

OHIO ARCHITECT



Newsletter of the Ohio Board of Examiners of Architects

January, 1998

The View From Here

The Board is receiving more and more complaints about architects claiming projects as their own when they worked on the projects as an employee of another architect. The Code of Conduct (Rule 4703-3-07(C)(2) of the Administrative Code) states that "an architect shall represent to a prospective or existing client or employer his or her qualifications and the scope of responsibility in connection with work for which he or she is claiming credit." Improper representation can result in

disciplinary action against the architect's license.

Using another architect's documents is another violation too commonly seen by the Board. It is unlawful under Ohio law to use the documents prepared by another architect without that architect's written permission. Beware, most states do not permit the use of another's drawings under any circumstances. You should get to know the copyright laws and protect your work.

Whenever working in another state, you must know what the practice requirements of that state are. Violating the registration laws of another state is a violation of the Ohio Code of Conduct. Violations are reported through a national database to which this Board has access. Violations ranging from plan stamping to incorrect sealing of documents to practicing engineering are commonly reported.

INSIDE:

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Recommended Reading

The Board is receiving more and more complaints of theft of documents. There is an article on page 92 of the April 1997 issue of "Architecture" entitled "Stop Thief" written by Bradford McKee that addresses this issue. Another

noteworthy article appearing in the August 1997 issue of "Architectural Record" is "Listening to: Landscape Architects" by Andrea O. Dean. An eye-opening article about where the architectural profession may be heading.

Spencer Re-appointed

John W. Spencer was appointed by Governor George S. Voinovich to a new five-year term on the Board of Examiners of Architects. Mr. Spencer is president of Spencer and Spencer Architects, Inc. in Columbus. John has been an active member of the Board and has served

regionally as chair of the Bylaws Committee of the Mid Central States Conference of the National Council of Architectural Registration Boards and nationally on the NCARB Intern Development Program. John is also active in many civic and professional affairs.

NEW REGISTRANTS

As you know, the Architect Registration Examination has become fully computerized and the first offering was on February 27th of 1997. The exam is now available to candidates six days a week, fifty two weeks a year. Since the beginning of the testing until press time, the Board had issued registration to the following candidates:

Cert. No. 11682 Bruce Bae	Cert. No. 11744 Ronald A. Green	Cert. No. 11785 Patricia L. Andow	Cert. No. 11817 Perry H. Douglass
Cert. No. 11683 William J. Coffin	Cert. No. 11745 John C. Houghton	Cert. No. 11786 Michael W. Huff	Cert. No. 11818 Timothy S. Hunsicker
Cert. No. 11684 William C. Heyer	Cert. No. 11748 Lane J. Beougher	Cert. No. 11787 Christopher H. Park	Cert. No. 11819 Joseph F. Krupa
Cert. No. 11685 Donald H. Wesley II	Cert. No. 11749 Christopher E. Greenwalt	Cert. No. 11799 John C. Fabelo	Cert. No. 11820 Dongmei Sun
Cert. No. 11707 Xiaozing Zhang	Cert. No. 11750 Keith A. Miller	Cert. No. 11807 Mark A. Green	Cert. No. 11830 Caroline H. C. Ma
Cert. No. 11710 Rachel E. Biesik	Cert. No. 11751 Michael S. Seamon	Cert. No. 11808 Amy M. Lauerhass	Cert. No. 11832 Denise F. Bajko
Cert. No. 11727 Gregory D. Mexicott	Cert. No. 11758 Luke G. Robinson	Cert. No. 11809 Thomas V. Williamson	Cert. No. 11870 David J. Del Tosto
Cert. No. 11728 Todd H. Slaboden	Cert. No. 11781 Andrea L. Havel	Cert. No. 11814 Pauline U. Drake	Cert. No. 11871 Alyssa C. Lowry
Cert. No. 11729 Robert G. Stadler			Cert. No. 11872 J. Mark Schluetz

Interior Designer Licensure Under Consideration

Legislation has been introduced to license interior designers. House Bill No. 593, sponsored by Rep. Pat Tiberi, would give equal status to interior designers with the same designation as "design professional" as that given architects, landscape architects and professional engineers. Although the bill would not permit interior designers to practice in those disciplines, it would appear to allow them to contract for such projects as long as the work was prepared by the appropriate professional authorized to seal their work.

There are other things about the bill that are not consistent with other regulatory agencies. Rather than being a separate board or being established as a part of another regulatory agency, it is being placed under the jurisdiction of the Department of Commerce, giving the agency substantially more political clout as a cabinet-level agency than boards such as this. Further, the interior designers would be given full control of the money they generate - a privilege not extended to other regulatory agencies.

WHAT IS AN ARCHITECT'S SEAL?

Since the implementation of the seal law in November, 1995, building departments have been requiring documents submitted to

them be sealed by a design professional. This has led to a lot of creativity on the part of unlicensed persons attempting to have their

plans approved. We have seen seals proclaiming the individual to be a "registered design professional," mechanical and

electrical contractors who have sealed documents as certified contractors. Obviously these do not conform to the requirements of the law but there are also seals of architects being used which are not legal. There have been numerous instances in which only a rubber stamp or other facsimile of an architect's seal has been used and been accepted by building

departments. Many of these have been used fraudulently by persons other than the architect. It is very easy to have such a seal copied and applied to any documents. That is why the only legal seal is that which is described in the laws and rules of the Board. The only seal recognized by the Board (the only legal seal in this state) and the only seal that should be accepted by

building departments is the embossed seal applied over the ink signature of the architect. This is required to be placed on the cover sheet of bound sets of drawings and specifications. Any supplemental documents should be sealed in a similar manner. Many architects prefer to seal all sheets in a set of drawings as an added measure of protection.

Protect yourself, protect your work, protect your reputation. Properly seal your work.

Certificates of Authorization

Passed in 1983, this act requires all firms other than sole proprietorships to obtain a Certificate of Authorization from the Board of Examiners of Architects. Exempted from this act are firms that were legally practicing in Ohio prior to November 15, 1982 or chartered prior to August 7, 1943. (A corporation owned by one person is

not a sole proprietorship. A subchapter S corporation does not indicate the type of corporation under Ohio law, it is only a tax designation for the federal government. Firms exempt under the 1943 and 1982 exclusions are required to obtain a C of A if they have changed the name of the firm since 1982. An architectural firm required to have a C of A that has

not acquired such is in violation of the law and the architect(s) in such firms may be guilty of aiding and abetting an unlicensed entity in the practice of architecture and subject to disciplinary action by the Board.

If you have any question about whether or not your firm should have a Certificate of Authorization, contact the Board office immediately.

Board Announces Web Site

The Board is very pleased to report to you that you can now access most information about the Board on the world wide web. You can obtain information on registration, view the laws and rules, check the roster of

architects holding current registration, find Board meeting dates, enter address changes and much more. You can also link to NCARB, AIA and from those links to many, many other related sites.

The Board internet address is: www.state.oh.us/arc/

ENFORCEMENT ACTIVITIES

The Board has taken action concerning the following individuals and firms. Although every effort is made to ensure that the information is correct, before making any specific decision based upon this information, you should check with the Board office to ensure accuracy. The listing may not reflect a change occurring near or following the publication date. Further, the listing does not reflect pending appeals for hearings or rehearings.

File No. 93-26

Peter S. Harding, Cert. No. 6026

Chagrin Falls, Ohio

After an administrative hearing, the Board adopted the findings of fact, conclusions of law and approved the recommendation of the Hearing Examiner to the extent that it imposes *no discipline* on Mr. Harding.

Mr. Harding, while acting as both architect and general contractor for a residential addition, was found to have failed to act with reasonable care and competence and failed to apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality. Additionally, Mr. Harding was found to have failed to take into account all

applicable state and municipal building laws and regulations and knowingly designing a project in violation of such laws and regulations.

File No. 96-19

Galen Dillon

Fostoria, Ohio

Alleged to have entered into the unlicensed practice of architecture by entering into a written contract to provide architectural design services for an addition to the Seneca County Human Services building in Tiffin, Ohio. Mr. Dillon withdrew from the contract, gave back all fees for design services and entered into a settlement agreement whereby he will cease and desist from such practices.

File No. 96-22

Ronald M. Landig, Cert. No. 3324

RWL Architects

Elyria, Ohio

Alleged to have reviewed, signed and sealed construction drawings of which he was not the author or actual architect, was not in responsible charge of its preparation, and for which he did not have direct professional knowledge and direct supervisory control. Entered into a settlement agreement whereby he will accept a *letter of reprimand*, which will be placed in his Board file.

File No. 96-26

Oscar Bacon

Youngstown, Ohio

Alleged to have entered into the unlicensed practice of architecture by providing architectural services for a new church in the Cleveland, Ohio area and providing and advertising the provision of architectural services through the defunct firm, "Nelson A. Harris & Associates" of Youngstown, Ohio. Entered into a settlement agreement whereby he will cease and desist all activities under the name "Nelson A. Harris & Associates" and cancel all advertisements and telephone numbers under the name, "Nelson A. Harris & Associates."

File No. 96-29

Joseph Turnowchyk, PA X-11582

Gap, Pennsylvania

A Pennsylvania architect, alleged to have engaged in the unlicensed practice of architecture by designing extensive renovations to the "Dollar Store" in Lima, Ohio. Mr. Turnowchyk sealed the drawings with his Pennsylvania registration seal. Entered into a settlement agreement whereby he will cease and desist from such practices.

File No. 96-30

Bruce H. Baum, PE (E-46678)

Medical Space Planners, Inc.

Cleveland, Ohio

An Ohio engineer, alleged to have held himself out as an "architectural designer" while entering into a contract to provide design services including, but not limited to architectural working drawings. In addition, used standard AIA documents while listing his firm as Architects. Entered into a settlement agreement whereby he will cease and desist from such practices.

File No. 96-31

M. D. Barrak

Architalent

South Euclid, Ohio

Alleged to have held himself out as an architect via personal business cards. Entered into a settlement agreement whereby he will cease and desist from such practices.

File No. 96-32

Greggory K. Meece

Dayton, Ohio

Alleged to have engaged in the unlicensed practice of architecture by producing designs involving a commercial building in the Fairborn, Ohio area. In addition, Mr. Meece allegedly sealed the documents with a fraudulent seal claiming to be an "Ohio Design Professional". Entered into a settlement agreement whereby he will cease and desist from such practices.

File No. 97-05

Stephen J. Miller

ASRC, Inc.

Xenia, Ohio

Alleged to have advertised the provision of architectural services and engaged in the unlicensed practice of architecture by providing designs for commercial buildings in Moraine, Ohio. Entered into a settlement agreement whereby he will cease and desist from such practices.

File #97-13

Peter F. Spittler, Cert. No. 9216

GSI Architects, Inc.

Cleveland, Ohio

Alleged to have advertised the provision of architectural services in Ohio in conjunction with or through the firm, Gilberti Spittler International, Inc. at a time during which Gilberti Spittler International, Inc. did not possess a certificate of authorization. Entered into a *settlement agreement* whereby he will cease and desist from such practices.

File #97-21
Sonia A. Hirt
Toledo, Ohio

Alleged to have held herself out as an "Architect" via a title block. Entered into a settlement agreement whereby she will cease and desist from such practices.

File No. 96-25
Joseph Hollis
BVJ Consultants
Cleveland, Ohio

The Board, by Consent Decree and Judgement Entry through the Cuyahoga County Court of Common Pleas, has *permanently enjoined* Joseph Hollis from continuing to provide architectural services until he obtains a Certificate of Qualification to practice architecture issued by the Board. Mr. Hollis may not submit or cause any of his designs, plans or other documents to be submitted to building departments for the purpose of obtaining building permits on any project other than residential.

File No. 97-04
Jerald E. Noran, Cert. No. 6784
Cardinal Engineering
Wilder, Kentucky

Allegedly signed and sealed construction documents for which he was neither the author nor the actual architect and did not have direct professional knowledge and direct supervisory control. Entered into a settlement agreement whereby he will accept a *letter of reprimand* to be placed in his registration file.

File No. 97-20
Thomas R. Dunn, Cert. No. 3616

Dunn & Titus
Cincinnati, Ohio

Alleged to have provided architectural services with or through unlicensed entities and were not design/build providers. Entered into a settlement agreement whereby he will accept a *letter of reprimand*.

File No. 97-22
Virgil R. Graham
G & G Technical Services
Zanesville, Ohio

Alleged to have entered into the unlicensed practice of architecture by entering into a written contract to provide architectural services for a commercial building. Entered into a settlement agreement whereby he will cease and desist from such practice.

File No. 97-30
Joseph E. Sosnowski, Cert. No. 6692
Cleveland, Ohio

Failed to renew his Certificate of Qualification in a timely manner. Reinstated retroactively upon payment of renewal fees and penalties. Entered into a settlement agreement whereby he accepted a *letter of reprimand* to be placed in his registration file.

File No. 97-32
Mark Cavinder
Anna, Ohio

Alleged to have improperly placed his firm under the heading of "Architects" in the Shelby County telephone directory. Entered into a settlement agreement whereby he will cease and desist from such practice.

AVOIDING PROBLEMS

Many problems can be avoided by simply making a call to the Board office. If you have any question about the laws and rules governing the practice of architecture,

contractual arrangements, sealing documents, using another's documents, prototypical buildings, advertising, firm registration, the licensing process, what an

unlicensed person can and cannot do, using of the term "architect," don't hesitate to let us know. A call in advance may prevent problems later on.

APPLICATION DEADLINE APPROACHING

Anyone intending to apply for registration under the education or experience syllabus which was in effect prior to January 1, 1994 must make application before January 1, 2000. If you are intending to qualify your education through experience or a combination of education and experience and/or completed the experience requirement prior to IDP, this deadline applies to you. If you have any question about whether or not you are affected by this deadline, please contact the Board office. Since this newsletter is received only by architects and official candidates, please share this information with anyone you know that might be affected by the deadline. Thanks!

PROPOSED RULES

The Board is proposing to adopt administrative rules for the purpose of regulating certain areas of practice which are intended to benefit both consumers and architects. The first rule would require written contracts between architects and clients. The Board finds that many complaints filed against architects are the result of misunderstandings between architects and their clients where the client does not understand what services the architect will be providing them, how additional services will be compensated and when payments are to be made. The

Board will also make recommendations, not included in the rule, for consumers and architects in establishing clearer relationship of responsibilities.

The second rule entitled "Authorship and Control" will set forth criteria for determining whether an architect is the author, actual architect or the person in responsible control of the work product. The last rule will be a modification to a rule concerning branch offices. The rule currently stipulates that an architect having more than one office in the state must have an architect in charge of each

office who spends a majority of his or her time in that office. The revision would expand that to require that any office of an architect located in the state have a resident architect as defined in the law.

Copies of the proposed rules are available from the Board office. Anyone having any comments on the proposed rules should direct their comments to the Board. A public hearing on the rules has been scheduled for March 13, 1998 at 9:45 AM in Room 1930 of the Riffe Center.

The ARE

Candidates, where are you? Since the change to the computerized version of the ARE, candidates seem to be staying away in droves. Is this the architect's syndrome of needing a deadline for everything. What was anticipated as being a boon to candidates has become more of a bust. Candidates can now sit for the exam, or parts of it, at any time during the year. Testing centers are open six days a week and there is a testing center near everyone. No more trips to Columbus in June and December. No more four fun-filled days of testing. No more expense of travel – hotels, meals, gasoline. The testing methodology has changed and the length of the exam you take may be much shorter in duration than the paper and pencil exam. Results are seen much sooner than in times past. So what's the problem, it won't get any easier.

If you have any comments about the new exam format, please let the Board know by writing the Board office or sending us a fax at (614)644-9048.

BOARD MEETINGS

Board meetings are always open to everyone. On the back page is a calendar of meeting dates and locations. Meetings are held around the state as a convenience to anyone interested in attending. There is no better way to know what's going on than to be there. Find out what's happening around the country, with NCARB, in the legislature, enforcement problems, changes in practice, examination, reciprocity and other things affecting the way you practice or will practice in the years ahead. Meetings are informative and interesting. We look forward to having you join us anytime.

CONTINUING EDUCATION

Several states passed laws requiring continuing education as a condition for maintaining licensure. Ohio is not one of those states, however, it is a requirement for membership in AIA. A very good way to help you meet those requirements can be found through the NCARB Professional Development Program. This program offers "monograph" which are self-study guides, each covering a single architectural topic and includes a quiz that can be completed and sent to NCARB for grading. When successfully completed, each monograph is worth ten contact hours. There are four monographs currently available covering Energy-Conscious Architecture, Indoor Environment, Subsurface Conditions and Fire Safety in Buildings. Topics under development include: Wind Forces, Seismic Mitigation, Low-Slope Roofing and Professional Ethics. Each monograph costs \$75.00 and includes the comprehensive study guide, the quiz and NCARB scoring.

If you have questions about the NCARB Professional Development Program or would like to order the monographs, you can contact NCARB at (202) 783-6500

Wishing you all a happy and prosperous New Year

CHANGE OF ADDRESS

With the biennial renewal of licenses it is more difficult to keep track of all our registrants and candidates. We often receive calls wondering why a renewal application or newsletter wasn't received and we find the person has moved and didn't let us know. We're pretty good but we're not psychic. To insure receipt of mailings and the accuracy of our roster, please be sure to notify the Board immediately of any address change. Send all changes to the following address:

**State Board of Examiners of Architects
77 S. High Street, 16th Floor
Columbus, OH 43266-0303**

NAME: _____ REG. NO. _____

OLD ADDRESS: _____

NEW ADDRESS: _____

Is this your home or business address.

PHONE: _____ FAX: _____

1998 Meeting/Event Schedule

January 16	Board Meeting Columbus	June 24-28	NCARB Annual Meeting San Diego, CA
February 13	Board Meeting Mohican State Park	July 24	Board Meeting Millersburg
March 13	Board Meeting/Hearings Columbus	August	No Meeting scheduled
March 26-28	NCARB Regional Meeting Troy, MI	September 11	Board Meeting/Hearings Columbus
April 17	Board Meeting Location to be determined	October 9	Board Meeting Youngstown
May 15	Board Meeting Maumee State Park	November 13	Board Meeting Deer Creek State Park
June 12	Board Meeting/Hearings Columbus	December 11	Board Meeting/Hearings Columbus



State of Ohio

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