

The Architectural Institute of BC Regulatory Supplement

Professional Conduct Reminders and Initiatives

Reminder! Bylaw 34.1

'Branch' Offices ...

Members are reminded of the requirement set out in Bylaw 34.1 that each architectural office providing architectural services must have an architect who has "direct knowledge and supervisory control" of those services. Many firms have smaller branch offices, some of which may not have an architect attending full-time during business hours. In such situations, as the commentary to the Bylaw notes, "particular care and diligence must be exercised to ensure compliance with this Bylaw, and the AIBC may require this to be demonstrated".

This means ensuring that: the work product from such offices; the correspondence between/among offices, subconsultants, authorities having jurisdiction, clients, etc.; and the review of drawings and other architectural services actually take place with direct knowledge and control by an architect and are properly documented as such. It is not sufficient, in the context of a professional conduct investigation, to simply claim that architectural services conducted out of a branch office were provided with direct knowledge and supervisory control of an architect: be prepared to prove that adequate professional supervision and control took place. Keep records of fax, e-mail, phone and other communication and documents that demonstrate this supervision.

Personal Attendance Required

The AIBC's Professional Conduct staff have noticed an increase in complaints or inquiries regarding architects' attendance (or non-attendance) at formal meetings. Members are reminded that Council Ruling (c) and the commentary to Bylaw 34.1 read:

(c) When an authority having jurisdiction receives a formal presentation (e.g., to a design panel, public hearing, advisory commission or elected body) on an architectural matter, the presentation shall be made by (or under the attending, personal supervision of) an architect.

The public is entitled to expect that formal representations on architectural matters be made by an architect.

It is not acceptable for a firm to send a designer, Intern Architect or other non-architect employee/client in an architect's stead to such meetings. If the architect is unable to attend a meeting, he or she is responsible for ensuring that a substitute architect (whether from the same firm or retained for the purposes of attending the meeting) is retained, or that the matter is not considered until an architect is able to attend. The Ruling does permit another party to actually make the presentation – as long as an architect is physically present and supervising.

Initiative: Bylaw 34.5

The Bylaw reads:

An architect shall conduct the architect's affairs in a professional manner and refrain from any act which would reflect unfavourably on the profession as a whole.

The Professional Conduct Board (PCB) has been reviewing this 'conduct unbecoming' Bylaw in light of concerns expressed by members, the public and staff in the following areas:

1) Members and firms are not always providing updated contact information to the AIBC, including new addresses and phone numbers. Without this information, the AIBC cannot contact members with important information and staff spend an inordinate amount of time searching for individuals and firms that have moved. The PCB is currently considering recommending to Council that a specific Ruling to Bylaw 34.5 be added requiring members to promptly inform the AIBC of changes in contact information.

2) Some members are non-responsive, partially responsive or tardy in dealing with AIBC communication requiring a response, including registration/licensing and professional conduct correspondence. The PCB will be recommending to Council that a specific Ruling be added to Bylaw 34.5 requiring members to respond promptly to AIBC communication and to cooperate with any professional conduct matters requiring their involvement.

Note that the AIBC's position with respect to both issues above is that non-compliance may already constitute unprofessional conduct, depending upon the circumstances. The proposed Rulings will simply confirm and clarify these basic professional responsibilities.

Initiative: Bylaw 34.8

The PCB is currently reviewing this Bylaw's requirement that a predecessor firm be paid for architectural services prior to a successor firm being ethically permitted to continue and complete a project using the services of that first firm. Appropriate consultation within the Professional Conduct Department and other departments will take place before the PCB's review is complete and any recommendations proceed to AIBC Council for consideration.

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The Modernization Strategy Consultation Website is now accepting feedback. Please share your comments at www.housing.gov.bc.ca/modernization until July 31, 2007.

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The PCB is reviewing other professional regulatory bodies' requirements on this issue, including those of other architectural regulators.

Members who would like to learn more about this Bylaw review, or add comments or suggestions, should contact Thomas Lutes, Director of Professional Conduct, at tlutes@aibc.ca.

Initiative: Bylaw 32.2

The PCB will also be reviewing this Bylaw and Council Ruling, which require architects to "accurately represent ... the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit".

Members are reminded that in 2002, the Consensual Resolution Review Panel issued a commentary in a publication of consensual resolution agreements on this issue. It read:

The Panel reminds architects that accurately represent ing one's qualifications and giving proper credit to colleagues for their role on projects are matters deserving great attention. The ease with which project information can be assembled with the use of computer and printing technology makes it more vital than ever for members to ensure that each project description, graphic, plan or drawing is appropriately identified.

Take extra care with visual and written material to avoid copyright, plagiarism and misrepresentation claims and to ensure your colleagues receive the credit they deserve.

Firms, authorities having jurisdiction, clients and the public have been making an increasing number of inquiries at the AIBC about project attribution – in other words, which firm actually provided the architectural services for a particular project.

The PCB will be reviewing the Bylaw, Council Ruling and commentary in the coming months. The Board will consider whether it provides sufficient guidance and protection, given today's marketplace, for accurate and fair project attribution in the public interest. One particular concern is the confusion that can arise when two or more firms claim credit for the same project.

Members interested in this Bylaw review or providing comments or suggestions should contact Thomas Lutes, Director of Professional Conduct, at tlutes@aibc.ca.

New AIBC Form of *Contract 6C* for Separately Engaged Consultants Available for Download

The AIBC is pleased to announce the availability of a new (first edition) Standard Form of Contract 6C: *Between Client & Consultant*. The contract is designed for the individual, compatible for use by a project's architect and professional engineers (termed Consultant in the Contract) on a project featuring their separate, direct engagement by the Client, with one of them (typically, but not necessarily, the architect) being designated as the project's Managing Consultant.

Contract 6C is applicable across all types, sizes and delivery methods of projects. Document 6C-H is a companion set of supplemental conditions to 6C for use only on publicly funded health care facilities projects. Both documents 6C and 6C-H are endorsed by the Consulting Engineers of British Columbia (CEBC) as well as the province's health authorities and the Quantity Surveyors Society of British Columbia (QSSBC).

The documents are accessible electronically on our web site at www.aibc.ca/member_resources/doc_index/index.html. Persons seeking to use Document 6C may 'fill in the blanks' online and download the result. Each actual contractual usage, however, must be original and requires, in order to be valid, an official AIBC Document 6C authorization seal, for the architect's and each engineer's separate contracts.

As a practical matter, each project using Document 6C should have at least two separate contracts (architect plus one engineer) requiring, in total, the purchase of at least four authorization seals (one pair for each Consultant/Client combination). Projects with an architect and (for example) three engineers will require eight authorization seals. The authorization seals are sold by the AIBC only (at the front desk) for \$10.00 plus taxes each.

The new AIBC Practice Note 14 provides complete information and guidance regarding these documents. Please note that the AIBC is not maintaining hard-copy inventory of Documents 6C and 6C-H. Also, there is no separate authorization seal for Document 6C-H, which is only useful as a supplement to 6C.

For more information on Document 6C, please contact Practice Coordinator Gayle Roberts at groberts@aibc.ca.

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AIBC Meets with Minister of Advanced Education Regarding New Legislation

On June 21, 2007, representatives from the AIBC, Interior Design Institute of BC (IDIBC) and the Building Designers Institute of BC (BDIBC) met with the Minister of Advanced Education Murray Coell at the AIBC Offices.

Discussed was the need for new legislation to address protection of the public interest through improved regulatory powers; the modern state of the design profession; and uniting all design professionals under one *Act*.

“During our meetings with the Minister at this year’s Annual Conference, we addressed our need for new legislation, not just amendments to the *Architects Act*,” said David Wilkinson MAIBC. “I noted to Minister Coell that amendments are merely a band-aid solution for an *Act* that hasn’t seen any significant changes since its creation in 1920. He agreed that we should look at new legislation instead of amendments.”

New legislation is necessary to modernize the *Act*, close exclusions, remove conflicts within the BC Building Code, and protect the public interest by ensuring that only qualified professionals provide building design services. The AIBC signed Memoranda of Understanding with both the IDIBC and BDIBC at separate signing events in 2006 and the Joint Task Force (JTF) has been meeting continually for the past several years to work on bringing new legislation to light.

“We don’t know as yet when the government will put a new *Act* on the legislative schedule but we are moving forward with the understanding that it will be dealt with either in 2008 or 2009,” said Wilkinson. “My personal dealings with the Minister and government bureaucrats have all been positive and I am confident that we will be on the legislative agenda sooner rather than later.”

Members of the Joint Task Force include AIBC President David Wilkinson MAIBC, Selwyn Dodd MAIBC, previously registered member David Mackey, Registrar Gordon Richards MAIBC, LG appointee Grant Longhurst, John Schlosser ASCT, Carson Nofle ASCT, Joe Rommel ASCT, Carol Jones RID of IDIBC, Keith Seaton RID, and Judith Horvath RID. Sitting as staff resources to the JTF are Executive Director Dorothy Barkley, Director of Professional Conduct Thomas Lutes, Director of Registration and Licensing Sharna Searle and Director of Communications Colin Wong. Legal counsel Bonita Thompson of Singleton Urquhardt is the group’s legislative advisor.

The Memoranda of Understanding signed with both IDIBC and BDIBC are on the AIBC web site, under AIBC Documents.

For more information regarding new legislation, please contact AIBC Executive Director Dorothy Barkley at dbarkley@aicb.ca.

Council Identifies Priorities for 2007/2008:

1. Principles of Sustainability in Practice and Education
2. Communications - Media & Government Relations
3. Easier Registration of Interns & Foreign Trained Architects
4. The Need for New Legislation

In this issue, *By the Book* focuses on legislation; in future issues, we will focus on Communications, Registration and Sustainable Design.

New Architects Join the Ranks of AIBC Membership

The Architectural Institute of British Columbia (AIBC) is pleased to announce that 79 newly registered architects have joined the ranks of BC architects at the AIBC’s Induction and Retirement Ceremony, held on April 28, 2007, at the Four Seasons Hotel in Vancouver.

“We are extremely pleased to welcome our newest members into the architectural profession,” said David Wilkinson, president of the AIBC. “Given the building boom in this province, across the country and around the world, the need and demand for registered architects has never been so high. On behalf of AIBC council, I would like to wish them success as they embark on new careers in BC.”

Out of the 79 newly registered architects inducted, 19 are foreign trained architects. Registering through alternative qualifications, the nineteen bring design excellence to the province, while helping to fulfill the growing demand for architectural services. The AIBC has ensured that foreign trained professionals are able to register as architects through innovations in the registration process and new interpretations of Sections 36 and 37 of the *Architects Act*.

Need for New Legislation Commentary Appears in *BC Business Magazine*

Commentary regarding proposed legislative change appeared in the June issue of *BC Business* magazine. Written by LG appointee and Joint Task Force member Grant Longhurst, the article succinctly expresses the need for new legislation to deal with the realities of today’s design profession, which the current *Architects Act* does not.

Copies of BC Business magazine can be found on local newsstands and on the web at www.bcbusinessmagazine.com.

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AIBC Investigating Use of Electronic Seals for Architects

The AIBC recently met with Mr. Charles Tremblay, Business Development Manager with Notarius, who made a presentation to staff and representatives from APEGBC and the Association of BC Forest Professionals (ABC FP) on the logistics of electronic signatures and seals.

Mr. Tremblay provided an overview of the benefits of “e” data exchange and the transactions; an overview of Federal, Provincial and Association legislation; and identified the many security challenges of this new technology.

He also explained how the technology behind digital signatures and e-sealing works to link to professional titles and demonstrated how this technology is being used by the *ordre des ingenieurs du Quebec* (OIQ) to address the challenge. Issues such as authentication, authorization, non-repudiation and integrity and privacy of data are security challenges facing electronic signature and sealing implementations.

Notarius, a non-profit organization in operation since 1998, is a proven certificate authority trusted by Notaries, Appraisers, Technicians, land surveyors and the engineers of Quebec. By working with governing bodies, such as the AIBC, APEGBC and ABCFP, Notarius is able to manage the issuance and revocation of certificates to authorized and “no longer” authorized individuals.

Certificates can be used to provide authentication and non-repudiation of an original document by electronically certifying the document by seal or signature, locking the document, proving the link between the document and owner, and preserving data integrity. Governing bodies can manage the process without having to manage the infrastructure.

The certificate, and the manner in which issuance of it is managed, is the means to confirming an individual’s ID by linking the key and its owner. Firms such as Notarius provide services as the managing authority for the certificate, providing confidence and authorization.

As with any new technology, the annual costs to manage the system must be analyzed against the productivity benefits: faster, more reliable, available, portable and simple, and should reduce costs and reliance on paper media.

Mark Your Calendars! The next AIBC Annual Conference will be April 24 - 26, 2008 at the Vancouver Convention and Exhibition Centre

AIBC Rejects Call for Umbrella Legislation to Change Professional Regulation

The Architectural Institute of British Columbia has rejected a call by the Applied Sciences Technologists and Technicians of BC (ASTTBC) to join them in urging the government to create ‘umbrella’ legislation that would change the way professions are regulated in BC.

The AIBC and the ASTTBC formed a Joint Task Force in 2003 that met with some frequency for the ensuing two years to discuss the future of the built design profession, and what form revised legislation may take. That task force was dissolved when, following due consideration, the AIBC could not agree with the umbrella approach to which the ASTTBC subscribes.

Consequently, the Building Design Institute of BC (BDIBC), a subsidiary of the ASTTBC, chose to sign a Memorandum of Agreement with the AIBC at the BDIBC Annual Meeting in September of 2006 to pursue inclusion of its membership under a revised *Architects Act*. Since that time, the BDIBC has joined the AIBC and the Interior Design Institute of BC (IDIBC) in meetings with members of the government, as well as meetings with the members of Chapters, and again with members of the IDIBC at their annual meeting. In all instances the alliance, the concept and the methods have been met with approval and encouragement.

The AIBC, along with other professional regulatory bodies such as APEGBC, the Association of BC Forest Professionals (ABC FP), the Association of BC Land Surveyors (BCLS), IDIBC and BDIBC, neither supports nor subscribes to current ASTTBC proposals and will not meet to discuss them further.

Call to Support Sustainability at AGM Receives Unanimous Approval

On April 28, 2007, at the AIBC’s Annual Meeting, a motion from the floor was received calling for Council to support outright the principles of sustainability and promote sustainability publicly and among AIBC membership. The motion, made by Ron Kato MAIBC and seconded by Barry Weih MAIBC, received unanimous support from Council.

In a recent interview with the media, President David Wilkinson MAIBC reaffirmed the AIBC and the profession’s commitment to sustainability. “Architects have been the leaders in sustainability since day one and we’re committed to educating clients and the public on the principles we are dedicated to.”

Always promoting best practices to members, the AIBC Annual Conference has featured a sustainability education stream for several years; *eNews* promotes green building courses and conferences; and *architectureBC* has featured articles on LEED as well as green feature projects.