

*Tabled by Minister of Service NL  
2012.03.28.  
Tommy F.*



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND & LABRADOR

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## **Second Annual House of Assembly Report**



**ARCHITECTS LICENSING BOARD OF  
NEWFOUNDLAND AND LABRADOR**

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## ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND & LABRADOR

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### ANNUAL REPORT FROM THE CHAIR

25 November 2011

This report covers the first full year of operation of the Board. During this period a number of events occurred and issues handled.

- In the first Board meeting following the 2010 AGM members of the Board elected myself as the Board Chairperson for 2011, David Dewling as the Registrar for 2011, and Stan Hampton as Finance Chair for 2011. As per the By-laws, the term-of-office for each Board member for the very first Board were determined by the Board, with all future terms being 3 years.
  - Three Year Term: Paul Blackwood, David Dewling
  - Two Year Year: Dominic Lipa and Stan Hampton.
  - One Year Term: Gerry Cook.
- Government appointed their two laypersons to the Board later in the year. Welcome to Jackie Manual of the Newfoundland and Labrador Construction Safety Association and to Louise Pinsent-Parsons, former Registrar for APEGNL. These two Board members are appointed for three year terms. The Act requires the attendance of at least one of them at a Board meeting as a condition for a quorum. Because their appointment to the Board occurred many months after the start of business for the Board, all previous Board decisions were ratified once Jackie and Louise were appointed.
- Based on a solicitation of interest from License Holders at the first AGM, the Board appointed members to the various standing committees of the Board.
- The Board processed a number of license applications throughout the year. (See Registrar's report). While the requirement that professional liability insurance be provided by an insurance company licensed in the province initially consumed a fair bit of the Board's time and created a fair bit of concern and confusion for many license holders, especially those from out-of-province, the issue seems to have now subsided. Interestingly, as a result of discussions concerning the insurance requirement, it was discovered by one out-of-province license holder that insurance provided by his own licensing body did not extend to his practise outside of his home province, despite the fact he had practised outside his home province for years believing he was covered.
- Despite an initial hick-up, professional seals (or rubber stamps) were supplied to all license holders.
- The Board circulated a flyer to all municipalities and AHJ outlining the requirements of the new Act. The Board has also been approached by GSC on a number of occasions for clarifications, as they process building applications.

- As a result of concerns raised in discussions with the Department of Education regarding the Architects Act, the Board wrote the Department requesting when they procure architectural services that they ensure the parties who provide these services comply with the Architects Act 2008.
- In the process of seeking support from APEGNL regarding discussions with DOE, the Board found itself in a debate with APEGNL regarding the scope of practise described in the Architects Act. The Act essentially states that all buildings shall be designed by a license holder except as it relates to...civil engineering. The President and Executive Director of APEGNL were invited to a Board meeting where the opinion was expressed that civil engineering included work inside a building's footprint, and in particular the design of a building's envelope; an area that the Board feels falls exclusively under the domain of the Architects Act. The Board expressed the opinion that only License Holders are trained in such areas of practise, monitored, and required to maintain continuing education in this area, and therefore practise by others in this area is not in the public's interest. The opinion was also expressed in the meeting that if an APEGNL member found themselves in court for an infraction of the Architects Act in this regard, APEGNL would have to consider whether or not to intervene on behalf of their member. While the Board feels its legislated mandate is clear, it has agreed to continue a dialogue with APEGNL on this issue and to meet regularly on other issues of mutual concern and interest.
- The Board has become aware of people and firms continuously approaching License Holders and requesting that they review architectural drawings prepared by others and stamp them. This is in clear violation of several parts of the new and old Act, Regulations, and Code of Ethics. The Board has sent out a bulletin reminding all License holders of their responsibilities in this area.
- The Board adopted changes to the number of hours of work experience required for an initial license, as a component part of the national Internship in Architecture program. While this will require a change in the Regulations to properly implement, the Act also contains a provision that effectively allows the Board to exempt a person from a particular licensing requirement. That provision will be used to implement the change in hours of work experience until such time as the Regulations are updated.
- The Board is also participating in the national Broadly Based Foreign Architect (BEFA) beta program, evaluating licensing requirements suited for foreign architects. Finalization of the program is not expected for a couple of years, at which time it will be adopted by the Board under provisions contained in the Act.
- There has been a meeting with a representative of the Association of Engineering Technologists and Technicians of Newfoundland and Labrador regarding their quest to have provincial legislation governing themselves. The Board has written government to support any initiative for title protection for the term "Architectural Technologist" for any individual with a formal education in the area and who has worked in an architect's office for a period of time. The Board has also requested to be consulted and offered government the Board's wealth of knowledge and expertise should they be considering whether or not to grant a scope of practise to the technologists/technicians.

- In the upcoming year the Board will continue with its initiatives to educate interested parties in the requirements of the Architects Act. It feels the best form of enforcement is through education.
- The Board wishes to remind Licence Holders not to forget to stamp those documents that contain architectural services that have been issued. If the License Holder is also supervising the architectural practise of the firm, the name of the firm must also appear in the stamped document and identified as the "Architectural Consultant". No other architectural firm name may appear on the document. This is important as it is the mechanism for which the Board is able to easily identify documents prepared by non-license holders.

In closing, I would like to thank License Holders for electing me to the Board, and to the Board members for granting me a three year term and electing me as their first Chairperson. The position of Chairperson is for a one year term. It has been a great honour and a pleasure to serve.

Sincerely,

A handwritten signature in black ink that reads "A BLACKWOOD" with a stylized flourish at the end.

Paul Blackwood, Chairperson,  
Architects Licensing Board of Newfoundland and Labrador



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**ALBNL 2<sup>nd</sup> Annual General Meeting – November 25<sup>th</sup> 2011**

***Registrar's Report***

The Registrar, was well supported by the Board and Lynda Hayward; I wish to express the Board's thanks and appreciation to Richard Symond's for his time and attention to the review of our interns log books and Rick Moody for supervising the Exac exams, which were written at CNA Ridge Road Campus on November 7<sup>th</sup> and 8<sup>th</sup>; and we wish to thank the College for providing the classroom space.

One of our Interns in Architecture, Anthony Bateson, wrote his exams this fall. Anthony accepted a job in Ontario and we wish him luck in his new position and his exams. Since our last AGM, Sarah Colven and Jeremy Byrant received news they passed their exams and have been presented with their license. Membership Certificates will be awarded to them at the NLAA's 62<sup>nd</sup> AGM.

This was the first year of renewals and registration under the new Act. Although there were some growing pains and problems with obtaining the required insurance from Ontario and Quebec architects, we have stayed the course and all architects practicing in NL are insured by companies licensed to provide insurance in the province.

Finally from the Registrar, membership numbers are strong and we are maintaining the growth that we have seen over the last couple of years. The following numbers tell the story with the (#) indicating 2009 , 2010 numbers, as of November 15<sup>th</sup>.

Licensed to Practice.. 82 (83 , 73)  
Non Practicing / Associates.. 1 (1 , 2)  
Interns.. 8 (7 , 6)  
Students..0 (2 , 2)  
Retired ..2 (2 , 0)  
Life Member.. 3 (3 , 3)  
Honorary.. 1 (1 , 1)

With several applications and approvals pending until the Board's next meeting, the future is bright for the Association. With a steady growth in the construction industry the future is bright for our members. We look forward to sustaining our numbers and modest growth in these numbers can be expected over the next couple of years.

In closing, I thank the membership for the privilege to serve them and to Paul Blackwood and Lynda Hayward for their patience and support, a very big thank-you.

Respectively submitted



David Dewling NLAA



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**Finance Chair Report**

The Architects Licensing Board of Newfoundland and Labrador Financial Statements September 30<sup>th</sup>, 2011 are attached.

Sincerely,

A handwritten signature in black ink, appearing to be 'S.G. Hampton', written over a horizontal line.

S.G. Hampton, MRAIC, NLAA,  
Finance Chair  
Architects Licensing Board of Newfoundland and Labrador



**Architects Licensing Board of  
Newfoundland and Labrador  
Financial Statements  
September 30, 2011**



**SOOLEY &  
ASSOCIATES**

**Architects Licensing Board of  
Newfoundland and Labrador  
Financial Statements  
September 30, 2011**

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**SOOLEY &  
ASSOCIATES**



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## **Independent Auditor's Report**

**To The Members  
Architects Licensing Board  
of Newfoundland and Labrador**

We have audited the accompanying financial statements of Architects Licensing Board of Newfoundland and Labrador which comprise the statement of financial position as at September 30, 2011 and the statements of operations and changes in fund balance and of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.


An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

## Independent Auditor's Report

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

In our opinion, these financial statements present fairly, in all material respects, the financial position of Sample Not-for-Profit Association as September 30, 2011 and its financial performance and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

  
Sooley & Associates  
Certified General Accountants

Mount Pearl, Newfoundland and Labrador  
November 7, 2011

**Architects Licensing Board of  
Newfoundland and Labrador  
Statement of Financial Position  
as at September 30, 2011**

	<u>2011</u>
<b>ASSETS</b>	
Current assets	
Cash	\$ 4,917
Accounts receivable	696
Prepaid expenses	<u>1,312</u>
	<u>\$ 6,925</u>
 <b>LIABILITIES &amp; FUND BALANCES</b>	
Current liabilities	
Accounts payable and accruals	\$ 4,112
Deferred revenue (Note 3)	<u>8,715</u>
	\$ 12,827
 Fund balance:	
Unrestricted	<u>(5,902)</u>
	<u>(5,902)</u>
	<u>\$ 6,925</u>

On Behalf of the Board:


 \_\_\_\_\_, Director
 
 \_\_\_\_\_, Director

The accompanying notes are an integral part of these financial statements



**Architects Licensing Board of  
Newfoundland and Labrador**  
**Statement of Operations and Changes in Fund Balances**  
**for the year ended September 30, 2011**

	(Note 4) 2011 <u>Budget</u>	2011 <u>Actual</u>
<b>Revenue</b>		
License	\$ 35,650	\$ 35,053
Examination fees	1,400	1,470
Other income	<u>400</u>	<u>200</u>
	<u>37,450</u>	<u>36,723</u>
 <b>Expenses</b>		
Administrative services	16,000	21,126
Annual general meeting and banquet	1,000	1,318
Continuing education	1,500	290
Courier	400	1,040
Examination of Architects in Canada	5,092	7,364
Insurance	-	348
Interest and bank charges	1,000	114
Luncheon meetings	1,100	865
License and fees	1,944	1,551
Office	3,764	3,104
Professional fees	1,200	2,500
Telephone	950	927
Travel	2,000	578
Website	<u>1,500</u>	<u>1,500</u>
	<u>37,450</u>	<u>42,625</u>
 <b>Excess of revenue over expenses (expenses over revenues) for year</b>	 -	 (5,902)
 <b>Fund balance, beginning of year</b>	 <u>-</u>	 <u>-</u>
 <b>Fund balance, ending of year</b>	 <u>\$ -</u>	 <u>\$ (5,902)</u>

The accompanying notes are an integral part of these financial statements

**Architects Licensing Board of  
Newfoundland and Labrador  
Statement of Cash Flows  
for the year ended September 30, 2011**

**Sources of Cash**

Licence and application fees	\$ 34,357
Examination fees	1,470
Other income	200
Deferred revenue	<u>8,715</u>
	<u>44,742</u>

**Use of cash**

Purchase of materials and services	38,513
Purchase of prepaid expenses	<u>1,312</u>
	<u>39,825</u>

**Change in cash during the year** 4,917

**Cash and cash equivalents, beginning** -

**Cash and cash equivalents, ending** \$ 4,917

The accompanying notes are an integral part of these financial statements

**Architects Licensing Board of  
Newfoundland and Labrador**  
Notes to Financial Statements  
September 30, 2011

**1. Purpose of the organization**

Architects Licensing Board of Newfoundland and Labrador is created to oversee and enforce the rules governing architects in Newfoundland and Labrador under the Architects Act, 2008 as well as to promote and increase the knowledge, skill and proficiency of its members.

**2. Summary of Significant Accounting Policies**

**Basis of accounting**

The Association prepares its financial statements in accordance with Canadian accounting standards for not-for-profit organizations.

**Fund accounting**

The Association follows the restricted fund method of accounting for contributions.

The General Fund accounts for the organization's program delivery and administrative activities. This fund reports unrestricted resources.

**Cash and cash equivalents**

Cash equivalents are comprised of highly liquid terms deposits that are readily convertible to cash with maturities that are less than three months from the date of acquisition.

**Revenue recognition**

Contributions related to general operations are recognized as revenue of the General Fund in the year in which the related expenses are incurred.

**3. Deferred revenue**

Deferred revenue is comprised of the unexpired portion of license fees charged.

**4. Budget comparative figures**

The 2011 budget figures presented in the statement of operations are figures provided by management and have not been audited. These figures are included for convenience of the reader only.





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**BY-LAWS**

As of 18 October 2010

**PART 1 - GENERAL**

- .1 This document shall be known as the By-laws of the Architects Licensing Board of Newfoundland and Labrador.
- .2 The by-laws of the Board are presented in the order outlined in article 9 of the Act; and followed by additional by-laws as required to outline the administrative procedures of the Board.

**PART 2 - DEFINITIONS**

- .1 Unless otherwise noted, a *member of the Board* is any person elected or appointed to the Board.
  - .1 An *elected member of the Board* is any person of the Board elected by the membership of the Association.
  - .2 An *appointed member of the Board* is any person appointed to the Board by government.
- .2 The *Association* is the Newfoundland and Labrador Association of Architects.
- .3 A *License Holder* is a person granted a license to practise architecture by the Board.

**PART 3 - BY-LAWS**

**3.1 LIST OF BY-LAWS**

- .1 By-laws Prescribed by Section 9 of the Act are:
  - .1 Holding and Procedure of Board Meetings.
  - .2 The Appointment of Committees and the Duties and Responsibilities of Those Committees.
  - .3 Election of Members of the Board Under Subsection 5 (2) of the Act and Setting the Terms of Office.
  - .4 Payment of Travel and Other Expenses of Elected Members of the Board.
  - .5 Employment and Remuneration of Staff and Consultants.
  - .6 Code of Ethics.
  - .7 Remuneration and Payment of Travel Expenses of Members of Adjudication Tribunals.
  - .8 Participation of Members at a Meeting of the Board by Telephone or Other Telecommunications Device under Section 7.
  - .9 Voting by Members by Mail or Electronic Means.
- .2 Other By-laws Governing Administrative Procedures of the Board
  - .1 Role of the Chairperson
  - .2 Role of the Registrar
  - .3 Remuneration of the Registrar
  - .4 The Register
  - .5 The Regulations
  - .6 Banking
  - .7 Signing Authority
  - .8 Seal
  - .9 License Certificate

- .10 Operating Agreement with the NLAA
- .11 Place of Business
- .12 Board Name
- .13 Miscellaneous

### 3.2 HOLDING AND PROCEDURE OF BOARD MEETINGS (Act Article 9(1)(A))

#### .1 Annual General Meeting (Act Article 7(5))

- .1 The Board shall hold an annual general meeting in November of each year, at a date, time, and place to coincide with the annual general meeting of the Association.
- .2 Notice of the annual general meeting shall be given to all members 30 days in advance of the meeting.
- .3 The agenda for the annual general meeting shall include:
  - .1 A report from the Chairperson.
  - .2 A report from the Registrar.
  - .3 A report from each standing committee.
  - .4 The Auditor's report.
  - .5 Appointment of auditors for the up-coming year. (Act Article 7(6))
  - .6 Questions from the membership.
  - .7 New business.
  - .8 Nominations and election of members to the Board.

#### .2 Other Board Meetings

- .1 The Board shall hold regular Board meetings one per month from September to June at a predetermined day and time set by the Board.
- .2 The Board shall meet between June and September upon the request of the Registrar.
- .3 The Board shall meet at all other times with the consent of not less than one half the membership of the Board.

#### .3 Decision Making

- .1 Decisions of the Board shall be by majority vote of Board members except when specifically indicated as being a decision of elected Board members only.

#### .4 Record of Board Meetings

- .1 The Board shall appoint a person to maintain a record of all Board meetings.
- .2 The record of all Board meetings and Board meetings shall be public except as it pertain to:
  - .1 Personnel issues.
  - .2 Items that are deemed to be in the best interest of the Public to be kept confidential, as decided by not less than 5 members of the Board, one of which shall be an appointed member.

#### .5 Election of the Chairperson

- .1 The election of the chairperson shall take place at the first Board meeting following the annual general meeting.
- .2 Any elected member of the Board shall be eligible to hold the chair.
- .3 The election of the Chairperson shall be by secret ballot of all Board members administered by an appointed member of the Board.
- .4 The term of the Chairperson shall be for one year.
  - .1 The Chairperson may be replaced for the duration of the term by a majority vote of all Board members at a regularly scheduled Board meeting.
- .5 Nothing prevents the Board from electing the same person to the Chairperson each year.
- .6 The Chairperson shall not hold the office of the Registrar or the chair of the Finance Committee.

#### .6 Election of The Registrar

- .1 The election of the Registrar shall take place at the first Board meeting following the annual general meeting.
- .2 Any elected member of the Board shall be eligible to become the Registrar.

- .3 The election of the Registrar shall be by secret ballot of all Board members administered by an appointed member of the Board.
  - .4 The term of the Registrar shall be for one year.
    - .1 The Registrar may be replaced for the duration of the term by a majority vote of all Board members at a regularly scheduled Board meeting.
  - .5 Nothing prevents the Board from electing the same person to the position of the Registrar each year.
  - .6 The Registrar shall not hold the office of the Chair of the Board or the chair of the Finance Committee.
- .7 Proxy
- .1 No member shall grant a proxy to another person to attend and vote at a Board meeting on his/her behalf.

**3.3 THE APPOINTMENT OF COMMITTEES AND THE DUTIES AND RESPONSIBILITIES OF THOSE COMMITTEES (Act Article 9(1)(B))**

- .1 The Board shall establish the following standing committees.
  - .1 Complaints Authorization Committee
    - .1 The responsibilities for the Complaints Authorization Committee shall be per the requirements of the Act, including Article 18.
  - .2 Disciplinary Panel
    - .1 The responsibilities of the Disciplinary panel shall be per the requirements of the Act.
  - .3 Standing Committee on Finance
    - .1 The Standing Committee on Finance shall be a committee of one consisting of a member of the Board elected by the Board.
    - .2 The Committee shall be responsible for the financial records of the Board.
    - .3 The Committee shall have no power to expend monies without Board approval.
    - .4 The chair of the Committee shall not hold the office of the Chair of the Board or Registrar.
  - .4 Standing Committee on Continuing Education
    - .1 The Standing Committee on Continuing Education shall be responsible for developing and administering the requirements for continuing education.
  - .5 Standing Committee on Legislative Change
    - .1 The Standing Committee on Legislative Change shall oversee any amendments required to the Act, Regulations, By-laws, and Code of Ethics.
- .2 The Board may establish other committees as required to support the mandate of the Board.
- .3 The Board shall appoint committee members, except for the Finance Committee, as follows:
  - .1 The Board, at its annual general meeting, shall request persons interested in sitting on any committee of the Board to make themselves known by placing their name on a list.
  - .2 The Board shall appoint committee members within 30 days of the Board's annual general meeting.
    - .1 While the Board shall consult the list of names compiled at the annual general meeting, the Board may proceed and appoint any willing persons who, in the Board's sole opinion, is best suited.
  - .3 Committee members shall hold office until such time as new members are appointed.
  - .4 Members of standing committees shall be limited to only those persons who hold a license or who are appointed members of the Board.
  - .5 The Board shall appoint persons to the Complaints Authorization Committee and the Disciplinary Panel in accordance with the requirements of the Act.

3.4 ELECTION OF MEMBERS OF THE BOARD UNDER SUBSECTION 5 (2) OF THE ACT AND SETTING THE TERMS OF OFFICE (Act Article 9(1)(C))

- .1 Board members elected by the membership of the Association prior to the proclamation of the Architects Act 2008 shall constitute the elected members of the Board until such time as an election of new Board members is held at the Board's first annual general meeting.
- .2 Each member of the Association is eligible to run in an election for Board members provided that member is first nominated by another member of the Association.
- .3 The deadline to nominate a person to the Board shall be immediately prior to the election.
- .4 Each member of the Association is eligible to cast a ballot for the election of Board members.
  - .1 A member must be in attendance at the election in order to cast a ballot.
- .5 The election of Board members shall be by secret ballot administered by an appointed member of the Board.
- .6 The individuals who receive the most votes shall be elected to the Board. In the case of a tie, the names of the individuals tied shall be placed into a hat and the name of the individual drawn randomly from the hat shall be declared elected.
- .7 Terms of Office for Elected Members (Article 5(6) of the Act)
  - .1 At the first Board meeting following the first election of Board members, the elected Board members shall attempt to agree among themselves which two members will hold a 3 year term, which two members will hold a 2-year term, and which one member shall hold a 1 year term, and failing that, names shall be drawn randomly from a hat for each term by an appointed member.
  - .2 The term of office for every Board member after the first election, shall be for three years.
- .8 Appointment of Replacement Board Members (Act Article 5(8))
  - .1 The Chair shall provide 7 days notice to all other Board members when an election of a replacement Board member is required.
  - .2 Any member of the Board may put forward one or more names of members who have expressed a willingness to sit on the Board.
  - .3 The Board shall elect the replacement member by secret ballot.
  - .4 Where no candidate receives 50 percent plus 1 of the votes cast, then the candidate who has received the least number of votes shall be dropped and a subsequent vote held, until such time as a candidate is elected.

3.5 PAYMENT OF TRAVEL AND OTHER EXPENSES OF ELECTED MEMBERS OF THE BOARD (Act Article 9(1)(D))

- .1 The Board shall reimburse reasonable expenses of elected members incurred in their role provided approval of such expenses is first obtained from the Board and the expenses are documented by original receipts.
- .2 The Board may adopt, by resolution, guidelines for travel and other reimbursable expenses of its elected members.

3.6 EMPLOYMENT AND REMUNERATION OF STAFF AND CONSULTANTS (ACT ARTICLE 9(1)(E))

- .1 Board Administrator
  - .1 The Board may retain the services of a Board Administrator to conduct the day-to-day affairs of the Board.
  - .2 The Board shall set the terms and conditions of service for the Board Administrator.
  - .3 The Board shall not enter into a contract for service for a Board Administrator greater than 12 months in length at any one time.
  - .4 The Board Administrator shall report to the Chairperson.

.2 Financial Auditor

- .1 The Finance Committee shall, at the Board's annual general meeting, make a recommendation for the appointment of an auditor of the Board's finances and indicate the associated cost.
- .2 The License Holders shall vote on the appointment of auditor of the Board's finances at that meeting.
- .3 The auditor of the Board's finances in the first year of operation shall be the same auditor engaged by the Association.

.3 Other Consulting Services

- .1 The Board may retain the services of other consultants the Board deems necessary.
- .2 The Board shall attempt to obtain not less than three proposals for any consulting services in excess of \$1,000 prior to the selection of the consultant.

3.7 CODE OF ETHICS (Act Article 9(1)(F))

- .1 The Code of Ethics shall be the Code of Ethics dated 18 October 2010 and adopted by the Board.

3.8 REMUNERATION AND PAYMENT OF TRAVEL EXPENSES OF MEMBERS OF ADJUDICATION TRIBUNALS (Act Article 9(1)(G))

- .1 The Board shall reimburse reasonable expenses of members of adjudication tribunals incurred in their role provided approval of such expenses is first obtained from the Board and the expenses are documented by original receipts.
- .2 The Board may adopt, by resolution, guidelines for travel and other reimbursable expenses of members of adjudication tribunals.

3.9 PARTICIPATION OF MEMBERS AT A MEETING OF THE BOARD BY TELEPHONE OR OTHER TELECOMMUNICATIONS DEVICE UNDER SECTION 7 (Act Article 9(1)(H))

- .1 Attendance at an Annual General Meeting
  - .1 Nothing prohibits a member from attending an annual general meeting of the Board via teleconference, if so arranged in advance and at the cost to the member.
- .2 Attendance at Other Board Meetings (Act Article 7(2))
  - .1 Nothing prohibits a member of the Board from attending a Board meeting via teleconference, if so arranged in advance.

3.10 VOTING BY MEMBERS BY MAIL OR ELECTRONIC MEANS (Act Article 9(1)(I))

- .1 Voting at an Annual General Meeting of the Board
  - .1 Voting at an annual general meeting shall be limited to those members physically present at the meeting venue.
- .2 Voting at Other Board Meetings
  - .1 Where, in the opinion of the Chair, it is in the best interest of the Board to make a ruling on an issue between scheduled Board meetings, and it is an issue that the Chair is of the opinion can be easily decided on by a yes-no vote without need for discussion by the Board, the Chair may call for an electronic vote, which is to have the same effect as if the decision were made at a regularly scheduled Board meeting.

PART 4 - OTHER ADMINISTRATIVE BY-LAWS

4.1 ROLE OF THE CHAIRMAN

- .1 The role of the Chairman includes:
  - .1 Chairing meetings of the Board and the annual general meeting.

- .2 Public spokesperson of the Board.
- .3 The immediate supervisor of any employees of the Board
- .4 Filing an annual report to the Minister. (Act Article 10(1))
- .5 Other duties as prescribed from time to time by a majority vote of the Board.
- .6 Report to the Board.

#### 4.2 ROLE OF THE REGISTRAR

- .1 The role of the Registrar is to:
  - .1 Maintain a registry of license holders.
  - .2 Enter and remove names in the registry as directed by the Board.
  - .3 Review applications for license and license renewal and make recommendations to the Board.
  - .4 Attend meetings of regulators on behalf of and at the approval of the Board.
  - .5 Report to the Board.

#### 4.3 REMUNERATION OF THE REGISTRAR (Act Article 5(11))

- .1 The Registrar shall not be paid except for out-of-pocket expenses approved by the Board.

#### 4.4 THE REGISTER (Act Article 12(1))

- .1 The Registrar shall maintain a register containing the names of all persons granted a licence, together with a record of renewals and cancellations, submissions required for licensing and renewals, and any disciplinary actions taken, and associated dates.
- .2 The Register shall be a public document and made readily available for viewing by the public.

#### 4.5 REGULATIONS

- .1 The Board shall only request the Minister to modify the Regulations provided that first:
  - .1 The Standing Committee on Legislative Change has reviewed the proposed amendment;
  - .2 License Holders are notified in writing of the draft amendment and given 30 days to file comments to the Committee.
  - .3 The Committee has reviewed comments received and has proposed wording of the amendment to the Board.
  - .4 The Board has approved the proposed amendment.
- .2 The Board shall notify License Holders immediately upon a change to the Regulations.

#### 4.6 BANKING

- .1 The bank of the Board shall be the Royal Bank of Canada, Main Branch - Water Street, St. John's, Newfoundland and Labrador.
- .2 The Board shall maintain a chequing account and other accounts as approved by the Board from time-to-time.
- .3 The Board shall maintain no credit facility with the bank or other lending authority but may hold credit facilities with its trade suppliers, but only to the extent needed to conduct the Board's business.

#### 4.7 SIGNING AUTHORITY

- .1 The Chairman shall sign documents on behalf the Board, and in his absence, the Registrar may sign; unless otherwise noted.
- .2 Banking documents, including cheques, shall be signed by any two of the following:
  - .1 The Chair;
  - .2 The Registrar;

.3 The chair of the Standing Committee on Finance.

#### 4.8 SEAL

- .1 The Board shall approve a design for the seal referenced in Article 37 of the Act. The Board shall own the copyright of the design.
- .2 The Board shall grant each License Holder a license to apply the design of the seal to documents reference in Article 37 of the Act as long as the License Holder holds a valid license.
- .3 For each License holder the Board shall have made a rubber stamp containing the design of the seal and the name of the License Holder, and shall loan such rubber stamp to the License Holder on the condition it is immediately returned to the Board when the License Holder no longer holds a license.

#### 4.9 LICENSE CERTIFICATE

- .1 The Board shall approve a design for a license certificate. The Board shall own the copyright of the design.
- .2 The Board shall, upon approval of a license or the renewal of a license, issue a license certificate to the License Holder.

#### 4.10 OPERATING AGREEMENT WITH THE NLAA

- .1 The Board may enter into an operating agreement with the Newfoundland Association of Architects for such items common to the Board and the Association which, if administered jointly, would be administratively efficient or result in a cost savings, provided no item undermines the independence of the Board from the Association.
- .2 The operating agreement may include such items as:
  - .1 Common invoicing and collection of license and full-membership fees.
  - .2 Common telephone, fax, and e-mail facilities.
  - .3 Common web site, provided information published by the Board is separately identified from that of the Association.
  - .4 Selection of a common date and venue for annual general meetings.

#### 4.11 PLACE OF BUSINESS

- .1 The Board's official place of business, for purposes of receipt of notices, shall be:
  - .1 P.O. Box 5204  
St. John's, Newfoundland and Labrador, Canada, A1B 2R9

#### 4.12 BOARD NAME

- .1 The Board shall be known as the Architects Licensing Board of Newfoundland and Labrador.
- .2 The acronym of the Board shall be ALBNL.

#### 4.13 MISCELLANEOUS

- .1 Votes
  - .1 Every vote at a Board meeting and at an annual general meeting shall be public unless specifically noted otherwise in these By-laws.
  - .2 Ballots of a secret vote shall be available for viewing by any *License Holder* upon receipt of a request immediately following the vote.
- .2 Standard Forms
  - .1 Application to Practise Architecture In Newfoundland and Labrador

- .2 Application For License Renewal Form
- .3 Letter Granting License
- .4 Notice of License Expiration

**PART 5 - APPROVAL OF THE BY-LAWS**

- 5.1 This is to certify this document is the official record of all current by-laws of the Licensing Board of Newfoundland and Labrador Architects as of the date prescribed below.

*A. Backwood*

Signature of the Chairman:

*Steve J. J. J.*

Signature of the Registrar:

Date: October 18<sup>th</sup> 2010





**ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR**

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**CODE OF ETHICS**

As of 18 October 2010

**PART 1 - GENERAL**

- .1 This document shall be known as the Code of Ethics of the Architects Licensing Board of Newfoundland and Labrador.
- .2 This document has been modelled after the Code of Ethics and Professional Conduct published by the Nova Scotia Association of Architects 22 January 1998.

**PART 2 - DEFINITIONS**

- .1 The *Association* is the Newfoundland and Labrador Association of Architects.
- .2 A *License Holder* is a person granted a license to practise architecture by the *Board*.

**PART 3 - CODE OF ETHICS**

**3.1 COMPETENCE**

- .1 In practising architecture, a *License Holder* shall act with reasonable care and competence, and shall apply the knowledge, skill and judgement which is ordinarily applied by *License Holders* currently practising in the Province of Newfoundland and Labrador.
- .2 A *License Holder* shall remain informed with respect to the practice of architecture in the Province of Newfoundland and Labrador.
- .3 A *License Holder* shall undertake to perform professional services only when qualified, together with those whom the *License Holder* may engage as consultants, by education, training and experience in the specific areas involved.
  - .1 A *License Holder* shall limit professional practice to areas of personal competence or shall engage others (including staff) who are competent in supplementary areas.
  - .2 Where so governed under Provincial statute, other professionals must be engaged to practise their professions.

**3.2 CONFLICT OF INTEREST**

- .1 Except as permitted hereunder and with full disclosure under Section 3.5, a *License Holder* shall avoid actions and situations where the *License Holder's* personal interests conflict or appear to conflict with professional obligations to the public, the client and to other *License Holders*.
  - .1 A *License Holder* shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.
    - .1 All parties compensating the *License Holder* must so agree prior to the *License Holder's* rendering services to the second and subsequent parties.
- .2 A *License Holder* having a personal association or interest which relates to a project shall fully disclose in writing the nature of the association or interest to the *License Holder's* client or employer. If the client

or employer objects, then the *License Holder* will either terminate such association or interest or offer to give up the commission or employment.

- .1 Personal association includes (but is not limited to) friendship or family relationship; personal interest includes (but is not limited to) direct or indirect potential for financial or material gain.
  - .2 The *License Holder* is required to make disclosure as soon as there is a personal association or interest, or an awareness of a potential or perceived conflict of interest, to which a client or employer might object.
- .3 Except as permitted under Clause 5.3.7, a *License Holder* shall not solicit or accept compensation or benefit from material or equipment suppliers in return for specifying or endorsing their products.
- .1 Under this Clause, "endorsing" means "accepting" or "approving" for use on a project.
  - .2 Pursuing or receiving a "kickback" is disallowed.
  - .3 A *License Holder* must make recommendations based on independent professional judgement and uncompromised evaluation.
  - .4 Neither agreement between the parties nor disclosure (in whole or part) of the receipt of benefits in exchange for recommending products will eliminate or waive the *License Holder's* conflict of interest under this Clause.
- .4 A *License Holder* acting as the interpreter of construction contract documents and reviewing construction for conformance with the contract documents shall render decisions impartially.
- .1 Regardless of which party in a project's administrative structure had engaged and pays the *License Holder*, the *License Holder* shall interpret construction contract documents impartially, as if disinterested.
- .5 A *License Holder* who is a juror or advisor for an approved competition shall not subsequently provide any services to the winner or, if there is not winner, for any derivative commission.
- .1 This applies equally to a *License Holder* who was, or who had agreed to serve as, a juror or advisor but was discharged or withdrew.

### 3.3 FULL DISCLOSURE

- .1 A *License Holder* shall disclose if the *License Holder* has a related personal or business interest when making a public statement on an architectural issue.
  - .1 Personal interest includes (but is not limited to) friendship or family relationship or direct or indirect potential for financial or material gain.
  - .2 A *License Holder* serving on an advisory design panel or other like committee, reviewing either a proposal's character or a candidate's qualifications, must make known any involvement in an application being reviewed or any other relationship that might constitute a conflict of interest and withdraw from the meeting and any discussion or evaluation of the merits of that matter.
- .2 A *License Holder* shall accurately represent to the public, a prospective or existing client or employer the *License Holder's* qualifications and the scope of the *License Holder's* responsibility in connection with work for which the *License Holder* is claiming credit.
  - .1 An architectural firm's representations must accurately reflect current principals and staff capacities.
- .3 A *License Holder* who, in the provision of services, becomes aware of an action taken by the *License Holder's* employer or client, against the *License Holder's* advice, which violates applicable building laws or regulations, shall, (i.) refuse, in writing to the employer or client, to consent to the violation; and (ii.) should the employer or client refuse to take action to correct the violation, report the violation, in writing, to the authority having jurisdiction.
  - .1 A *License Holder* in such a situation must take all reasonable steps to convince such an employer or client to comply with the building laws or regulations.
- .4 A *License Holder* shall not knowingly make or assist others to make, either a false or misleading statement or an omission or material fact about education, training, experience or character when applying for or renewing registration as a *License Holder*.

- .5 A *License Holder* who knows of an apparent violation of the Architects Act, Regulations, By-Laws, Code of Ethics, or *Board* rulings shall report such knowledge to the Association.
  - .1 A *License Holder* must not withhold information from the *Board* about an apparent infraction regardless of who might ask the *License Holder* or require the *License Holder* under an agreement, to do so.
  - .2 A *License Holder* acting in the capacity of a mediator or arbitrator, under an agreement which includes a confidentiality provision, is not obliged to report information so received to the *Board*.
- .6 Except as prohibited by Clause 5.2.3, a *License Holder*, whether compensated or not, may permit the *License Holder's* name, portrait or reputation to be attached to an endorsement of other's services or products.
- .7 A *License Holder* having a financial interest in any building material or device which the *License Holder* proposes to specify for a project shall disclose this interest to the client and shall request and receive written approval for such specification from the client and shall include a copy of this approval in the construction contract documents.
  - .1 This permits a *License Holder* to have a prior or ongoing proprietary interest. The *License Holder* should also request the *License Holder's* staff and sub consultants to make similar disclosures to the *License Holder*.

### 3.4 COMPLIANCE WITH LAWS

- .1 In practising architecture, a *License Holder* shall not knowingly violate any law or regulation.
  - .1 A *License Holder* must not counsel the *License Holder's* employees, consultants or associates knowingly to disregard, violate or otherwise abuse any bylaw, regulation or code affecting the practice of architecture.
- .2 A *License Holder* shall neither offer nor make any payment or gift to a public official (whether elected or appointed) with the intent of influencing the official's judgement in connection with a prospective or existing project.
  - .1 A *License Holder* must not offer or provide a bribe or "kickback" to any person.
  - .2 Nominal entertainment and hospitality expenditures by a *License Holder* hosting a public official are permitted.
- .3 A *License Holder* shall comply with the Architects Act of Newfoundland and Labrador, the Regulations under the Architects Act, By-Laws, Code of Ethics, and *Board* rulings.
  - .1 A *License Holder* must not directly or indirectly condone or encourage contravention of the *License Holders' Act*, Regulations and The *Board* rulings by others.
- .4 In practising architecture, a *License Holder* shall take into account all applicable federal, provincial and municipal building laws and regulations and a *License Holder* may rely on the advice of other professionals and other qualified persons as to the intent and meaning of such regulations.

### 3.5 CONDUCT

- .1 Each office maintained for offering architectural service to the public shall have a *License Holder* who has direct knowledge and supervisory control of the services.
  - .1 A *License Holder's* site or auxiliary office for a specific project is a convenient extension of the base office for a single project and is not itself permitted to offer or to provide independent architectural services to the public.
  - .2 Proposals of service; agreements; assurances; certifications; official submissions to authorities having jurisdiction; and other representations on behalf of an architectural firm must be made by a *License Holder*.
  - .3 When an authority having jurisdiction receives a formal presentation (e.g., to a design panel, public hearing, advisory commission or elected body) on an architectural matter, the presentation shall be made by (or under the attending, personal supervision of) a *License Holder*.

- .2 A *License Holder* shall seal the *License Holder's* work in accordance with the requirements of the Architects Act, Regulations, By-laws, Code of Ethics, and *Board* rulings.
  - .1 A *License Holder's* seal is to be applied only by that *License Holder* and is to be used only on documents prepared by the *License Holder* personally or by other persons under the *License Holder's* supervision, direction and control.
- .3 A *License Holder* shall neither offer nor make any gifts, other than of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgement of a prospective client in connection with a project in which the *License Holder* is interested.
  - .1 A *License Holder* must not offer or provide a bribe or "kickback" to any person.
- .4 A *License Holder* shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- .5 A *License Holder* shall conduct the *License Holder's* affairs in a professional manner and refrain from any act which would reflect unfavourable on the profession as a whole.
  - .1 A *License Holder's* conduct towards other *License Holders* shall be characterized by courtesy and good faith.
  - .2 A *License Holder* shall give due regard to the professional obligations of those from whom the *License Holder* receives or to whom the *License Holder* gives authority, responsibility or employment, or of those with whom the *License Holder* is professionally associated.
  - .3 A *License Holder* shall give due regard for the interests of both those who commission and those who may be expected to use or be exposed to the product of the *License Holder's* services.
  - .4 A *License Holder* who engages in any profession, business or occupation concurrent with the practice of architecture must not allow such outside interests to jeopardize or come into conflict with the *License Holder's* professional integrity or obligations.
  - .5 Dishonourable conduct in the professional or private life of a *License Holder* which reflects adversely on the integrity of the profession must be avoided.
- .6 A *License Holder* shall not falsely or maliciously injure the professional reputation or business prospects of another *License Holder*.
- .7 A *License Holder* shall not supplant or attempt to supplant another *License Holder* after the other *License Holder* has been retained or definite steps have been taken toward the other *License Holder's* retention.
- .8 A *License Holder* may only accept a commission for a project when the services of any *License Holder* previously retained for the project have been terminated.
  - .1 A *License Holder*, on being either approached or instructed to proceed with services for which the *License Holder* knows or can ascertain by reasonable inquiry that another *License Holder* is or has been engaged by the same client, shall notify the other *License Holder* in writing of that fact.
  - .2 The foregoing notwithstanding, there are several necessary pre-conditions to a "successor" firm's providing services which are based upon and which continue and complete those initiated by its predecessor: (i.) there must have been no supplanting of the original firm by a successor firm; (ii.) the resignation or termination of the original firm must have been done in accordance with the terms of its client/*architect* agreement; (iii.) the original owner must have paid for the services of the original firm; (iv.) in the case of property transfer to a new owner, there must have been legal acquisition by the new owner of the original architectural firm's copyright and drawings (either directly from the original firm or from the original owner, if that owner was legally entitled to sell them).
- .9 A *License Holder* may only provide the same service for the same client on the same project as another *License Holder* through the medium of an approved competition.
  - .1 The "same client" includes technically different clients, authorities or departments connected to or part of a broader client.
  - .2 Any attempt to circumvent the Regulations by sequential engagement and disengagement of a series of *License Holders* is considered a non-approved form of competition.

- .10 Except in an approved competition, a *License Holder* shall provide no form of service until retained and in receipt of the client's instructions.
- .1 Speculative services to lure or entice a client, or "loss leaders," are not permitted.
  - .2 Prior to being retained, a *License Holder* is not permitted to provide solutions, suggestions, ideas or evidence of same (in any format) which have value to the client or upon which the client might be expected to rely.
  - .3 A *License Holder* has a duty to communicate with a client and to keep a client reasonable informed.
  - .4 A *License Holder* who provides personal input to a public organization, occupies political office or is a board or committee member (on either a paid or voluntary basis) must not provide any form of architectural services to that organization in that capacity (but may do so in accordance with Clause 3.5.16).
- .11 An approved architectural competition is either a competition conducted according to the current "Canadian Rules for the Conduct of Architectural Competitions" or an alternate arrangement, specifically approved in writing by the *Association*, that assures equitable treatment and equal and adequate remuneration to participating *License Holders*.
- .1 Prior to a *License Holder's* participation, a architectural competition's "approved" status must be confirmed with the *Association*.
  - .2 A *License Holder* invited to participate in a non-approved architectural competition must decline the invitation and advise the *Association* of the competition.
- .12 A *License Holder's* conduct when participating in an approved competition must comply with the "Canadian Rules for the Conduct of Architectural Competitions" or as directed by the *Association*.
- .13 A *License Holder* shall not attempt to influence the awards of an approved competition, except as a jury member
- .1 Any actions which involve bribery, pressure or unusual contact with the competition authorities are prohibited.
- .14 A *License Holder* shall not attempt to obtain a commission to be awarded by an approved competition, except as an entrant.
- .15 A *License Holder* receiving monies for services provided by others shall not use such monies for the *License Holder's* own purposes, and shall distribute them promptly to those so entitled.
- .1 The Clause requires a *License Holder* to fulfil the expectation that funds received by a *License Holder* on behalf of others will be properly managed.
  - .2 Receiving monies for services provided by others would include fees or disbursements invoiced to a client for project-related services, provided under contract to the *License Holder* by sub consultants and suppliers. This provision does not apply to employees of the *License Holder*.

### 3.6 SERVICES RELATED TO FIRMS

- .1 A *License Holder* who chooses to provide direct supervision to a firm referenced in Section 13(2) of the Architects Act must be either an employee or contract employee of the firm, and shall limit the direct supervision to that firm, and any partnership and joint venture that the firm is a member of.
  - .1 The *License Holder* agrees to notify the *Board* 30 days in advance of the name of the firm, and where direct supervision is provided to any partnership or joint venture that the firm is a member of, then the name of the partnership or joint venture; and to notify the *Board* immediately when direct supervision ceases.
  - .2 Where the *License Holder* is a employee or contract employee of more than one firm, direct supervision shall be provided to only one firm and any partnership or joint venture that the firm is a member of.
- .2 A *License Holder* who, in the provision of services to a firm operating under Section 13 of the Architects Act, suspects that the offering and provision of architectural services are not being made under the direct supervision of a *License Holder*, shall, immediately stop providing architectural services to the firm

until such time as the *License Holder* is satisfied that the required direct supervision is being performed by a *License Holder*.

- .3 A License Holder shall not provide architectural services or supervision to any firm who offered or provided architectural services and, in the preceding six months, failed to meet the requirements of Section 13 of the Architects Act.

PART 4 APPROVAL OF THE CODE OF ETHICS

- 4.1 This is to certify this document is the official record of the Code of Ethics of the Architects Licensing Board of Newfoundland and Labrador *License Holders* as of the date prescribed below.



Signature of the Chairman:



Signature of the Registrar:

Date: October 18<sup>th</sup> 2010



**ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR**

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**2<sup>nd</sup> Annual General Meeting Minutes  
Architects Licensing Board of Newfoundland & Labrador**

**DATE:** November 25<sup>th</sup> 2011      **MEETING PLACE:** Bowring Park Bungalow, St. John's, NL  
**TIME:** 9:00am

**PRESENT:**

**Board:**

Paul Blackwood - Chair, David Dewling - Registrar, Stan Hampton – Finance Chair, Gerry Cook – Member, Dominic Lippa – Member, Jackie Manuel (Board Layperson Rep.),

**Membership:**

Rob Menchenton, Dominic Lippa, Sandy Gibbons, William MacCallum, Sue Wright, Paula Pittman, Greg Snow, Jeremy Bryant, Taryn Sheppard (Intern), Richard Symonds, Carl Yetman, Beaton Sheppard, Wilf Burry, Frank Stanley, Glenn Barnes, Tim Rosenberg (Intern), Jim Case, Stan Hampton, Frank Noseworthy

**Guests:**

Lynda Hayward, Administrative Director; Tadhg Nihill

**MEETING CALL TO ORDER:**

Chair, Paul Blackwood, welcomed everyone and called the 2<sup>nd</sup> Annual General Meeting of the Architects Licensing Board to order at 9:40am.

**1. APPROVAL OF THE MEETING AGENDA:**

Motion: To approve the Meeting Agenda as tabled.

Moved: David Dewling      Seconded: Dominic Lippa      Verdict: Motion Carried

**2. APPROVAL OF THE 1<sup>st</sup> AGM MINUTES:**

Motion: To approve the 1<sup>st</sup> AGM Minutes.

Moved: David Dewling      Seconded: Dominic Lippa      Verdict: Motion Carried

**3. BUSINESS ARISING FROM THE 1<sup>st</sup> AGM Minutes:**

There was no business arising from the 1<sup>st</sup> AGM Minutes.

**4. BOARD REPORTS:**

#### **4.1. Chair's Report:**

Paul Blackwood tabled his report.

Motion: To approve the adoption of the Chair's Report.

Moved: Paul Blackwood      Seconded: David Dewling      Verdict: Motion Carried

A copy of the report is attached to the minutes.

#### **4.2 Registrar's Report:**

David Dewling tabled the Registrar's report.

Motion: To approve the adoption of the Registrar's Report.

Moved: David Dewling      Seconded: Stan Hampton      Verdict: Motion Carried

A copy of the report is attached to the minutes

#### **4.3 Finance Chair's Report:**

##### **4.3.1 Financial Statement:**

Stan Hampton presented the following reports for information purposes:

- Financial Statement prepared by Sooley & Associates – Sept. 1<sup>st</sup> 2010 to August 31<sup>st</sup> 2011
- The projected Budget for Oct. 1<sup>st</sup> 2011 to Sept. 30<sup>th</sup> 2012.

##### **4.3.2 Reappointment of the Auditors:**

Motion: That the Architects Licensing Board of Newfoundland and Labrador approve the accounting services of Sooley & Associates Certified General Accountants for the year 2011-12 Fiscal Year.

Moved: Stan Hampton      Seconded: Gerry Cook      Verdict: Motion Carried

#### **5. COMMITTEE REPORTS:**

- Standing Committee on Continuing Education: Rob Menchenton presented his report. A copy of the report is attached to the minutes.
- Standing Committee on Legislative change: Paul Blackwood gave an oral update.
- Complaints Authorization Committee: Gerry Cook, Bill MacCallum and Charlie Henley are the committee members; no meetings were held during the year; one issue was brought to the Committee's attention; the committee will meet to formalize if the issue is justified.
- Disciplinary Committee: Sandy Gibbons reported there were no complaints brought forward for the Committee to act upon.

#### **6. SOLICITATION OF INTEREST TO SIT ON BOARD COMMITTEES:**

A form was submitted to the membership.

#### **7. NEW BUSINESS:**

There was no new business tabled.

#### **8. ELECTIONS:**



The election of one Board member was required for a three year term. Gerry Cook's initial term was for one year. The Board nominated Gerry Cook for re-election. Jackie Manuel took the floor and inquired if there were other nominations from the membership. She asked three consecutive times if there were any other nominations to be brought forward; with none presented a motion made by David Dewling and seconded by Paul Blackwood that nominations close; Gerry Cook elected by acclamation.

**9. OTHER BUSINESS:**

The Chair and the Board were acknowledged by applause from the membership for their diligent efforts throughout the past year.

**10. ADJOURNMENT**

On a Motion by Gerry Cook the meeting adjourned at 12:10pm.



---

Paul Blackwood NLAA  
Board Chair - ALBNL

Minutes recorded by:  
Lynda Hayward Hon. MRAIC  
ALBNL Administrative Director



## ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND & LABRADOR

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### ANNUAL REPORT FROM THE CHAIR

25 November 2011

This report covers the first full year of operation of the Board. During this period a number of events occurred and issues handled.

- In the first Board meeting following the 2010 AGM members of the Board elected myself as the Board Chairperson for 2011, David Dewling as the Registrar for 2011, and Stan Hampton as Finance Chair for 2011. As per the By-laws, the term-of-office for each Board member for the very first Board were determined by the Board, with all future terms being 3 years.
  - Three Year Term: Paul Blackwood, David Dewling
  - Two Year Year: Dominic Lippa and Stan Hampton.
  - One Year Term: Gerry Cook.
- Government appointed their two laypersons to the Board later in the year. Welcome to Jackie Manual of the Newfoundland and Labrador Construction Safety Association and to Louise Pinsent-Parsons, former Registrar for APEGNL. These two Board members are appointed for three year terms. The Act requires the attendance of at least one of them at a Board meeting as a condition for a quorum. Because their appointment to the Board occurred many months after the start of business for the Board, all previous Board decisions were ratified once Jackie and Louise were appointed.
- Based on a solicitation of interest from License Holders at the first AGM, the Board appointed members to the various standing committees of the Board.
- The Board processed a number of license applications throughout the year. (See Registrar's report). While the requirement that professional liability insurance be provided by an insurance company licensed in the province initially consumed a fair bit of the Board's time and created a fair bit of concern and confusion for many license holders, especially those from out-of-province, the issue seems to have now subsided. Interestingly, as a result of discussions concerning the insurance requirement, it was discovered by one out-of-province license holder that insurance provided by his own licensing body did not extend to his practise outside of his home province, despite the fact he had practised outside his home province for years believing he was covered.
- Despite an initial hick-up, professional seals (or rubber stamps) were supplied to all license holders.
- The Board circulated a flyer to all municipalities and AHJ outlining the requirements of the new Act. The Board has also been approached by GSC on a number of occasions for clarifications, as they process building applications.

- As a result of concerns raised in discussions with the Department of Education regarding the Architects Act, the Board wrote the Department requesting when they procure architectural services that they ensure the parties who provide these services comply with the Architects Act 2008.
- In the process of seeking support from APEGNL regarding discussions with DOE, the Board found itself in a debate with APEGNL regarding the scope of practise described in the Architects Act. The Act essentially states that all buildings shall be designed by a license holder except as it relates to...civil engineering. The President and Executive Director of APEGNL were invited to a Board meeting where the opinion was expressed that civil engineering included work inside a building's footprint, and in particular the design of a building's envelope; an area that the Board feels falls exclusively under the domain of the Architects Act. The Board expressed the opinion that only License Holders are trained in such areas of practise, monitored, and required to maintain continuing education in this area, and therefore practise by others in this area is not in the public's interest. The opinion was also expressed in the meeting that if an APEGNL member found themselves in court for an infraction of the Architects Act in this regard, APEGNL would have to consider whether or not to intervene on behalf of their member. While the Board feels its legislated mandate is clear, it has agreed to continue a dialogue with APEGNL on this issue and to meet regularly on other issues of mutual concern and interest.
- The Board has become aware of people and firms continuously approaching License Holders and requesting that they review architectural drawings prepared by others and stamp them. This is in clear violation of several parts of the new and old Act, Regulations, and Code of Ethics. The Board has sent out a bulletin reminding all License holders of their responsibilities in this area.
- The Board adopted changes to the number of hours of work experience required for an initial license, as a component part of the national Internship in Architecture program. While this will require a change in the Regulations to properly implement, the Act also contains a provision that effectively allows the Board to exempt a person from a particular licensing requirement. That provision will be used to implement the change in hours of work experience until such time as the Regulations are updated.
- The Board is also participating in the national Broadly Based Foreign Architect (BEFA) beta program, evaluating licensing requirements suited for foreign architects. Finalization of the program is not expected for a couple of years, at which time it will be adopted by the Board under provisions contained in the Act.
- There has been a meeting with a representative of the Association of Engineering Technologists and Technicians of Newfoundland and Labrador regarding their quest to have provincial legislation governing themselves. The Board has written government to support any initiative for title protection for the term "Architectural Technologist" for any individual with a formal education in the area and who has worked in an architect's office for a period of time. The Board has also requested to be consulted and offered government the Board's wealth of knowledge and expertise should they be considering whether or not to grant a scope of practise to the technologists/technicians.

- In the upcoming year the Board will continue with its initiatives to educate interested parties in the requirements of the Architects Act. It feels the best form of enforcement is through education.
- The Board wishes to remind Licence Holders not to forget to stamp those documents that contain architectural services that have been issued. If the License Holder is also supervising the architectural practise of the firm, the name of the firm must also appear in the stamped document and identified as the "Architectural Consultant". No other architectural firm name may appear on the document. This is important as it is the mechanism for which the Board is able to easily identify documents prepared by non-license holders.

In closing, I would like to thank License Holders for electing me to the Board, and to the Board members for granting me a three year term and electing me as their first Chairperson. The position of Chairperson is for a one year term. It has been a great honour and a pleasure to serve.

Sincerely,

A handwritten signature in black ink that reads "PAUL BLACKWOOD". The signature is stylized, with the first letter of each word being large and bold. The word "BLACKWOOD" is written in all caps, while "PAUL" is in title case. The signature ends with a small, decorative flourish.

Paul Blackwood, Chairperson,  
Architects Licensing Board of Newfoundland and Labrador



**ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR**

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**ALBNI 2<sup>nd</sup> Annual General Meeting – November 25<sup>th</sup> 2011**

***Registrar's Report***

The Registrar, was well supported by the Board and Lynda Hayward; I wish to express the Board's thanks and appreciation to Richard Symond's for his time and attention to the review of our interns log books and Rick Moody for supervising the Exac exams, which were written at CNA Ridge Road Campus on November 7<sup>th</sup> and 8<sup>th</sup>; and we wish to thank the College for providing the classroom space.

One of our Interns in Architecture, Anthony Bateson, wrote his exams this fall. Anthony accepted a job in Ontario and we wish him luck in his new position and his exams. Since our last AGM, Sarah Colven and Jeremy Byrant received news they passed their exams and have been presented with their license. Membership Certificates will be awarded to them at the NLAA's 62<sup>nd</sup> AGM.

This was the first year of renewals and registration under the new Act. Although there were some growing pains and problems with obtaining the required insurance from Ontario and Quebec architects, we have stayed the course and all architects practicing in NL are insured by companies licensed to provide insurance in the province.

Finally from the Registrar, membership numbers are strong and we are maintaining the growth that we have seen over the last couple of years. The following numbers tell the story with the (#) indicating 2009 , 2010 numbers, as of November 15<sup>th</sup>.

Licensed to Practice.. 82 (83 , 73)  
Non Practicing / Associates.. 1 (1 , 2)  
Interns.. 8 (7 , 6)  
Students..0 (2 , 2)  
Retired ..2 (2 , 0)  
Life Member.. 3 (3 , 3)  
Honorary.. 1 (1 , 1)

With several applications and approvals pending until the Board's next meeting, the future is bright for the Association. With a steady growth in the construction industry the future is bright for our members. We look forward to sustaining our numbers and modest growth in these numbers can be expected over the next couple of years.

In closing, I thank the membership for the privilege to serve them and to Paul Blackwood and Lynda Hayward for their patience and support, a very big thank-you.

Respectively submitted



David Dewling NLAA



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**ALBNE 2<sup>nd</sup> Annual General Meeting  
Continuing Education Report**

**Nationally:**

A summary report of Continuing Education initiatives was tabled and discussed at the CALA Meetings held in Calgary in October 2011; some of these initiatives included:

- Communications with the RAIC resulted in some security updates and remedying confidentiality issues (i.e. attendance lists will no longer be posted to the site, but distributed to the Associations directly);
- July 1 2012 will be the beginning of the harmonized 2-year cycle for participating jurisdictions.
  - Some jurisdictions are bound by legislation to have their hour requirement met, regardless of their home jurisdictions.
  - Equivalency will be granted for all approved learning, but members will need to be aware of the requirements in jurisdictions in which they carry a license to ensure they obtain compliance in all jurisdictions.
- The current Quality Assurance Document for Continuing Educations Standards will be revised to meet the current needs of Continuing Education Programs, specifically those that have moved to Structured learning as opposed to Core/Self-Directed.
  - Details of the Structured learning program will be clarified (i.e. hours cannot all be gained through volunteer hours; some structured activities must be completed)
  - RAIC will be notified of the intent to change the document, as they are the owners of the document.
- Current task is for all jurisdictions to review all carry-forward and pro-rating requirements across jurisdictions and to look for any further harmonization opportunities.

**Provincially:**

A notice was sent to the membership on October 17<sup>th</sup> 2011 advising that the Continuing Education Reporting Cycle 4 which was scheduled to end on October 31, 2011 will be granted a one-time extended grace period to align the end date for this cycle with the national reporting cycles as agreed to in the updated national Quality Assurance Document for Continuing Education Learning Activities and Reciprocal Equivalency. The extended grace period for Cycle 4 will now end on June 30, 2012. Future reporting cycles will also be two years in duration and will begin July 1<sup>st</sup> and end June 30<sup>th</sup> of the second year.

Continuing Education opportunities will be available during the RAIC Festival which the NLAA is hosting in 2012 and we encourage members to attend these learning opportunities and related events.

Please keep in mind that this will be a one-time only extended grace period and members must have posted all required Continuing Education hours on the RAIC reporting system by that date. It should be noted that some jurisdictions may still require reciprocal members to record their hours on their databases, the Task Force is working towards having the duplication of recording eliminated and the NLAA will keep members advised of progress on this specific item. In the meantime, please ensure you are aware of the requirements in each jurisdiction you are currently licensed to ensure compliance.

Members who have already acquired all of their required Continuing Education hours will be able to carry-over a maximum of 8 hours obtained during the 2012 RAIC Festival to the next Cycle (July 1, 2012 – June 30, 2014).

With the extension of the end of the reporting date, all members are required to have their hours recorded no later than June 30, 2012. An audit will be carried out early in July. All entries are required to be complete at that time.

Respectfully Submitted,

Rob Menchenton, NLAA  
ALBNL Continuing Education Committee Chair