

President's Message

Cheryl C. Walker, FAIA



Quality Based Selection and the ARCHITECT

As a licensed professional you know that Qualifications-Based Selection (QBS) is an objective and fair process used by owners to select architects based on the professionals' qualifications relative to a project. A fair price cannot be determined with respect to the creative process until the owner's needs and the project scope has been determined. The architect provides the keys to a successful project. The architect's analysis and design will determine the quality of

the place, the construction costs, the financial and functional feasibility as well as the operation and maintenance costs during the life of the project.

This traditional approach to procuring architectural and engineering services on publicly funded projects was codified into law in 1972 by the US Congress. The law has since been known as the Brooks Act, as it was introduced by US Representative Jack Brooks of Texas. The law requires that architects and engineers be selected for all federal government projects on the basis of qualifications, subject to negotiation of fair and reasonable compensation. North Carolina and several other states have adopted their own version of this law and it is often referred to as the "mini-Brooks Act". In North Carolina, the statute reads as follows:

Article 3D.

Procurement of Architectural, Engineering, and Surveying Services.

§ 143-64.31. Declaration of public policy.

(a) *It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.*

(b) *Public entities that contract with a construction manager at risk under this section shall report to the Secretary of Administration the following information on all projects where a construction manager at risk is utilized:*

- (1) *A detailed explanation of the reason why the particular construction manager at risk was selected.*
- (2) *The terms of the contract with the construction manager at risk.*
- (3) *A list of all other firms considered but not selected as the construction manager at risk and the amount of their proposed fees for services.*
- (4) *A report on the form of bidding utilized by the construction manager at risk on the project.* (continued on pg 2)

Board Members

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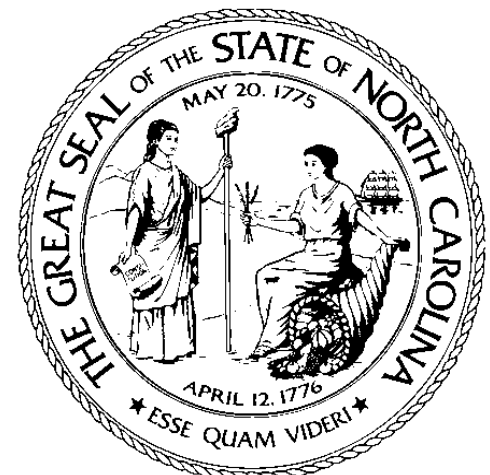
Cathe M. Evans	Executive Director
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2013 Meeting Dates

January 18, 2013
February 8 2013
April 12, 2013
May 10, 2013
July 12, 2013

127 W. Hargett Street
Suite 304
Raleigh, NC 27614
919-733-9544
ncba@ncbarch.org
www.ncbarch.org

All Board meeting are open to the public.



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Continued from page 1

The Secretary of Administration shall adopt rules to implement the provisions of this subsection including the format and frequency of reporting.

Per 21 NCAC 02 .0209, the "Rules" for architects, an architect shall not knowingly cooperate in a violation of any provisions of this statute. Unfortunately, determining a violation of this statute is not as simple as it seems. The Board has jurisdiction only over architects and cannot direct or impose its rules on any other governmental agency. This becomes a problem for architects when a unit of local government asks for a fee, especially in the current economic climate where everyone is hyper aware of costs, fees and local politics.

What can architects do when confronted with a situation that puts them in danger of violating Board rules and law, for example, if an RFQ appears to ask for a price? Don't be afraid to ask questions. The first thing to do is call the Board office for some guidance. Usually, the staff can clarify a situation for you.

You can also turn to the requesting city or county attorney for help. They should be able to provide information as to exemptions that may have been put in place by a local planning board or similar entity. Also, don't hesitate to contact the NC Attorney General's office.

Overall, an architect should be informed. Here are a few basic pieces of information that may assist you in responding to RFQs from public entities:

- Responding with any sort of information that would allow a government/public agency to ascertain a fee for a project would be a violation. This may include 'unit pricing' or responding to questions about fees during the interview process.
- While agencies may exempt their project from the mini-Brooks act, architects must verify that the exemption has been issued prior to responding to the RFQ. Exemptions must be made on a project by project basis, in writing and documented at a public meeting. An architect may be able to verify that a project was properly exempted by contacting a City or Town manager or legal counsel for the public entity. The Board of Architecture may also be a resource for you.
- Know that if you are asked to provide two envelopes – one containing your price – you may be in violation of the law. Even in a sealed envelope, you may not disclose pricing until the selection has been made and negotiations begin.

As the current economic climate exerts more pressure on architects and on local governments to do more with fewer dollars, the Board continues to see questions and confusion associated with the QBS selection process. Most agencies want to hire qualified professionals capable of delivering a quality project within their allocated budget, but may not fully understand the ramifications of requesting a fee as part of their selection process. Most architects want to be selected based on their qualifications to provide the best possible project for their client. The Board stands as a ready resource to assist you in understanding your responsibilities as you navigate the QBS process.

licensing statistics

**North Carolina Board of Architecture
License Statistics
As of December 11, 2012.**



Active Individual licenses 5446:
Breakdown:
NC - 2345
Out-of-State – 3101

Active firm licenses: 1525
Breakdown:
NC– 682
Out-of-State– 843

Candidates Eligible to take the ARE - 495
(Note that not all candidates are actively taking the exam.)

from the executive director's desk



The Board of Architecture has two new members!

Please join the Board in welcoming architect Julie M. McLaurin as a professional member of the Board and Brenda H. Pollard of Durham, NC as a public member. While welcoming Ms. McLaurin and Ms. Pollard, we also say a fond farewell to Mr. Thomas P. Turner, FAIA of Charlotte, NC who served on the Board for five years. We truly appreciate his wisdom and service.



Julie M. McLaurin, AIA

Ms. McLaurin received her Bachelor of Architecture from North Carolina State University and is an Associate/Project Manager with O'Brien Atkins in Research Triangle Park, NC. Julie has served the AIA-NC as a Director and is a Past President of AIA-Triangle. She resides in Morrisville with her husband Tim Ashby and daughter.



Ms. Pollard attended Central Community College and NC State University and received her legal secretary certificate from Peace College. She was an Executive Assistant to both NC Commissioner of Insurance, the late James E. Long and Secretary of State, the late Thad Eure. Brenda is no stranger to Boards and Commissions, having served the NC Museum of Natural Sciences Advisory Committee (appointed by Governor Perdue) and the NC Banking Commission (appointed by Governor Hunt and again by Governor Easley).

The Board is fortunate to have such capable and experienced individuals willing to serve the Public.

Brenda H. Pollard

Don't forget to follow us on FaceBook and Twitter! Go to www.ncbarch.org and click the link!

Sincerely,
Cathe M. Evans
Executive Director



Board of Architecture - Annual Meeting July 2012. Back Row L to R - Kiki Teague, Public Member and Treasurer; Cheryl C. Walker, FAIA, President; Paul D. Boney, FAIA, Secretary; Chris E. Brasier, FAIA, Vice President. Front Row L to R - Barbara A Field, FAIA, Thomas P. Turner, Jr. FAIA, Julie M. McLaurin, AIA.



Former Board President, Barbara A. Field, FAIA presents Thomas P. Turner, Jr. FAIA with a Certificate of Appreciation for his five years of service as a Board Member.

enforcement report

Following is the Enforcement Report for the period February 16, 2012 through December 11, 2012. The Board is not bound by precedence in matters of disciplinary action. It is the prerogative of the Board to be conservative in its review of cases and to enforce the rules and laws with sanctions and civil penalties as allowed by law. You may request a copy of the entire order by sending an email to cathe@ncbarch.org be sure to include the case number with your request.

Consent Orders

Case 914 – Queen, Joe Sam

The Board and Respondent agreed to entry of the following Consent Order.

Respondent was formerly licensed as an architect by this Board and has submitted an application to reinstate his license. He is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code.

Respondent's license expired on June 30, 2005 for failure to renew. Respondent continued to offer and render architectural services and used the title 'architect' in this state.

Respondent is subject to the provisions of G.S. 83A-11. The Board may require, at its discretion, proof of continuing competency or treat the application as new, subject to reexamination and qualification requirements.

Respondent maintained membership with the American Institute of Architects, maintained a privilege license indicating the profession to be 'architect' and maintained a business address for "Joe Sam Queen, Architect" - thereby conveying the impression that he was licensed and qualified to practice architecture in this State.

Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte* whether or not the Board accepts this Order as written.

CONCLUSIONS OF LAWThe Board has jurisdiction over this matter and over Respondent and Respondent is therefore subject to North Carolina General Statute 83A and Title 21 Chapter 2 of the North Carolina Administrative Code. The Conduct described in Paragraphs 2-5 constitutes violations of N.C.G.S. 83A-11, 83A-12, 83A-15(a) (3) and 21 NCAC 02.0213.BASED on the foregoing, the Board and respondent agree to the following:

Respondent's license to practice architecture shall be reinstated.

Respondent is reprimanded.

Respondent shall pay a civil penalty in the amount of \$3,500.00

Respondent shall submit proof of twenty-four hours of continuing education as set forth in 21 NCAC 02.0900.

Respondent shall reimburse the Board for Administrative Costs associated with this matter.

Case 925 – Buckl, Werner A.

The Board and Respondents agree to entry of the following Consent Order.

Respondent is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code.

Respondent was engaged to provide plans for the raising of a single family residence structure, installation of new footings and foundation walls for a project at 112 Outrigger Road, New Bern, North Carolina. The structure was severely damaged following Hurricane Irene in August 2011 near the North Carolina Coast. The local inspections officials and the Professional Standards Committee of the Board of Architecture opined, after a review of plans dated January 26, 2012, that the project was unique in nature due to the raising of

enforcement report continued

the damaged structure and did not fall within the area of expertise of an architect. Specifically, the work should have been performed by a professional structural engineer. Ultimately, the inspections officials stopped work on the project and indicated that work could not continue until plans were submitted by a professional engineer. Respondent is not licensed as a professional engineer in the State of North Carolina.

Respondent contends that he did not intentionally violate any Board rules and laws but wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

The conduct described in paragraphs 2-5 above constitutes violations of 21 NCAC 02.0209 and 21 NCAC 2.0210.

BASED on the foregoing and in lieu of further proceedings under 21 N.C.A.C. Chapter 2, Section .0600, the Board and respondent agree to the following:

Respondent is reprimanded.

Respondent shall not offer or render any type of professional engineering services, including, but not limited to, the design for raising structures, footing installation and foundation walls, until such time as he receives an appropriate license from the North Carolina Board of Examiners for Engineers.

Respondent shall pay a Civil Penalty in the amount of \$1000.00 and reimburse the Board of Architecture for administrative costs associated with this matter.

Case 917 – Smith, Dale/Fanas Architecture PC

The Board and Respondents agree to entry of the following Consent Order.

Dale Smith, principle of Fanas Architecture, P.C. is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Smith has been identified as the President and owner of the firm Fanas Architecture, P.C.

Fanas Architecture, P.C. is not registered with this Board to offer architectural services in North Carolina. Fanas Architecture, P.C. does not have a Certificate of Authority to do business in this State, nor has the firm applied for one.

Smith, through his firm Fanas Architecture, P.C. offered and rendered architectural services on a project in North Carolina from 2010 to the present. The project is identified as the “Homestead Mountain Residence” of Robin Travers-McIntosh and Byron McIntosh, located in Waynesville, NC.

Smith contends that neither he nor any principle or employee in the firm intentionally violated North Carolina’s Architecture Rules and Laws. Nevertheless, in lieu of further proceedings, Fanas Architecture, P.C. and Smith have agreed to enter in to this Consent Order.

Respondent’s action in practicing architecture through a firm not properly registered with this Board is a violation of G.S. 83A-12 and 21 N.C.A.C. 02.0215.

Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 N.C.A.C. Chapter 2, Section .0600, the Board and respondent agree to the following:

Respondent shall, within thirty (30) days from the date this Order is approved by the Board, begin and complete the process to properly register Fanas Architecture, P.C.

Respondent shall pay a civil penalty in the amount of \$500 for practicing architecture through a firm not registered to do so in North Carolina.

Respondent shall pay a previously agreed upon amount of the Board’s administrative costs incurred as a result of this matter.

Respondent shall reimburse the Board for all renewal and late fees for the years 2010-2012.

Respondent is formally disciplined by the Board.

enforcement report continued

Case 919 Siriani, Louis/ Verner Johnson, Inc.

The Board and Respondents agree to entry of the following Consent Order.

Louis Sirianni has applied for licensure as an architect by reciprocity to this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Sirianni has been identified as the president of the Verner Johnson, Inc. Verner Johnson, Inc. was previously known as E. Verner Johnson and Associates, Inc., a firm which held a firm license in North Carolina until December 31, 2008.

Neither Sirianni nor the firm Verner Johnson, Inc. is currently registered with this Board to offer or render architectural services in North Carolina.

Sirianni represented himself as an architect on behalf of Verner Johnson, Inc. and appeared in North Carolina in response to a Request for Proposals for architectural services by the City of Goldsboro.

Sirianni's action in offering architectural services through a firm not properly registered with this Board is a violation of G.S. 83A-12 and 21 NCAC 02 .0202, 21 NCAC 02 .0204, 21 NCAC 02 .0208, 21 NCAC 02 .0209 and 21 NCAC 02 .0215. In lieu of further proceedings, Sirianni and Verner Johnson, Inc. have agreed to enter in to this Consent Order.

Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 N.C.A.C. Chapter 2, Section .0600, the Board and respondent agree to the following:

Verner Johnson, Inc. shall, within thirty days from the date that this Order is approved by the Board, complete the process to properly reinstate the firm Verner Johnson, Inc.

Sirianni shall pay a civil penalty in the amount of \$1000 offering architectural services through a firm not properly registered to do so in North Carolina from 2011 to the present.

Sirianni shall, within thirty days from the date this Order is approved by the Board, complete the process of licensure by reciprocity.

Sirianni shall pay a civil penalty in the amount of \$1000 for practicing architecture prior to licensure and failing to accurately and truthfully complete the application for licensure in North Carolina.

Verner Johnson, Inc. shall pay a previously agreed upon amount of the Board's administrative costs incurred as a result of this matter.

Verner Johnson, Inc. shall reimburse the Board for all renewal and late fees for the years 2011 and 2012.

Louis Sirianni is reprimanded.

Case 920 – Czarnomski, Kenneth

The Board and Respondent agreed to entry of the following Consent Order.

Respondent was formerly licensed as an architect by this Board and has submitted an application to reinstate his license. He is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code.

Respondent's license expired on June 30, 2008 for failure to renew. Respondent continued provide educational training, offered and rendered architectural services and used the title 'architect' in this state.

Respondent is subject to the provisions of G.S. 83A-11. The Board may require, at its discretion, proof of continuing competency or treat the application as new, subject to reexamination and qualification requirements.

Respondent maintained a Michigan license to practice architecture and an NCARB certification indicating licensure in North Carolina - thereby conveying the impression that he was licensed and qualified to practice architecture in this State.

Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this

enforcement report continued

Order with the Board ex parte whether or not the Board accepts this Order as written.

CONCLUSIONS OF LAW

The Board has jurisdiction over this matter and over Respondent and Respondent is therefore subject to North Carolina General Statute 83A and Title 21 Chapter 2 of the North Carolina Administrative Code.

The Conduct described in Paragraphs 2-5 constitutes violations of N.C.G.S. 83A-11, 83A-12, 83A-15(a) (3) and 21 NCAC 02.0213.

BASED on the foregoing, the Board and respondent agree to the following:

Respondent's license to practice architecture shall be reinstated.

Respondent is reprimanded.

Respondent shall pay a civil penalty in the amount of \$2000.00

Respondent shall submit proof of twenty-four hours of continuing education as set forth in 21 NCAC 02.0900.

Respondent shall reimburse the Board for Administrative Costs associated with this matter.

Case 931 - Narramore Associates, Inc

The Board and Respondent agreed to entry of the following Consent Order.

Respondent Firm was previously licensed by this Board.

North Carolina Licensee David L. Narramore is the President, Secretary and Treasurer of said firm. On behalf of the Firm, Narramore failed to renew the firm license by December 31, 2010 for the 2011 license year. The Firm License was revoked for failure to renew on December 31, 2010.

Despite not having been licensed to offer or provide architectural services since December 31, 2010, Respondent firm has nevertheless continued to offer and provide architectural services on 34 projects in this State to the present date. Seventeen of the project have been identified as exempt under §83A-13.

In 2010 the North Carolina Department of Revenue placed the firm on Revenue Suspension Status and the firm was subsequently suspended by the North Carolina Secretary of State. The firm has provided proof of reinstatement by the Department of Revenue and the Secretary of State.

Narramore contends that neither he nor any employee in the firm intentionally violated North Carolina's Architecture Rules and Laws.

Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

CONCLUSIONS OF LAW

The Board has jurisdiction over this matter and over Respondent Firm and Licensee Narramore both are therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code.

The conduct described in Paragraphs above constitutes violations of N.C.G.S. 83A-11, 83A-12, 83A-15 (a)(3) and 21 N.C.A.C. 02.0209 and .0215.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC 02.0600, the Board and Respondent stipulate and agree to the following:

Respondent firm shall come into compliance will all architectural laws and rules governing reinstatement of the firm license.

Respondent firm shall pay renewal fee and late fee for 2010 and 2011 totaling \$400.00

Respondent shall pay a civil penalty in the amount of \$1,700.00

Letter of Caution

The Board of Architecture issued two Letters of Caution to architects.

enforcement report continued

Dismissed/Unfounded/No Action

The Board of architecture dismissed ten as unfounded or without prejudice or no action. These matters were investigated, however, there was no evidence to demonstrate a violation of Board rules and laws.

A note on Board enforcement and jurisdiction.

In the past year or so, the Professional Standards Committee of the Board has received an increase in complaints involving contractual matters between architects and their clients as well employment matters between architectural firms and former employees. The Board of Architecture has jurisdiction pursuant to North Carolina General Statute §83A-15 and 21 NCAC 02 .0208, 21 NCAC 02 .0209 and 21 NCAC 02 .210 to receive and investigate complaints involving dishonest conduct, incompetence and unprofessional conduct. This Board does not have the statutory authority to discipline architects regarding complaints involving contract disagreements or allegations of ordinary negligence, nor can the Board mediate these situations.

Firm Renewal notices for 2013 have been sent out. If you have not yet renewed your firm license you must do so by December 31, 2012.

Go to www.ncbarch.org forms section to download a 2013 firm renewal .

Random FACT...

You can follow the Board of Architecture on FaceBook and Twitter. Go to www.ncbarch.org and click on the link.

NCARB news

New Video Series Helps Aspiring Architects Navigate Path to Licensure

A new video series, **Destination: Architect**, from the National Council of Architectural Registration Boards (NCARB) aims to demystify the licensure process for emerging professionals. Each video maps out a key licensure requirement and highlights what to know before getting started.

Now available to the general public through the NCARB YouTube Channel, **Destination: Architect** serves as an educational resource for organizations and individuals who provide guidance to future architects, such as school counselors, educators, administrators, and components of professional organizations like the American Institute of Architects (AIA).

Destination: Architect is intended to help aspiring architects proactively plan and prepare for meeting licensure requirements. Architects are responsible for the health, safety, and welfare of the people who occupy the buildings they create, so the path to licensure is designed to help those seeking licensure meet that important responsibility. This fast-paced video series maps out the rules of the road to minimize detours along the way.