National Council of Architectural Registration Boards
Suite 700
1735 New York Avenue, NW
Washington, DC 20006**

2.2.1.2. Option Two - Nine Years of Experience. Completed at least nine (9) years of diversified practical experience working under the supervision of an experienced practicing architect who has been licensed for more than three (3) years. "Supervision" is defined as overseeing the work of another, where the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision. For purposes of this subsection "diversified practical experience" is defined as a minimum of three (3) years of experience as described in the foregoing subsection and in addition six (6) years of diversified experience in architecture working in the office of an experienced architect or a combination of such experience and education as described in Table A below. Applicants without professional degrees from NAAB-accredited programs in architecture and who are applying through Option Two (nine years of experience) must submit verified Architect Employer Reference forms for each employer indicating a minimum of nine years of total experience with all employers. If qualifying education is included as part of the nine years, transcripts must be included which meet the requirements of the Table of Education Equivalentents (Table A below). The Board will determine the maximum credit allowed for education from the Table.

Please note that:

2.2.1.2.1. Education credits will be subject to the following conditions: Applicants not qualifying under A-1 or A-2 (Table A) may not accumulate more than three (3) years of education credits in the aggregate from all degree programs. Thirty-two (32) semester credit hours or forty-eight (48) quarter credit hours are considered to be one (1) year. Fractions of a year of one-half or greater will be considered one-half year, and smaller fractions will not be counted. Foreign education credits will be granted only upon submission of a comprehensive evaluation report. Evaluation reports may be obtained by candidates from Educational Credential Evaluators, Inc., P.O. Box 17499, Milwaukee, Wisconsin 53217. Any cost of translation and evaluation will be borne by the applicant.

2.2.1.2.2. Training credits will be subject to the following conditions: No credit used as an education credit may be used as a training credit. An organization will be considered to be "an office of a practicing architect" if: The architectural practice of the organization in which the applicant works is in the charge of a person practicing architecture as a principal and the applicant works under the direct supervision of a licensed architect. A

"licensed architect" for training purposes is a person registered to practice architecture in the jurisdiction in which (s)he practices. In deciding if training represents "diversified practical experience", the Board will compare the training with the training requirements set forth in Rule 2.2.1.1 and Rule 2.2.1.2 Table A (A-7). To earn full credit under A-7, an applicant must work at least 35 hours each week for a minimum period of ten consecutive weeks. An applicant may earn one-half the credit specified under A-7 for work of at least 20 hours per week in periods of six (6) or more consecutive months. In evaluating credits, the Board will, prior to acceptance for the examination, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth. A person seeking licensure under the nine-year rule may qualify through a combination of education and training totaling nine years, at least 3 years of which must be in an I.D.P. or equivalent documented, verified training program (see 2.2.1.1.).

Table A identifies and explains the education and training alternatives for the remaining 6 years.

TABLE A

Education Credits/Training Credits			
Experience Description	First 2 Years	Succeeding Years	Max.Credit Allowed
A-1 Credit toward the first professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not more than 2 years after termination of enrollment.	75%	100%	4 years
A-2 First professional degree in architecture, or credit toward that degree, where the degree program has not been accredited by NAAB.	75%	75%	3.5 years
A-3 Bachelor degree, or credit toward that degree, in architectural engineering, in architectural technology, or in civil, mechanical, or electrical engineering, accredited by Engineering Council for Professional Development (ECPD) or Accreditation Board for Engineering and Technology (ABET) or in interior architecture accredited by the Foundation for Interior Design Education Research.	50%	75%	3.0 years
A-4 Any other bachelor degree.	-	-	2.0 years
A-5 Associate degree, or credit toward that degree, in architectural technology accredited by ABET	100%	-	2.0 years
A-6 Degree or credits in courses (university, college, junior college, technical school) other than those courses of study listed in A-1 and A-3.	50%	50%	1.5 years
A-7 Diversified experience in architecture in the office of a licensed architect. "Diversified Experience" requires a range of work in a variety of projects covering: Architectural	100%	100%	6 years

2.2.1.2.3 Option Three - Training Equivalent to That Required Herein Other education, training or practice experience may be substituted for the requirements as outlined in all the foregoing only insofar as the Vermont Board of Architects considers them to be equivalent to the required education, training, or practice experience.

2.2.2. Application and fee schedule. An application and a schedule of fees may be obtained from the Office of Professional Regulation. The check accompanying the application should be made payable to the Vermont Board of Architects. The application and check should be mailed to:

Vermont Board of Architects
Office of the Secretary of State
Office of Professional Regulation
109 State Street
Montpelier, Vermont 05609-1106

2.2.3. Personal interview. The Board may contact the applicant and schedule a personal interview to verify the applicant's experience. The applicant should bring to this interview examples of working drawings, specifications, and designs prepared by the applicant (which will be retained by the Board) sufficient to demonstrate the breadth of his or her practical experience. The Board may refuse to permit an applicant to take the examination if it concludes on the basis of the application and the materials submitted during the interview that (s)he has not met the requirements of "practical experience" or "diversified practical experience" as outlined in 2.2.1.1. and 2.2.1.2.

2.2.4. Examination. The Board offers the examination at least once a year at a time and place set well in advance. Information of scheduling the examination may be obtained from the Office. The examination is prepared by the National Council of Architectural Registration Boards. Specific information about the examination may be obtained from the Office or through NCARB. Examinations may be taken before the applicant completes the experience categories in Rule 2.3.1.1 above, provided that the applicant has completed all but the final year of required practical experience. Licensure will not be granted, however, until after completion of either the Intern Development Program or the required experience categories and after appropriate verification forms are submitted to and approved by the Board.

2.2.5. Notification. Notification of the results of the examination shall be mailed to each candidate upon completion of the Board's grading process. Grades are usually available within 90 days.

2.2.6. Re-examination on parts failed. A candidate may retake any one or more of the separate and unconnected examination, while retaining credit for those passed.

2.3 HOW TO OBTAIN A LICENSE WITHOUT EXAMINATION

2.3.1. Qualifications. To qualify for a Vermont license without taking an examination, an applicant must either:

2.3.1.1. be certified by the National Council of Architectural Registration Boards, or

2.3.1.2. be licensed in another state. If an applicant is licensed in another state, the Board must determine that the standards of that license are at least equal to those in Vermont, as described in 2.2.1.1. and 2.2.1.2. In making this determination the Board may request that an applicant appear for an interview.

2.3.2. Application and fee schedule. An application and a schedule of fees may be obtained from the Office of Professional Regulation. The check accompanying the application should be made payable to the Vermont Board of Architects. The application and check should be mailed to:

Vermont Board of Architects
Office of the Secretary of State
Office of Professional Regulation
109 State Street
Montpelier, Vermont 05609-1106

2.4 APPLICANT NOTIFICATION

The Board will notify an applicant of its decision as soon as possible after it has received the completed application. If the Board denies the application, the applicant may file a petition within 30 days asking the Board to review its preliminary action and to provide more specific information about the reasons for denial. The Board will then hold a hearing to review its preliminary decision.

2.5 APPEALS

The Board will issue its final decision in writing. The Board's final decision may be appealed to an appellate officer. Information about the appeals process is available from the Office.

PART 3. INFORMATION FOR LICENSED ARCHITECTS

3.1 LICENSE RENEWAL

Licenses renew on a fixed biennial schedule: January 31 of the odd-numbered years. Applicants issued initial licenses within 90 days of the renewal date will not be required to renew and pay the renewal fee. The license will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee. A license will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

If a license has lapsed for more than three (3) years, the license is no longer valid and a new application must be filed with the applicable fees.

3.2 LICENSE CERTIFICATES AND SEALS

An architect must display the certificate conspicuously in the principal place of practice, and must also obtain an approved seal. The seal must be stamped on all plans and specifications prepared or directly supervised by the licensed architect. An architect may not stamp the seal on plans or specifications not prepared or directly supervised by that architect. A seal may not be used if the architect's license is not currently valid. After an applicant is approved for licensure as an architect, the Office will send him or her an exact replica of the seal design to be used in the State of Vermont. The architect must then purchase a seal which impresses the same design, plus the architect's name, and send an impression to the Office for filing.

3.3 CHANGE OF NAME OR ADDRESS

A licensee is responsible for notifying the Office promptly if he or she changes name, mailing address, or business address. Acceptable documentation of change of name includes a notarized copy of a marriage certificate, instrument of change of name from a probate court, or other court order. Acceptable documentation of change of name also included a notarized copy of current identification, such as a driver's license or Social Security card, in both the former and present names. The Board may require additional documentation at its discretion.

3.4 CONTINUING EDUCATION/CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS

All persons licensed to practice architecture must complete a minimum of 24 hours of continuing education during the two-year renewal period and must report these hours at the time of license renewal. The continuing education requirement does not apply for the renewal period during which a person initially obtained licensure. It will begin with the first full two-year renewal period. "Continuing education" means the direct participation

of a licensed architect in an educational program directly related to competency in architectural topics concerning public health, safety, and welfare. Acceptable topics are those covered in the Architectural Registration Examination. Continuing education hours are calculated in the following manner:

Academic Coursework

(1) One semester college credit equals 15 continuing education hours.

(2) One quarter college credit equals 10 continuing education hours.

Other Continuing Education Activity

(3) Type I: Three hours of self-directed learning activity equal one continuing education hour. Learning objectives must be established prior to engaging in the learning activity. Learning resources (materials or people) utilized must possess in-depth knowledge of the information covered. Both learning objectives and learning resources must be documented.

(4) Type II: Two hours of structured learning programs or projects equal one continuing education hour. Documented, interactive (non-passive) learning activities must be a significant part of the program or project. A structured learning program or project must meet the criteria of a Type I self-directed learning activity in paragraph (3) above.

(5) Type III: One hour of a structured learning activity with performance evaluation equals one continuing education hour. Some of the learning objectives must be based on actual, documented learning needs. Systematic, documented feedback must be obtained concerning knowledge gained as a result of participation in the program or project. A structured learning activity with performance evaluation must meet the criteria of a Type II structured learning program or project in paragraph (4) above.

At the time of license renewal, each licensee must certify on the official renewal form that he or she has complied with the continuing education requirements. The Board or its designee may randomly audit licensees to insure compliance. A licensee residing in another jurisdiction who has met the continuing education requirements for the current biennial renewal period in that jurisdiction will be deemed by the Board to have met the continuing education requirements for license renewal in Vermont.

A licensee who is audited will be notified in writing by the Board or its designee and will be required to produce written documentation verifying successful completion of the 24 hours of continuing education during the two-year period at issue. The Board may require a licensee who cannot produce such documentation to develop and complete a specific corrective action plan within 90 days, prior to renewal.

3.5 UNPROFESSIONAL CONDUCT

Grounds of unprofessional conduct for applicants and licensees are set forth in 26 V.S.A. § 210 and 3 V.S.A. § 129a.

The Board adopts the following definitions of unprofessional conduct:

3.5.1. Fraudulent procuring or use of a license

3.5.1.1. An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

3.5.1.2. An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

3.5.2. Exercising undue influence on or taking advantage of a person using the individual's services, or promoting the sale of professional goods or services in a manner which exploits a person for the financial gain of the practitioner or of a third party.

3.5.2.1. An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

3.5.2.2. If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

3.5.2.3. An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

3.5.2.4. When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

3.5.2.5. An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

3.5.2.6. An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's

judgment in connection with a prospective or existing project in which the architect is interested.

3.5.2.7. An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

3.5.3. Failing to comply with provisions of federal or state statutes governing the profession.

3.5.3.1. If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public or the finished project, the architect shall:

3.5.3.1.1. Report the decision to the local building inspector or other public official charges with the enforcement of the applicable state or municipal building laws and regulations,

3.5.3.1.2. Refuse to consent to the decision, and

3.5.3.1.3. In circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

3.5.3.2. An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

3.5.3.3. An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

3.5.4. Wilfully making or filing false professional reports or records, wilfully impeding or obstructing the proper making or filing of professional reports or records, or wilfully failing to file the proper professional report or record.

3.5.4.1. An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

3.5.5. Practicing or offering to practice beyond the scope permitted by law.

3.5.5.1. In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

3.5.6. Accepting and performing responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

3.5.6.1. In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

3.5.6.2. An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

3.5.6.3 An architect shall not practice architecture if his or her professional competence is substantially impaired by abuse of alcohol or any other drug.

3.5.7. Agreeing with any other person, as defined in 1 V.S.A. § 128, or subscribing to any code of ethics or organizational bylaws, when the intent or primary effect of that agreement, code or bylaw is to restrict or limit the flow of information concerning alleged or suspected unprofessional conduct to the Board.

3.5.7.1 An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the Board.

3.5.8. Using the licensee's seal on drawings prepared by others not in the licensee's direct employ, or using the seal of another.

3.5.8.1. An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

3.5.8.2. An architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared under his or her direct supervision; provided, however, that in the case of the portions of such professional work prepared under the direct supervision of persons consulting with or employed by the architect and who are registered under this or another professional registration law of this jurisdiction, the architect may sign or seal those portions of the professional work if the architect has reviewed such portions and has coordinated their supervision. "Direct supervision" shall be that degree of supervision by a person overseeing the work of another whereby the

supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

3.5.8.3. Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work.

PART 4. COMPLAINT PROCEDURE

4.1 INITIATING A COMPLAINT

The Office has a procedure for receiving, investigating, and acting on complaints of unprofessional conduct. Copies of the procedure are available from the Office.

EFFECTIVE DATE: May 19, 1999