

## **Statement of Basis and Purpose - 1999**

The basis for the adoption of rules is 12-4-104(2)(a), C.R.S., and the purpose for repealing the Board's current Rules of the Colorado State Board of Examiners of Architects Effective revised 1988 and amended in 1991, 1992, 1995 and 1996 and reenacting new rules entitled Rules and Regulations of Procedure Colorado State Board of Examiners of Architects. revised 1999. is to bring the rules into conformance with the changes in Title 12, Article 4 occasioned by the passage of Senate Bill 1018 which became effective in July 1, 1998 as a result of the Board's Sunset review.

## **FOREWORD**

Applicants should note that the requirements for licensure by examination set forth in Title 12, Article 4 of the Colorado Revised Statutes and the Board's Rules and Regulations of Procedure do not necessarily coincide with the requirements for certification by the National Council of Architectural Registration Boards (NCARB). Applicants seeking NCARB certification are encouraged to review NCARB's publication, Handbook for Interns and Architects (formerly Circular of Information No. 1), for NCARB certification requirements.

**EFFECTIVE SEPTEMBER 30, 2001**

## **AUTHORITY 100.000**

Repealed 7/1/96.

## **SCOPE; DEFINITIONS**

### **100.001 Purpose**

Repealed 7/1/96.

### **100.002 Citation**

The rules of the Colorado State Board of Examiners of Architects shall be known, and may be cited, as 'The Rules' and/or 'These Rules'.

### **100.003 Severability**

These rules are severable. If one rule or portion of a rule is found to be invalid, all other rules or portions of rules which can be enforced without the invalid rules shall be enforced and shall remain valid.

### **100.004 Terms Defined By Statute**

Terms defined in Title 12, Article 4, Colorado Revised Statutes, and used in these rules shall have the same meaning as set forth in the Statute.

### **100.005 Terms Defined Herein**

As used in these rules, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

1. Advertisement - The attempt by publication, dissemination, solicitation, or circulation, except letterhead, business cards and complimentary telephone white pages listings whether by visual, oral, electronic, or written means to induce, directly or indirectly any person to enter into an agreement with an architect.

2. A.R.E. - The current Architect Registration Examination, prepared by NCARB.
3. IDP - Intern Development Program established by the IDP Coordinating Committee (NCARB and other collaborative organizations).
4. License - A Colorado license to practice architecture issued by the Board, to a person who has satisfied the requirements of Title 12, Article 4, Colorado Revised Statutes, and these Rules.
5. NAAB - The National Architectural Accrediting Board.
6. NCARB - The National Council of Architectural Registration Boards.
7. Principal - A licensee who is a sole proprietor, or a partner in a partnership, or an officer or director of a corporation, or a member of a limited liability company, any of which is engaged in the practice of architecture.
8. Record Set - A record set is a complete set of contract documents that are identified by the licensee's and consultant's original stamps and signatures and dates.
9. Reproduction Drawing - Any copy of an original document.
10. TU Training Unit - Used to calculate the hours of practical experience earned. (8 hours = 1 TU)
11. Year
  - (a) academic year: 32 semester hours or 48 quarter hours (Equates to 235 Tus).
  - (b) year of practical experience: 235 TUs (8 hours 1 TU)

## **GENERAL PROVISIONS 100.100**

### **100.101 Board Meetings**

Board meetings are generally held monthly on the fourth Friday and are open to the public.

### **100.102 Board Seal**

The Board has adopted a seal and it shall be affixed to each licensee's certificate issued by the Board.

### **100.103 Communication**

A. Communication with the Board is encouraged. The preferred contact with the Board, outside of Board meetings, is through the Program Administrator at the office of the Board. In the event any person contacts a Board member regarding any matter applicable to the Colorado Architect Law or the Rules, any expression of opinion by that Board member will be exclusively the Board member's opinion and will in no way commit the Board.

B. Repealed

### **100.104 Fees**

The Board will publish the schedule of fees to be charged. Fees are subject to change at the beginning of each fiscal year beginning July 1.

### **100.105 Application of Statutes and Rules**

Applicants for licensure shall be required to meet the licensing requirements of the statutes and rules of the State of Colorado in effect at the time the original application, fees and all supporting documents have been received by the Board and accepted as complete.

## **APPLICATIONS FOR LICENSURE 100.200**

### **100.201 Applications**

An application is deemed complete at the time all supporting documents and fees are received.

## **LICENSURE QUALIFICATIONS 100.300**

### **100.301 Education and Experience - Basic Requirements**

- A. In order to qualify for licensure by examination, an applicant shall meet one of the following three education and/or experience requirements:
  - 1. 700 TUs of experience and a professional degree from a degree program in architecture accredited by the NAAB, or
  - 2. 1,170 TUs of experience and a four year architecture or environmental design degree, or other equivalent education as determined by the Board, or
  - 3. 2,350 TUs of experience with no degree or a combination of experience and education approved by the Board as set forth in Rule 100.302.
- B. The experience must be earned in accordance with the requirements set forth in Rule 100.303.
- C. An applicant who has completed the IDP shall be deemed to have met the requirement of Rule 100.301.

### **100.302 Education**

- A. For those applicants applying under Rule 100.301 A, paragraph 1, the following applies:
  - 1. If an educational program loses its NAAB accreditation no later than two (2) years after an individual's graduation, the degree earned will be considered equivalent to a degree program in architecture accredited by NAAB.
- B. For those applicants applying under Rule 100.301 A, paragraph 2, the following applies:
  - 1. The Board may consider the following as equivalent to a four year architecture or environmental design degree:
    - (a) a first professional degree in architecture where the degree program has not been accredited by NAAB, or
    - (b) a bachelor degree in Architectural Engineering, or
    - (c) completion of four years of a NAAB accredited degree program.
- C. For those applicants applying under Rule 100.301 A, paragraph 3, the following applies:
  - 1. The Board may consider the following as equivalent to three years of education: a bachelor degree in architectural technology, or in civil, mechanical or electrical engineering,

accredited by the Accreditation Board for Engineering and Technology, formerly Engineering Council for Professional Development, or accreditation by the Association Board for Engineering and Technology, a Bachelor of Science degree in Construction Management accredited by the American Council for Construction Education, or in interior design by the Foundation for Interior Design Education Research.

2. The Board may consider the following equivalent to two years of education:

(a) any degree other than architecture at a University or College

3. The Board may consider the following equivalent to one year of education:

(a) any degree other than architecture at a Jr. College, Technical School, etc.

D. Applicants who are requesting credit for degrees from foreign colleges or universities must submit their transcripts to the National Architectural Accrediting Board (NAAB), for the purpose of determining the equivalency of the degree to a degree earned from a University or College in the United States.

### **100.303 Experience**

#### **A. General Requirements**

1. Experience must be gained in Training Settings A-F as set forth in Rule 100.303 B.

2. For those applicants applying under rule 100.301 A, paragraphs 1 or 2, experience training units can be earned only after completing:

(a) three years in a NAAB accredited bachelor degree program, or

(b) the third year of a four year degree program in architecture or environmental design,  
or

(c) one year in a NAAB accredited master's degree program, or

(d) upon graduating from a degree program listed in rule 100.302 C paragraphs 1 and 2 if a NAAB accredited master's degree program is subsequently completed.

3. For those applicants applying under rule 100.301 A, paragraphs 1 or 2, 235 TUs must be earned in Training Setting A.

4. Of the total required TUs of experience, a minimum of 465 TUs must be earned in Diversified Practical Experience (DPE) Categories A-D as set forth in Rule 100.304.

5. TUs may not be used to meet the experience requirements if they are also being used as credit toward meeting academic requirements.

6. In the evaluation of experience, the Board may require additional substantiation as to the type and nature of reported experience in order to ensure that the experience meets the criteria listed in 100.303(B).

7. An applicant may earn TUs to meet the experience requirements through supplementary education such as:

(a) Earning a post-professional degree in architecture, after earning a professional

degree in architecture from a program accredited by NAAB; and

(b) Completing the American Institute of Architects (AIA) approved continuing education resources and programs. An official AIA transcript must accompany TU reports documenting completion of AIA approved resources.

(c) Supplementary education activities are subject to the following conditions:

(1) A post-professional degree in architecture earns 235 TUs in Category D of the DPE requirements. Credit hours must be in subjects evaluated by the Board as directly related to architecture.

(2) TUs may not be earned for supplementary education unless the applicant is employed in a recognized Training Setting.

(3) Supplementary education cannot be used to satisfy the minimum TU requirements in DPE activities 1-16.

(4) Credit for supplementary education activities may not exceed 235 TUs.

8. No training units may be earned for foreign training other than under the direct supervision of a person practicing architecture; however, a person with 5 years (1170 TUs) of foreign practice as a principal in the office of a registered architect shall be deemed to have satisfied the training requirement.

9. Exceptions to the requirements set forth in paragraph 100.303(A)(2)(a-d) above may be granted at the discretion of the Board for reasons of individual hardship or other good cause.

#### B. Training Settings

1. To earn TUs in Training Settings A, B, C, D and E, an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks, or at least 20 hours per week for a minimum period of six consecutive months.

2. To earn TUs in Training Setting F, an applicant must be employed on a full time basis.

3. Experience in Training Settings other than those set forth may be accepted only insofar as the Board considers it to be equivalent to experience earned in one or more of the recognized settings.

4. The following Training Settings explain where and how applicants for licensure by examination may earn TUs of experience and the maximum number of TUs that may be earned in each setting:

TRAINING SETTING		MAXIMUM TRAINING UNITS ALLOWED
A	Experience in architecture as an employee of an organization when working under the direct supervision of a licensed architect and when the organization's practice (a)	No Limit

	is in the charge of a person practicing as a principal and (b) encompasses the comprehensive practice of architecture, including each of the areas in appendix A.	
B	Experience in architecture as an employee of an organization when working under the direct supervision of a licensed architect, but when the organization's practice <i>does not</i> encompass the comprehensive practice of architecture, including each of the areas in appendix A.	465 Training Units
C	Experience in architecture as an employee of a firm engaged in the practice of architecture outside the United States or Canada, under the direct supervision of a person practicing architecture who is licensed neither in a U.S. nor a Canadian jurisdiction.	235 Training Units
D	Experience directly related to architecture under the direct supervision of a registered engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction) or a registered landscape architect.	235 Training Units in DPE Categories B, C and D
E	Experience (other than that noted above) in	117 Training Units in DPE Categories C and D

	activities involving the design and construction of the built environment (such as analysis of existing buildings, planning, programming, design of interior space, review of technical submissions, engaging in building construction activities and the like) when under the direct supervision of a person experienced in the activity.	
F	Full time teaching or research in a NAAB or CACB accredited professional degree program.	245 Training Units in DPE Category D
FF	Performing professional and community service when not in settings described in A through F.	10 Training Units in area 16

5. For the purpose of this rule, the following applies:

(a) an organization is considered to be an “office of a licensed architect” if:

- (1) the architectural practice of the organization in which the intern works is in the charge of a person practicing as a principal and the intern works under the direct supervision of a licensed architect, and
- (2) the architectural practice of the organization encompasses the comprehensive practice of architecture including each of the areas composing such practice set forth in Appendix A.

(b) a person practices as a “principal” by being:

- (1) a licensed architect as defined in paragraph c below, and
- (2) the person in charge of the organization's architectural practice, whether alone or with other licensed architects.

(c) a licensed architect is a person licensed to practice architecture in the jurisdiction in which they practice.

C. Direct supervision means that degree of supervision by a person overseeing the work of another, where both work in the same office in circumstances where personal contact is routine, and the

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

#### **100.304 Diversified Practical Experience**

- A. Of the total TUs required pursuant to Rule 100.301, a minimum of 465 TUs must be earned in Diversified Practical Experience (DPE) in Training Settings A, B or C under the direct supervision of a licensed architect or an individual exempt under the provisions of 12-4-112(4), C.R.S. (Note: For the purposes of this Rule, a licensed architect is a person licensed to practice architecture in the jurisdiction in which they practice.)
- B. The minimum TUs required in DPE may be earned by working with a professional who is performing the task, by personally doing the work, or by Board-approved supplementary education.
- C. The following sets forth the minimum TUs that must be earned in DPE categories and the associated professional activities 1-16:

##### **Category A: Design and Construction Documents**

Required Professional Activities		Minimum Totals
	Programming	10
	Site and Environmental Analysis	10
	Schematic Design	15
	Engineering Systems Coordination	15
	Building Cost Analysis	10
	Code Research	15
	Design Development	40
	Construction Documents	135
	Specifications and Materials Research	15
	Documents Checking and Coordination	10
	Subtotal	275
	Remaining (can be earned in any activities 1-10 above)	75
	<b>TOTAL</b>	<b>350</b>

To satisfy Category A, training units (including those earned from supplementary education) must be acquired when employed in Training Settings A, B, or C.

##### **Category B: Construction Administration**

Required Professional Activities		Minimum Totals
	Bidding and Contract Negotiation	10
	Construction Phase - Office	15



	Construction Phase - Observation	15
	Subtotal	15
	Remaining (can be earned in any activities 11–13 above)	30
	<b>TOTAL</b>	<b>70</b>

#### **Category C: Management**

Required Professional Activities		Minimum Totals
	Project Management	15
	Office Management	10
	Subtotal	25
	Remaining (can be earned in any activities 14–15 above)	10
	<b>TOTAL</b>	<b>35</b>

#### **Category D: Related Activities**

Required Professional Activities	Minimum Totals
Professional and Community Service	10
Other Related Activities	0
<b>TOTAL</b>	<b>10</b>
<b>TOTAL DPE TUs REQUIRED</b>	<b>465</b>

TUs may be earned in Category D for experience not meeting the durational conditions in Rule 100.303 A, paragraph 4, only if the Board considers the experience to be substantial and continuous.

D. Additional TUs over 465 may be acquired in one DPE category or distributed among any of the DPE categories.

E. Appendix A of these rules describes and defines DPE activity.

#### **100.305 Verification Procedure**

The applicant shall keep, on forms provided by the Board, a continuous, detailed and substantiated record of professional and related activities showing the TUs earned in the various practical experience settings. The intent of the practical experience requirement is to provide the applicant a broad and diversified exposure to the practice of architecture. The employer, by their verification, affirms to the Board that the activities recorded were actually performed by the applicant.

#### **PRE-EXAMINATION PROCEDURES 100.400**

#### **100.401 Notification of Examination Eligibility**

When an applicant has submitted evidence to the Board in a timely manner that all of the licensing requirements have been satisfied, the Board shall review the application and notify the applicant of eligibility to take the A.R.E.

#### **100.402 Post-Determination Procedures**

If an applicant is notified that all of the licensing requirements have not been satisfied, applicant may request the Board to reconsider the application if the applicant disagrees with the evaluation or has additional information.

### **EXAMINATIONS 100.500**

#### **100.501 The Examination**

The examinations used by the Board to determine eligibility for licensure shall be the current A.R.E., and the Examination on Statute and Rules, examining the applicant's knowledge of the provisions of Title 12, Article 4, Colorado Revised Statutes, and rules contained herein.

#### **100.502 Conditions of the Examination**

- A. Grading of the examination shall be in accordance with the national grading procedure of the NCARB.
- B. The Board shall adopt the scoring procedures recommended by the NCARB.
- C. The Board's Examination on Statute and Rules will be administered on an "independent study" basis.
- D. No information pertaining to the subject matter of the examination will be given to applicants in advance, except as specifically authorized by the Board.
- E. The Board, in its discretion, may approve transfer credits for parts of examinations passed prior to the 1983 A.R.E. information as to transfer credits will be provided, when appropriate, to applicants requesting application forms.

#### **100.503 Examination Sequence**

- A. The A.R.E. may be taken upon completion of the qualifications as set forth in 100.300. An applicant for the examination may elect to take any or all divisions of the A.R.E.
- B. The Examination on Statute and Rules will be taken after all other requirements for licensure have been met.

#### **100.504 Re-Examination**

A candidate who fails to pass any division of the A.R.E. may reapply for examination for that or those divisions.

#### **100.505 Application Deadline**

Each applicant deemed eligible to take the A.R.E. shall be notified of the procedure for sitting for each division of the A.R.E., and other necessary information.

#### **100.506 Transfer of Scores**

- A. The Board, in its discretion and upon proper application, may accept passing scores achieved on divisions of the A.R.E. administered and attested to by another NCARB member board, and may accept passing scores on sections of the California Architectural Licensing Examination (C.A.L.E.) as equivalent to passing the corresponding sections of the A.R.E.
- B. The Board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various divisions of the A.R.E. given under the Board's jurisdiction to any other duly constituted NCARB member board.

## **LICENSURE 100.600**

### **100.601 Issuance**

- A. When the Board has determined that an applicant for licensure by examination and/or endorsement has satisfied the licensing requirements set forth herein, has made application, has successfully completed the Board's Examination on Statute and Rules, and has paid the prescribed licensing fee, it shall issue a license and one wall certificate of licensure containing the licensee's name, license number and date of initial licensure. In the event an original wall certificate of licensure is lost or destroyed, a licensee may obtain a duplicate certificate by written request to the Board with payment of a replacement fee. The word "duplicate" shall be placed on the replaced wall certificate of licensure below the license number in the same type as used in the body of the certificate.
- B. Duplicate wall certificates of licensure or licenses will be issued only upon written proof/testimony that an original wall certificate or license is lost or destroyed, and for no other reason.
- C. Requests for reissuance of a wall certificate of licensure or a license due to a change of name shall be accompanied by the appropriate fee, the original wall certificate of licensure and a certified copy of the document legalizing the name change.

### **100.602 Duration**

At the time of initial licensure, a licensee will be issued a license that shall expire on July 31 of odd numbered years. Thereafter, licensees shall apply to renew their license on a biennial basis (August 1 - July 31).

### **100.603 Not Transferable**

A license shall not be transferable.

### **100.604 Revocation, Suspension, Annulment or Non-Renewal of Licensure**

- A. In the event of revocation, annulment, suspension or non-renewal of any license, the license and wall certificate of licensure and stamp shall be returned immediately to the Board by the licensee.
- B. In the event that a license remains in an "expired" status for a period of six months or more after the expiration date of the license, a licensee shall be required to return to the Board the wall certificate of licensure granted at the time of initial licensure.

### **100.605 Renewal/Reinstatement Procedure**

- A. The procedure for renewal of a license that has been expired for six months or less is set forth in Section 12-4-108(2), C.R.S.
- B. The Board will consider application for reinstatement of a license that has been expired for more than

six months based on the provisions set forth in Section 12-4-108(2), C.R.S., and the following:

1. The Board may require a personal appearance.
2. Three (3) current letters of professional recommendation. At least two of these letters of recommendation shall be from architects holding a valid architectural license and who are not currently employed by or a part of the same business entity as the applicant. Current letters of professional recommendation shall be deemed to be letters dated not more than six (6) months from the date of application for reinstatement. The criteria for these letters are as follows: the author should state his/her knowledge of the applicant since the expiration of the license and the knowledge of the applicant's competence including any architectural skills and activities performed since the expiration of the license.
3. Satisfactory evidence that professional competence has been maintained since the applicant's license expired.
4. Satisfactory completion of the examination on statute and rules for licensees.

#### **100.606 Licensure by Endorsement**

The Board will consider licensure by endorsement based on the provisions set forth in Section 12-4-107(5), C.R.S., and may require the applicant to make a personal appearance.

#### **Rule 100.607 License Number**

Repealed

### **RULES OF PROFESSIONAL CONDUCT 100.700**

#### **100.701 Competence**

- A. The safety, health and welfare of the public shall be held paramount in the performance of a licensee's professional duties. This professional duty includes, but is not limited to, the specific matters addressed in the other subsections of these rules.
- B. Repealed 6/30/92.
- C. In engaging in the practice of architecture, a licensee shall act with reasonable care and competence, and shall apply technical knowledge and skills which meet the generally accepted standards of the practice of Architecture.
- D. A licensee shall undertake to perform professional services only when they, together with those whom the licensee may engage as consultants in the specific technical areas involved, are qualified by education and experience.

#### **100.702 Conflict of Interest**

- A. A licensee shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to, and agreed to, by all interested parties.
- B. If a licensee has any business association or direct or indirect financial interest which is substantial enough to influence the judgment of the licensee in connection with the performance of professional services, the licensee shall fully disclose in writing to the 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 licensee will either terminate such association or

interest or offer to give up the commission or employment.

- C. A licensee shall not solicit or accept compensation from any source other than a client in return for specifying or endorsing products or services, unless full disclosure is made to the client.
- D. When acting as the interpreter of building contract documents and the judge of contract performance, a licensee shall render impartial decisions.

#### **100.703 Full Disclosure**

- A. A licensee shall accurately represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit.
- B. If, in the course of work done on a project, a licensee becomes aware of a decision taken against the licensee's advice, which violates any applicable governmental regulations which will, in the licensee's judgment, materially and adversely affect the safety to the public of the finished project, the licensee shall:
  - 1. report the circumstances to the public official charged with the enforcement of the applicable state or municipal building laws and regulations;
  - 2. refuse to consent to the decision; and
  - 3. in circumstances where the licensee reasonably believes that other such decisions may be taken, notwithstanding their objection, may terminate services with respect to the project.
- C. A licensee shall not assist the application for a license of an individual known by the licensee to be unqualified with respect to education, practical or professional experience, or character.

#### **100.704 Design and Use of Licensee's Stamp**

- A. Each licensee shall procure a stamp, which shall be in the form of two concentric circles, the outer circle approximately two inches in diameter and the inner circle approximately one and one-quarter inches in diameter. The words "State of Colorado" and "Licensed Architect" shall appear between the concentric circles at the top and bottom respectively. The name of the licensee and the license number of the licensee shall appear within the inner circle. An embossing stamp in the same form may also be used. This stamp shall comply in all respects, including size and format with the specimen shown below:



- B. The stamp may be of a type that is embossed, rubber stamped or electronically generated and must be affixed directly to the reproduction drawings and specifications. The original signature of the

individual named on the seal and the date of the signature shall appear across the face of each original seal imprint. Exception to this rule is allowed only as required for compliance with a federal contract.

- C. One record set of documents shall be retained in the possession of the licensee for a minimum of three years. There may be more than one record set.
- D. The stamp appearing on reproduction drawings and specifications shall be prima facie evidence that the record set was prepared by or under the responsible control of the individual named on the seal.
- E. Licensees shall only sign, date, or stamp drawings, specifications, reports or other professional work for which they have direct professional knowledge and responsible control. When a licensee signs, dates, and stamps a document, it is presumed that responsibility has been assumed for the entire document unless the stamp is limited by a statement adjacent to the stamp that accurately reflects the licensee's scope of responsibility for the document.

#### **100.705 Other Laws**

It will be deemed a violation of these rules if a licensee violates local, state or federal laws or statutes that relate to the practice of architecture.

### **ORGANIZATIONAL PRACTICE 100.800**

#### **100.801 Professional Practice**

- A. Each office in Colorado maintained for the practice of architecture shall have a Colorado licensed architect regularly located and employed in that office having responsible control of the work.
- B. Repealed September 30, 2001.

#### **100.802 Prohibited Uses Of Business Titles**

An association or partnership, consisting of only two (2) individuals may not use the term "Architect(s)" in its business name unless both are architects, licensed under this article, except as provided in Section 12-4-110(4), C.R.S.

#### **100.803 Disciplinary Proceedings**

- A. The following outlines the procedures used by the Board with regard to disciplinary proceedings.
  - 1. The receipt of a written complaint to the Board or, a motion made by the Board of its own volition initiates the investigative and disciplinary process.
  - 2. The Board may investigate the complaint. This may be done by the Board, or by the Board referring the complaint to the Complaint and Investigation Division of the Department of Regulatory Agencies.
  - 3. Upon consideration of the investigative information compiled on a complaint, the Board may either:
    - (a) Dismiss the complaint; or
    - (b) Issue a letter of admonition; or

(c) Issue a cease and desist order; or

(d) Institute a formal disciplinary proceeding.

4. If, as a result of a disciplinary hearing, grounds for disciplinary action are proven, the Board may impose any disciplinary action permitted by 12-4-111, C.R.S., by a simple majority vote of the Board. If revocation of a license is to be imposed, a minimum of four (4) Board members must concur.

B. Emergency proceedings. Nothing in this section shall limit the power of the Board to take emergency action in appropriate cases as authorized by the statute.

C. Violation by association. Because only individuals are licensed to practice architecture, if a complaint alleges a violation by a partnership, entity or group of persons, action shall be taken against the licensee(s) who is responsible for the matter in question.

## **RULES GOVERNING PROCEDURES FOR DECLARATORY ORDERS 100.900**

This section of the rules is included as mandated by 24-4-105(11), C.R.S.

### **100.901**

A. Any person may petition the Board for a Declaratory Order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.

B. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:

1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.

2. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter of investigation currently pending before the Board or a court involving one or more of the petitioners.

3. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.

4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.

5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.

D. Any petition filed pursuant to this rule shall set forth the following:

1. The name and address of the petitioner and whether the petitioner is licensed pursuant to 12-

4-101, C.R.S., et seq.

2. The statute, rule or order to which the petition relates.
  3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- E. If the Board determines that it will rule on the petition, the following procedures shall apply:
1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
    - (a) Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
    - (b) The Board may order the petitioner to file a written brief, memorandum or statement of position.
    - (c) The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
    - (d) The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
    - (e) The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
    - (f) The Board may take administrative notice of facts pursuant to the Administrative Procedure Act 24-4-105(8), C.R.S., and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
    - (g) If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
  2. The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by paragraph D of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.
- G. Any Declaratory Order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to 24-4-106, C.R.S.

**REPEAL APPENDIX A AS CURRENTLY WRITTEN AND RE-ENACT APPENDIX A AS FOLLOWS:**



## Appendix A

### CATEGORY A:

#### Design and Construction Documents

##### 1. Programming

Programming is the process of setting forth in writing the owner's requirements for a given project. Steps in this process include: establishing goals; considering a budget; collecting, organizing and analyzing data; isolating and developing concepts; and determining general needs. The AIA Owner-Architect Agreements presume that the owner will furnish the program and that any involvement of the architect in writing the program will be an additional service not covered in the basic agreement. However, many owners employ the architect to assist them in this effort. The project will also be affected by the mortgage lender, public officials involved in health, welfare and safety, future tenants and, increasingly, the people who will work in the built environment. Their input at the programming stage is essential in order to maintain an orderly design process.

Possible applicant activities:

- a. Participate in office conferences with clients regarding programming, periodic reviews and formal presentations, and assist in preparing minutes or reports for future reference.
- b. Assist with presentations at zoning and variance hearings, and at meetings with the owners and consultants of these projects.
- c. Assist in preparing the summary and evaluation of data and requirements obtained from all sources. Research current literature pertaining to architectural programming.

##### 2. Site and Environmental Analysis

Site analysis includes land planning, urban design and environmental evaluation. Land planning and urban design are concerned with relationships to surrounding areas and involve consideration of the physical, economic and social impact of proposed land use on the environment, ecology, traffic and population patterns. Governmental agencies frequently require documentation on the results construction will have on its surroundings (i.e. environmental impact studies).

Decisions relating to site analysis must involve the selection, organization and evaluation of pertinent data that will lead to a resolution of the owner's program while conforming to legal requirements.

Possible applicant activities:

- a. Assist in analyzing several sites to assess the feasibility of their use for a proposed project.
- b. Help analyze the feasibility of using a specific site for a project.
- c. Assist in the analysis of specific land use and location for a project.
- d. Assist in the formulation of the most appropriate land use strategy to achieve a desired environmental impact.
- e. Research site restrictions such as zoning, easements, utilities, etc.
- f. Participate in public hearings about land use issues and prepare reports for future reference.

### **3. Schematic Design**

From the owner-approved program, the architect develops alternative solutions to satisfy technical and aesthetic requirements. Preferred schemes are presented until owner and architect can agree on one.

Possible applicant activities:

- a. Participate in the development and preparation of preliminary design concepts to determine the spatial relationships that best satisfy the owner's program.
- b. Participate in the development and coordination of program requirements with consultants.
- c. Assist in the preparation of presentation drawings and models.
- d. Assist in the analysis and selection of engineering systems.
- e. Participate in design review and approval meetings with clients, user groups, etc.

### **4. Engineering Systems Coordination**

The architect is usually responsible for the selection, design and coordination of all building systems including the engineering systems. The emphasis of this training requirement is to develop an understanding of the integration of the engineered systems normally designed by consultants and provided by product suppliers under the direct supervision and control of the architect. These traditionally have included structural, mechanical and electrical subsystems as well as newer technical innovations and special requirements, such as telecommunications and computer applications.

Architects must know how engineering systems work, including system benefits and limitations, availability, cost and the space requirements necessary to provide the basis for system design, selection and integration. This knowledge also provides the vital communication links necessary for appropriate interaction with engineering consultants and product suppliers.

Possible applicant activities:

- a. Become familiar with the construction methods and performance of different engineering systems.
- b. Understand safety requirements and the selection process for engineering systems.
- c. Assist in research, analysis and selection of engineering systems during the schematic design and design development phases.
- d. Help coordinate engineering systems documents provided by consultants into the construction documents produced by the architect.
- e. Review consultants' drawings for conceptual understanding of systems, space requirements and possible conflicts or interference of structure, ductwork, plumbing lines, electrical fixtures, etc.
- f. Assist in checking shop drawings, evaluating samples and maintaining records.
- g. Visit job site and observe installation and integration of engineering systems, construction details and space requirements.
- h. Attend systems start-up, operation and maintenance meetings required for acceptance and use by the owner.

- i. Obtain and study manufacturers' literature for engineering systems and components.
- j. Become familiar with relevant codes and regulatory standards applicable to various engineering systems.
- k. Check maintenance manuals and warranties submitted by contractors for conformance with contract documents.

## **5. Building Cost Analysis**

An important responsibility of the architect is to evaluate the probable project construction cost. Accurate estimates are crucial to the client. They influence decisions involving basic design, selection of building products and systems and construction scheduling, long-term maintenance, as well as tax impact of material and system selection (value engineering) are additional factors that bear on development of the project. For their own preliminary analysis, most architects use computations based on area and/or volume. Estimates of cost provided later in the design process are frequently made on the basis of labor and material requirements (quantity surveys), a method which requires a more specialized knowledge of construction costs.

### **Possible Applicant Activities**

- a. Calculate the area and volume of a project in accordance with AIA Document D101, "Architectural Area and Volume of Buildings".
- b. Make a simplified quantity take-off of selected materials and prepare comparative cost analyses.
- c. Assist in the preparation of cost estimates of each stage of a project.
- d. Review various references and texts utilized in cost estimating.
- e. Assist in the preparation of cost analyses for current projects, using a variety of indices (i.e. cost/square foot, cost/cubic foot, unit use, etc.)
- f. Conduct a survey of current costs per square foot of various types of projects, using local Dodge Reports, Builder's Exchange reports, etc.

## **6. Code Research**

Building inspectors as well as officials in zoning, environmental and other agencies relating to the health, welfare and safety of the public, oversee the enforcement of federal, state and local regulations related to building construction. The codes promulgated by these various agencies have a direct bearing on the total design process and thorough knowledge of all requirements is essential to the satisfactory completion of any project.

### **Possible Applicant Activities**

- a. Assist in searching and documenting codes, regulations, ordinances, etc., for one or more specific projects.
- b. Study procedures necessary to obtain relief or variances from particular requirements as they relate to a project.
- c. Calculate certain variables (i.e. numbers and size of exits, stair dimensions, public toilet rooms, ramps) in satisfaction of code requirements.

- d. Determine a project's allowable land coverage as well as maximum areas in compliance with zoning and any other related ordinances.

## **7. Design Development**

Based on the owner-approved schematic design, the architect fixes and details, for the owner's further approval, the size and character of the entire project, including selection of materials and engineering systems.

### **Possible Applicant Activities**

- a. Participate in the preparation of detailed development drawings from schematic design documents.
- b. Assist in developing various schedules and outline specifications for materials, finishes, fixed equipment, fixtures, construction time and construction cost.
- c. Help coordinate engineering systems proposed for the project.
- d. Participate in design review and approval meetings with clients, user groups, etc.

## **8. Construction Documents**

The working drawings phase of construction documents preparation constitutes the major activity in an architect's office. These drawings describe in graphic form all of the essentials of the work to be done: location, size, arrangement and details of the project. Since the successful and timely execution of these documents can be equated closely with an office's financial success, architects constantly search for more efficient ways to produce construction documents. Regardless of the method of preparation, it is extremely important that the documents be accurate, consistent, complete and understandable. This requires thorough quality control including constant review and cross-checking of all documents. In addition, effective coordination of consultant's drawings is essential to avoid conflicts between the various trades during construction.

### **Possible Applicant Activities**

- a. Work in the preparation of detail drawings, developing technical skills in drafting accuracy, completeness and clarity.
- b. Assist in the coordination of all documents produced by the architect and the consultants.
- c. Develop a knowledge of professional responsibilities and liabilities arising from the issuance of construction documents.
- d. Participate in the mechanics of assembling the finished construction documents.
- e. Assist the job captain (or equivalent) in routine administrative/control tasks.

## **9. Specifications and Materials Research**

Well-grounded knowledge of specification writing principles and procedures is essential to the preparation of sound, enforceable specifications. Unless these skills are properly developed, expert knowledge of materials, contracts, and construction procedures cannot be communicated successfully. A cardinal principle of specification writing requires the architect to understand the relationship between drawings and specifications, and to be able to communicate in a logical, orderly sequence, the requirements of the construction process. Many factors must be considered in the selection and evaluation of materials or products to be used in a project; appropriateness, durability, aesthetic quality, initial cost, maintenance,

etc. To avoid future problems, it is extremely important that the architect recognize the function of each item to be specified. The architect must carefully assess new materials as well as new or unusual applications of familiar items regardless of manufacturer representations, to be certain no hidden deficiencies exist that might create problems for the owner and expose the architect to liability.

#### Possible Applicant Activities

- a. Review construction specifications organization, purpose and format, and assist in writing specifications. Review and analyze bidding forms, insurance and bonding requirements, liens, supplementary and special conditions.
- b. Research and evaluate data for products to be specified, including information regarding product availability, cost, code acceptability and manufacturers' reliability. Attend sales presentations in connection with this research.
- c. Research industry standards and guidelines for specific classes of products (i.e., curtain walls, aluminum windows) as they affect various manufacturers' items being considered for acceptability on a project. Research construction techniques and systems and understand workmanship standards such as poured-in-place concrete, masonry construction, etc.
- d. Evaluate the potential for using master specifications in a project specification, including procedures needed to adapt individual sections for this use.

### **10. Document Checking and Coordination**

Close coordination between drawings and specifications is required when preparing construction documents. The work of each consultant must be reviewed regularly and checked against the architectural drawings as well as the drawings of other consultants to eliminate conflicts. Before final release for construction purposes, the drawings must be checked and cross-checked for accuracy and compatibility.

#### Possible Applicant Activities

- a. Assist in cross-checking products and materials called for in the specifications for consistency with corresponding terminology and descriptions on the working drawings.
- b. Check drawings prepared by others for accuracy of dimensions, notes, abbreviations and indications.
- c. Assist in developing a schedule of lead time required for proper coordination with other disciplines.
- d. Check consultants' drawings with architectural drawings and other consultants' drawings for possible conflicts and interference of plumbing lines, ductwork, electrical fixtures, etc.
- e. Assist in the final project review for compliance with applicable codes, regulations, etc.

### **CATEGORY B:**

#### Construction Administration

### **11. Bidding and Contract Negotiation**

The architect assists in establishing and administering bidding procedures, issuing addenda, evaluating proposed substitutions, reviewing the qualifications of bidders, analyzing bids or negotiated proposals and making recommendations for the selection of the contractor(s). The construction contract and related documents are the formal instruments that bind the major parties together in the construction phase. They

detail the desired product and the services to be provided in its construction, as well as the consideration to be paid for the product and the services.

#### Possible Applicant Activities

- a. Carefully review the bidding/award stages of previous projects. Develop an understanding of problems encountered and how they were resolved.
- b. Prepare sample bids using quantity take-offs from the building cost analysis.
- c. Assist in the pre-qualification of bidders.
- d. Assist in the receipt, analysis and evaluation of bids, including any alternatives.
- e. Learn what information and submittals are required prior to issuance of notice to proceed.
- f. Assist in evaluating equal product considerations in preparing addenda.
- g. Meet with contractors and material suppliers to better understand problems they encounter with bid packages and construction contract documents. Understand the role of the lending institution during the bidding process.
- h. Assist in the preparation and negotiation of construction contracts and become familiar with the conditions of the contract for construction in order to identify the roles of the architect, contractor, owner, bonding company and insurer in the administration of the construction phase.

## **12. Construction Phase-Office**

During the construction phase there are many related tasks that do not directly involve field observations; processing contractors' applications for payment, preparing change orders, reviewing shop drawings and samples, adjudicating disputes, etc. The architect's handling of these matters will usually have a direct bearing on the smooth functioning of the work in the field. For example, prompt processing of the contractor's application for payment, including review of any substantiating data that may be required by the contract documents, helps the contractor maintain an even flow of funds.

Items such as shop drawings, samples and test reports submitted for the architect's review must be acted upon promptly to expedite the construction process. Changes in the work that may affect the time of construction or modify the cost are accomplished by change orders. Interpretations necessary for the proper execution of work must be promptly given in writing even when no change order is required.

#### Possible Applicant Activities

- a. Assist in processing applications for payment and preparing certificates for payment.
- b. Assist in checking shop drawings, evaluating samples submitted and maintaining records.
- c. Assist in evaluating requests for changes, interpreting documents and preparing change orders.
- d. Participate in resolution of disputes and interpretation of conflicts relating to the contract documents.
- e. Participate in the assembly of evidence and preparation of testimony to be used before an arbitration panel or in court.
- f. Research the legal responsibilities of owners, contractors and architects by attending seminars and using other supplementary education resources.

- g. Participate in the preparation of record documents at project completion.

### **13. Construction Phase-Observation**

In administering the Construction Contract, the architect's function is to determine if the contractor's work generally conforms to the requirements of the contract documents. To evaluate the quality of materials and workmanship the architect must be thoroughly familiar with all of the provisions of the Construction Contract. Periodic reports on the stage of completion of scheduled activities are collected and compared to the overall Project Schedule at job site meetings. These meetings facilitate communication between the contract parties and produce a detailed progress record. The architect must determine through observation the Date of Substantial Completion and receive all data, warranties and releases required by the contract documents prior to final inspection and final payment. In addition to these construction-related responsibilities, the architect interprets contract documents when disagreements occur, and judges the dispute impartially, even when the owner is involved. Dissatisfaction with the architect's decision can lead to arbitration or the courts.

#### **Possible Applicant Activities**

- a. Visit the job site and participate in observation of the work in place and materials stored, and prepare field reports of such routine inspections.
- b. Review and analyze construction time schedules. Understand the various network methods (e.g. critical path method) potentially available to the contractor.
- c. Develop an awareness of the contractual obligations related to observation of construction by reviewing contract documents and participating in professional development programs.
- d. Attend periodic job-site construction meetings and assist in recording and documenting all actions taken and agreed to at such meetings.
- e. Participate in the substantial completion inspection and assist in the punch list verification.
- f. Participate in the final acceptance inspection with the owner and other involved parties.

### **CATEGORY C:**

#### **Management**

### **14. Project Management**

The economic and professional health of a firm depends on an orderly, trackable method of project execution. A clearly defined project work plan, the key to the efficient management of project tasks, requires participation and input from team members, consultants, client representatives and other key decision-makers (financial experts, developers, lawyers and contractors). The project manager defines consensus goals, and coordinates tasks and scheduling. Team building depends on clear goals and good communication, with particular attention to decisions that influence the work of multiple team members.

A project file initiated and maintained by the project manager is the comprehensive record of the project's life and a useful resource for future endeavors. The work plan must be congruent with all project-related contractual agreements (which are normally maintained in the project file). Scheduled quality control reviews are identified in the work plan; the project manager may request interim reviews in advance of established submittal dates. It is the project manager's responsibility to measure actual schedule/budget progress against the work plan "yardstick," assess all discrepancies and take the corrective action necessary to maintain project control. The project manager also maintains design quality during bidding, contract negotiation and construction phases through administration of the project file, oversees the firm's

construction representative and monitors scheduled on-site quality reviews. Finally, the project manager closes out project records and agreements and sets up future post-occupancy evaluation procedures.

#### Possible Applicant Activities

- a. Review the firm's project management manual or all important forms, checklists and other practice aids if a manual doesn't exist.
- b. Understand the procedure for assignment of project management responsibilities and the project manager's role in the acquisition process.
- c. Participate in the development of a project work plan including identifying goals, client requirements, responsibilities, a first-cut schedule and the project record.
- d. Review a work plan against all project-related contractual agreements.
- e. Become familiar with team management including role assignments, team communication methods and frequency, and maintaining the project file.
- f. Review design documentation standards and understand expected levels of documentation at each phase of the project.
- g. Attend quality reviews at project development milestones identified in the work plan.
- h. Assist in preparing project status assessments including schedule and scope variances and actions required to maintain project budget control.
- i. Review the project management file for close-out activities including contractual fulfillments, final fee for services, invoicing and modifications, (e.g., change orders).
- j. Attend post-occupancy evaluation trips to completed project sites.

### **15. Office Management**

Although architecture is a creative profession, current techniques of practice require that the architect's office operate in almost the same manner as a commercial enterprise. Steady income must be generated and expenses carefully budgeted and monitored so that economic stability can be maintained. Accurate records must be kept for tax purposes and for use in future work. Established office requirements and regulations are essential to maintaining a smooth operation; office practice manuals are a typical tool for dissemination of this information. Profitable use of office personnel requires budgeting of time and adhering to schedules. The architect's relationship to the owner is established by contractual agreement. A contract establishes the duties and obligations of the parties. In order for a contract to be enforceable, there must be mutual agreement between competent parties, an acceptable monetary consideration, and it must be for a lawful purpose and accomplishable within an established time frame. Effective public relations plays an essential role in the creation of the architect's image. This is important in bringing new clients and work into the office as well as in attracting superior people for the professional staff. The architect must participate in marketing activities if the practice is to succeed. On the other hand, the architect's marketing activities (unlike those of merchants, manufacturers and others in commerce) are subject to certain professional constraints. The architect must learn marketing techniques which are effective while remaining within legitimate rules of professional conduct.

#### Possible Applicant Activities

- a. Review the process of internal accounting and cost control systems for operation of the firm.



- b. Participate in allocation of time to all elements involved in a total project from preliminary design through construction.
- c. Review professional service contracts for their structure, content, determination of responsibility and enforcement procedures.
- d. Review the compensation structure as related to types of services rendered by the firm.
- e. Review current contractual relationships with consultants.
- f. Research legal obligations, limitations and liabilities of professional service contracts.
- g. Review the firm's professional liability insurance policy and develop an awareness of potential practices and procedures that are not covered by the policy.
- h. Assist in developing programs to publicize the firm's professional services and its expertise.
- i. Participate in the firm's program for securing commissions for professional services through assisting in market research, prospect list preparation and information-gathering activities.
- j. Assist in developing firm brochures and advertising as elements of promotion.
- k. Accompany marketing staff on cold calls to prospects.
- l. Participate in presentations to prospective clients and formal selection interviews.
- m. Participate in the firm's internal budgeting (profit planning) process.

#### **CATEGORY D:**

##### Related Activities

#### **16. Professional and Community Service**

Architects have a responsibility to participate in a broad range of professional and community activities, especially those that will foster a more complete understanding of the social and economic value of the architect's services. Professional and community service make for a well-rounded architect and provide a rich base of experience for decisions affecting public health, safety and welfare. Such experience will assist in the development of interpersonal skills related to communication, group dynamics and teamwork.

You are encouraged to offer volunteer service in traditional and non-traditional organizations. This involvement will enhance practical training in a number of ways, including broadening your understanding of the myriad forces that affect change in our society, expanding professional knowledge and reinforcing professional skills leading to a better quality of life in the community. You and the profession of architecture benefit through satisfying your social responsibilities.

##### Possible Applicant Activities

- a. Contribute to the work of professional organizations through serving on committees and participating in conferences, conventions and open meetings focused on professional issues.
- b. Provide career counseling for high school and college students.
- c. Take an activist role in state and local government affairs.

- d. Conduct educational programs in elementary and secondary schools, and participate in other activities aimed at improving public understanding of the importance of design excellence.
- e. Participate in civic organizations, neighborhood groups, museum programs and other activities relating to such issues as the homeless, natural disasters, historic preservation, resource conservation and environmental awareness.

### **Other Related Activities**

The Diversified Practical Experience Program is not intended to be narrow or restrictive, but to bring into proper perspective the broad aspects of architectural practice. In addition, new areas of concern and involvement that do not fall within more traditional practice are opening to architects. Other related activities allow you, while developing basic practice skills, to develop expertise in such areas listed below.

Possible related activities include energy conservation, computer applications, planning, interior design, landscape architecture, environmental and structural engineering, applied research, teaching, historical restoration and professional delineation.