

MISSISSIPPI STATE BOARD OF ARCHITECTURE AND THE LANDSCAPE ARCHITECTURE ADVISORY COMMITTEE

NEWSLETTER

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TEMPLE BARRY ELECTED PRESIDENT OF THE COUNCIL OF LANDSCAPE ARCHITECTURAL REGISTRATIONS BOARDS

Fairfax, Virginia - September 23, 2009 - The Council of Landscape Architectural Registration Boards (CLARB) has elected Temple W. Barry President of its 2009-10 Board of Directors. Barry is president of Lakeland Associates, LLC/Barry Landscape, Inc., a Jackson based landscape firm.

Barry has held leadership positions with CLARB since 1999, serving as President-Elect (2009), as Vice President (2008), CLARB's Region III director (2007), C2Ed/Outreach Committee chairman and member of the Executive Director Search Committee. Closer to home, he is an active member of Mississippi's landscape architectural community and has been appointed to the Mississippi State Landscape Architecture Advisory Committee by four Mississippi governors, including Gov. Haley Barbour.

Barry served on Mississippi State University's Landscape Architecture Advisory Board for many years and has won several merit and honor awards from the Mississippi chapter of ASLA.

Barry earned his BA from Mississippi State University in 1975.



LICENSURE REQUIREMENTS ON FEDERAL PROJECTS

Information in this article is, in part, an excerpt from an article published by CLARB. The issues raised are applicable to architects and landscape architects.

What is the Brooks Act, and how does it impact licensed landscape architects and architects working on federally-funded contracts/projects?

The Brooks Act (40 U.S.C. 1101 et. seq.) is a federal law that requires federal architecture and engineering contracts to be awarded using qualification-based selection (QBS), a selection process that does not take price into consideration until the most qualified firm is selected. The legislative history of the law, originally enacted in 1972, indicates Congress intended for the QBS process to apply to landscape architecture services. The law was amended in 1988 to specifically state that surveying and mapping also falls under "architectural and engineering services" and defines those services as "professional services of an architectural or engineering nature, as defined by State law, if applicable, which are required to be performed or approved by a person licensed, registered or certified to provide such services".

In short, individuals performing architecture, engineering, landscape architecture or surveying and mapping on federal contracts must be licensed in the state/jurisdiction where the work is being performed, if the state has such a licensing law. For example, a landscape architect who is licensed in Colorado but is performing landscape architecture services on a federal contract in Arkansas must be also be licensed in Arkansas. The Brooks Act itself does not apply to federal

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2009 LICENSE RENEWAL DEADLINES

Architects - November 30; Landscape Architects - December 31
Twenty-four (24) CEUs in HSW related topics must be earned prior to renewal.

NCARB NEWS

Exam Fees

Fees for the Architect Registration Examination® (ARE®) will increase by \$40 per division effective 1 October 2009. The increase is due to recent incidents of exam content disclosure by ARE candidates. The cost to develop and replace the exposed content and handle the administrative and legal costs related All divisions scheduled on or after 1 October 2009 will be at the new rate of \$210. Prior to 1 October 2009, candidates can schedule future exam appointments through 31 December 2009 at the current rate of \$170 per division.

IDP Supplementary Education

Interns can now report supplementary education training units through the NCARB electronic Experience Verification Reporting (e-EVR) system. The system currently accepts activities completed from the Emerging Professionals Companion (EPC), LEED accreditation, and Construction Specifications Institute (CSI) certifications. You will be able to report training units earned through the American Institute of Architect (AIA) continuing education programs later this summer.

Interns can also receive training units for reading NCARB's Professional Conduct monograph and passing the online quiz. The monograph is free for interns (a \$150 value). Interns will receive two minimum training units in Training Area 15 – Office Management upon completion the quiz. Interns must log in to "My NCARB Record" to download the monograph and request a quiz password. Once an intern has taken and passed the quiz, the units will appear in their e-EVR within four to six weeks. They do not need to submit anything to NCARB.

Electronic Employment Verification

NCARB no longer accepts paper employment verifications (Form 123). The e-EVR has been enhanced to facilitate paperless reporting for the Intern Development Program (IDP). Interns must submit experience reports through the e-EVR. There is a paper submission option within the e-EVR for interns with supervisors who cannot approve experience reports electronically, however, these should used on a limited basis as they will slow down the processing of the reports.

A Message From Prometric Regarding Exam Score Delays (issued 9/24/09)

Score reports for those candidates who have tested since early July have been delayed. In addition, there are a few candidates who tested in June whose results have also been delayed.

Since early July 2009, Prometric has been involved with terminating the ARE 3.1 program and transitioning almost 20,000 candidates with almost 87,000 eligibilities to the 4.0 program. Along with that, we originally planned for scores for ARE candidates testing in early July to be processed and mailed by late-August, assuming that was sufficient to implement system changes. However, these changes were more complicated than expected and have taken longer to complete.

As we have shared in the past, scores are processed in sets that take about two to three weeks. We have received over 4,000 solutions in the set that is currently being processed. This set started processing in mid-September and we expect to complete it by the end of September. Given the large volume of results and the processing required, we are planning to print and mail about 1,100 score reports by September 25, and another 2,000 by October 2.

We regret any inconvenience that this has caused candidates.

CLARB NEWS

New Online System Introduced to Improve Continuing Education Process for Landscape Architects

The Landscape Architecture Continuing Education System (LA CES) is an online system (www.asla.org/laces) created to help Landscape Architects meet continuing education requirements necessary for licensure renewal. Landscape architects will be able to search for continuing education courses offered by LA CES approved providers, download a course record, and even subscribe to an RSS feed to learn about new offerings. If you have a CLARB Council Record, you can access the system from the CLARB website (www.clarb.org) and your LA CES courses will automatically download into your Record if you provide your Council Record number to the course provider. You will be able to print a course transcript in support of your licensure renewal.

For more information about LA CES, please visit the CLARB web site and click on "Continuing Education for LAs" in the middle of the CLARB home page.

Emeritus Status for Council Record Holders

The Council of Landscape Architectural Registration Boards (CLARB) has introduced "Emeritus" as a new Council Record professional designation. The "Emeritus" status will be given to "Certified" Council Record holders who have retired from the landscape architecture profession and wish to maintain their "Certified" status. In addition, "Emeritus" Council Record holders will continue to receive CLARB's Council Record E-Newsletter and other valuable licensure information. The annual renewal fee for "Emeritus" Council Record holders will be \$25.

CLARB Website

Visit the newly designed and improved CLARB website and record holder database at www.clarb.org.

Licensure on Federal Projects, continued from page 1 . . .

ly-funded grants, wherein the contracting is performed by a state or local government, but the QBS process is, in some cases, required by separate provisions of federal law.

There has been much misinterpretation about this act, but according to John Palatiello, Administrator of the Council on Federal Procurement of Architectural and Engineering Services (COFPAES), the individuals performing these duties must be registered in the state/jurisdiction of work. The Comptroller General ruled that state licensing, and therefore, QBS, must be followed, when it ruled on a surveying contract for the Forest Service in Idaho (White Shield, Inc., B-235967, October 30, 1989). The Federal Acquisition Regulation (FAR), which implements federal procurement laws, including the Brooks Act, includes a provision (48 Code of Federal Regulations (CFR) 36.609-4), Requirements for registration of designers, which states contracting officers shall "insert the clause at 52.236-25, Requirements for Registration of Designers, in architect-engineer contracts". That clause reads, "Architects or engineers registered to practice in the particular professional field involved in a State, the District of Columbia, or an outlying area of the United States shall prepare or review and approve the design of architectural, structural, mechanical, electrical, civil, or other engineering features of the work."

**ARCHITECTS AND
OUTSOURCED DRAFTING**

Rule 4.05.1 (Resident in the Office) and rule 4.05.2 (Responsible Control) prohibit outourced drafting of architectural plans to unlicensed individuals outside of the architect's place of business.

**LANDSCAPE ARCHITECTURE
SEAL CLARIFICATION**

When produced by a landscape architect, or under the direct supervision and responsible control of a landscape architect, all plans and specifications submitted for bidding or permit purposes must be sealed by a landscape architect licensed in Mississippi. Preliminary documents that are not sealed should be marked as "preliminary" or "not for construction".

DISCIPLINARY ACTIONS (Since publication of the Fall 08 newsletter)

<p>Baker, Timothy Ross Architect #4495, Orlando, FL 73-1-1, 73-1-13(d)(iii), 4.05.4 \$5,000 fine for practice without a license, misstatement on application for licensure, and failure to disclose a material fact on application</p> <p>Broadly, Raymond Architect #2896, Chicago, IL 73-1-1, 73-1-25 & 73-1-29 \$10,000 fine and one year suspension for two counts of practice on an inactive license</p> <p>Clingan, Alton Architect #546, Jackson, MS 73-1-35, 4.01.3, 4.05.2, 3.02.6 (b) \$3,000 fine, 2 years probation, mandated project review and reporting to Board for failure to exercise responsible supervision and control, practice of engineering outside expertise, and a design/build disclosure violation</p>	<p>Leake, John Morton Architect #2589, Eads, TN 73-1-35, 73-1-29 (1)(a)(d)(c), 4.05.2, 4.05.4 License revocation and \$2,500 fine for lack of responsible control, wanton disregard for the rights of others, and misconduct in the practice of architecture</p> <p>Portman, Gregory Russell Architect #2607, Atlanta, GA 73-1-27, 73-1-19, 2.03 \$4,500 fine and corrective action for practice on an inactive license</p> <p>Strawter, Charles Landscape Architect #508, Valencia, CA 73-2-16(2)(a), 2.06.2 \$2,500 fine and 12 month reporting on Mississippi projects for lack of direct supervisory control</p> <p>Cease and Desist Orders 9 in regard to architecture 3 in regard to landscape architecture Orders were issued to individuals not licensed in Mississippi who had either practiced, used the title, and/or offered architectural or landscape architectural services in violation of state law.</p>
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LICENSURE STATISTICS

	Architects			Landscape Architects		
	Mississippi	Non-Resident	Total	Mississippi	Non-Resident	Total
License Holders	333	1,657	1,990	97	183	280
Applicants	2	27	29	0	1	1
Examinees	101	8	109	na*	na*	na*

*Mississippi participates in CLARB's direct examination program. CLARB administers the application process for the Landscape Architect Registration Exam.



HOFFMAN ELECTED REGION III DIRECTOR OF CLARB

Fairfax, Virginia - September 28, 2009 - The Council of Landscape Architectural Registration Boards (CLARB) has elected Christopher Hoffman to its 2009-10 Board of Directors as the Region III Director. Hoffman is the founder of Christopher B. Hoffman Landscape Architect, a Clinton, Mississippi-based firm.

Hoffman served a two-year term on CLARB's Communications Committee (2007-2009), which was responsible for helping to redefine the association's communication strategy and deliverables, including a new website and database that launched in May 2009. From 2008-2009, Hoffman served as the alternate director for Region III, which includes Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee and Texas.

Closer to home, Governors Kirk Fordice and Ronnie Musgrove appointed Hoffman to the Mississippi Landscape Architectural Advisory Committee (1998-2003 and 2003-2008). Hoffman is also an active member of the Mississippi chapter of the American Society of Landscape Architects (ASLA) and served as the chapter president (1993-1994).

Hoffman earned his BLA from Texas Tech University in 1988 and holds a license in Mississippi.

WILKINSON TO SERVE AS OBSERVER TO CLARB BOARD OF DIRECTORS

Fairfax, Virginia - September 23, 2009 - In an effort to increase two-way communication with its Member Boards and include broader perspectives in the leadership dialogue, the Council of Landscape Architectural Registration Boards (CLARB) has chosen Jenny Wilkinson, Executive Director of the Mississippi State Board of Architecture, as the first-ever CLARB Board observer during the 2009-2010 activity year.

Wilkinson is the chairman of the CLARB Member Board Executive Committee and began serving as the Executive Director of the Mississippi State Board of Architecture in 2003. In 2008, Wilkinson received the CLARB Presidential Award. She also volunteers on the CLARB Communications Committee.

Wilkinson earned her Bachelors in Business Administration from Belhaven College in Jackson, Mississippi.

BOARD OF ARCHITECTURE ADOPTS RULES CHANGES

The Mississippi State Board of Architecture recently adopted rule revisions, which will become official on November 1, 2009. The changes pertain to architects only, and are summarized here. For a complete mark-up of the rule changes, go to [www.http://www.archbd.state.ms.us/pdf/arch_rules_rev_nov_2009.pdf](http://www.archbd.state.ms.us/pdf/arch_rules_rev_nov_2009.pdf)

Rule 1.02 was revised to defer to the IDP guidelines adopted by NCARB, which now requires six-month IDP reporting. The revised rule states, *"The Intern Development Program is the training program approved and required by the Board. IDP is administered by NCARB. Prior to applying for examination, an applicant must become enrolled in IDP and earn 235 training units, among other provisions outlined in rule 1.01. Students may enroll in IDP after satisfactory completion of the third year of a NAAB program, or in accordance with NCARB IDP Guidelines. In order to submit an application for registration by examination, applicants must complete all requirements of IDP."*

It is important to note that completion of IDP is a requirement for licensure, though concurrent testing is allowed.

Rules 2.01 and 2.02 were revised to require a jurisprudence exam for licensure applicants. The Board also approved the Mississippi Jurisprudence Exam, which will be administered via electronic mail in open book format to all applicants as a requirement for licensure.

Rule 2.03 and 2.04 outline \$50 fee increases to become effective on July 1, 2011. Renewal fees will increase to \$250 for residents and \$300 for non-residents with the 2011 renewal. (The 2009 renewal fee remains unchanged, at \$200 for residents and \$250 for non-residents.) The increase also applies to fees for initial licensure by exam, reciprocal licensure, and license reinstatement. The application fee for admittance to the exam remains unchanged at \$60.

The Board adopted a new rule, numbered 3.02.7. This rule states, *"In a design/build undertaking where the general contracting firm is owned by the architect of record, the general contracting firm and the architectural firm must be two distinct and separate entities and there must be separate contracts for both the construction and architectural services."*

Rule 3.02.9 was amended to clarify requirements related to price proposals. The following language was added, *"In regard to public projects, requirements for seeking professional employment on public projects are governed by a qualifications based selection procedure as defined by various public procurement statutes. Public entities must publicly announce requirements for architectural services, and procure these services on the basis of demonstrated competence and qualifications, and negotiate contracts at fair and reasonable prices after the most qualified firm has been selected."*

Finally, rule 3.02.15 was revised to clarify requirements regarding construction administration.

Questions or comments about these rule changes are welcome, and should be sent in writing to jwilkinson@archbd.state.ms.us.