

Architects Licensing Board
of
Newfoundland
and
Labrador

4TH ANNUAL REPORT



P O Box 5204, St. John's, NL, A1C 5V5
Tel: 709.726-8550 - Fax: 726.1549
albnl@albnl.com - www.albnl.com





**ARCHITECTS LICENSING BOARD OF
NEWFOUNDLAND AND LABRADOR**

P.O. BOX 5204

ST. JOHN'S, NL, A1C 5V5

albnl@albnl.com

www.albnl.com

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Report of the Chair of the Architects Licensing Board of Newfoundland and Labrador

Prepared by Paul Blackwood NLAA, Chair, 22 November 2013

This Annual General Meeting marks the end of the first three full years of operation by the Board since its creation in 2010. On a go forward basis, all terms for elected Board positions are now three years in duration. For David Dewling and me, this is the last year of our three year term. Dominic Lippa and Stan Hampton are entering the second year of their term; while Gerry Cook would have been entering into his third year of his term. In that regard, Gerry Cook resigned from the Board this fall and has relocated to Ontario. In accordance with the By-laws the Board appointed Greg Snow to fill Gerry's position. Jackie Manuel and Louise Pinsent Parsons continue on as the Board's two government appointees. While Jackie and Louise's are three year appointments, the Act states they are to remain members of Board until they are re-appointed or replaced. The former is our expectation for 2014.

Immediately following the Board's 2012 AGM, I was re-elected as its Chair, David Dewling as its Registrar, and Stan Hampton as its Finance Chair.

Below are highlights of some of the issues the Board has addressed over the last twelve months:

- The Board has been working on the development of a leave-of-absence policy. This has taken slightly longer than expected due to workload commitments of Board members.
- The Board has provided feedback to PEGNL on their draft memorandum of understanding to establish a liaison committee between the two licensing authorities. The Board has also made repeated requests to meet with PEGNL as a follow-up to an earlier request received for the two licensing authorities to meet regularly to discuss common issues.
- The Board received a letter from the Department of Education indicating there is an apparent overlap in the work that may be undertaken by engineers and architects and where the overlap is obviously the responsibility of one profession work has been assigned accordingly. The Department did not indicate where they felt the overlap existed. The Board will be seeking further information from the Department in hopes at arriving at a common understanding of the Act's requirements. The Board holds the opinion that work governed by the Act should only be undertaken by qualified individuals licensed by the Board.
- The Board issued a clarification insurance coverage must be continuous while an architect holds an active license. The clarification was issued in response to some license holders submitting proof of insurance that was not continuous while their license was active.

- The Board has decided to establish a sinking fund savings account to place any surplus that may occur in any one year into as a rainy day account to finance any unexpected expenditures that may arise.

The Board takes seriously its mandate to ensure that the public's interests are protect by ensuring only those individuals who have been judged qualified to provide architectural services and hold appropriate insurance coverage are granted a license to do so; to take it upon itself to educate the public of the requirements of the Act; and to seek compliance with the Act by those who provide architectural services.

This concludes the third full year of operations for the Board. Following presentation of other Board reports there will be an election for two seats on the Board. David Dewling and my terms will expire. We have offered ourselves for a second term. Nominations from the floor are also welcome.

Sincerely yours,

A handwritten signature in black ink that reads "P. BLACKWOOD" followed by a stylized arrow pointing to the right.

Paul Blackwood NLAA
Chair, 2012-2013
Architects Licensing Board of Newfoundland and Labrador



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND & LABRADOR

**Report to the ALBNL 4th ANNUAL GENERAL MEETING
November 22nd 2013**

The Registrar, was well supported by Lynda Hayward, ALBNL Administrative Director; thanks as always, you keep me organized as well as the files, and the web page up to date.

The work of the office of the Registrar is to look after the process for Renewal and New Applications; we are going into our fourth year as a separate organization from NLAA. Lynda is successfully obtaining insurance renewals when current certificates expire; this process is ongoing throughout the year.

Everyone is reminded that if they still have their old NAA stamps they are to be returned to the ALBNL Office immediately; they are invalid and the NAA is not a valid Licensing Authority.

This year the Board is expecting continuing growth, and as we all fill out renewal forms, which are due on or before the end of this month, the Board is processing New License Applications.

From the Registry as of Oct 30 2013 (2012):

Licensed Members:

NL... 43 (41)
Maritimes...26 (21)
QC... 15 (9)
ON... 23 (18)
Other... 17 (13)

Classifications:

Honorary/ Life... 2 (4)
Retired... 2 (2)
Associates...3 (2)
Interns ... 10 (10)

This year I especially note the passing of two NLAA Life Members, Charles Cullum FRAIC and Philip Greenacre FRAIC. Also, two longtime volunteers with the Association and Board, Kerry Gosse and Gerry Cook, left the province; we wish them the best in the future. Longtime member Ian Penney retired; we wish Ian all the very best in retirement.

A reminder to everyone to review the Registry Listing by visiting the ALBNL web site at www.albnl.com; if you note any errors or omissions, please contact Lynda at albnl@albnl.com.

In closing, I thank the membership for the privilege to serve them, and as always to Lynda Hayward for her patience and support.

Respectively submitted

David Dewling, Architect, NLAA
ALBNL Registrar

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR
Financial Statements
Year Ended September 30, 2013



**SOOLEY &
ASSOCIATES**

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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Year Ended September 30, 2013**

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**SOOLEY &
ASSOCIATES**



82 Clyde Avenue
Mount Pearl, NL
A1N 4S2

Tel: (709)747-7777
Fax: (709)747-3841

INDEPENDENT AUDITOR'S REPORT

To the Members of 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, 2013 and the statements of revenues and expenditures, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

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.

Auditor's Responsibility

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 judgment, 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.

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

(continues)


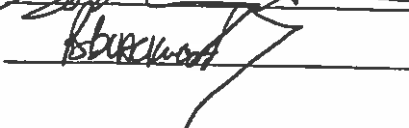
ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Financial Position

September 30, 2013

	2013	2012
ASSETS		
Current		
Cash	\$ 22,350	\$ 13,007
Accounts receivable	1,155	-
Prepaid expenses	1,746	1,808
	\$ 25,251	\$ 14,815
 LIABILITIES & FUND BALANCES		
Current		
Accounts payable and accruals	\$ 4,824	\$ 4,218
Deferred revenue	1,701	13,703
	6,525	17,921
Fund balance		
Unrestricted	18,726	(3,106)
	\$ 25,251	\$ 14,815

ON BEHALF OF THE BOARD

 _____ Owner
 _____ Owner



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Changes in Net Assets

Year Ended September 30, 2013

	<u>2013</u>	<u>2012</u>
Net assets - beginning of year	\$ (3,106)	\$ (5,902)
Excess of revenues over expenses	<u>21,832</u>	<u>2,796</u>
Net assets - end of year	<u>\$ 18,726</u>	<u>\$ (3,106)</u>



**SOOLEY &
ASSOCIATES**

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year Ended September 30, 2013

1. Description of operations

Architects Licensing Board of Newfoundland and Labrador (the "Association") was 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.

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 licence fees charged.

4. Budget comparative figures

The 2013 budget figures presented in the statement of operations are figures provided by management and have not been audited. These figures are included for the convenience of the reader only.

5. Financial risk and concentration of risk

The Association is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. The following analysis provides information about the Association's risk exposure and concentration as of September 30, 2013.

Credit risk

Credit risk arises from the potential that a counter party will fail to perform its obligations. The Association is exposed to credit risk from members. The Association was established under the Architects Act 2008 and is authorized to licence architects in the province of Newfoundland and Labrador. In order to practice as a professional architect the individual must be licensed. The Association has a significant number of members requiring licences which minimizes concentration of credit risk.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Association is exposed to this risk mainly in respect of its receipt of funds from its members.



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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

- .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.

- .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

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.



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ST. JOHN'S, NL
CANADA A1C 5V5

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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.

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.

- .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.



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4th Annual General Meeting Minutes

DATE:	November 22, 2013	MEETING PLACE:	Johnson Geo Centre
TIME:	9:30a.m.		St. John's, NL

PRESENT:

The attendance record is attached to these minutes.

1. MEETING CALL TO ORDER:

Paul Blackwood, Board Chair, welcomed everyone to the 4th ALBNL Annual General Meeting and called the meeting to order at 9:40a.m.

2. APPROVAL OF THE MEETING AGENDA:

Motion: To approve the Meeting Agenda as circulated.

Moved: Stan Hampton

Seconded: David Dewling

Verdict: Motion Carried

3. APPROVAL OF THE 3rd ANNUAL GENERAL MEETING MINUTES:

Motion: To approve the 3rd Annual General Meeting Minutes.

Moved: David Dewling

Seconded: Dominic Lippa

Verdict: Motion Carried

3.1 BUSINESS ARISING FROM THE 2nd AGM Minutes:

There was no business arising from the 3rd Annual General Meeting Minutes.

4. BOARD REPORTS:

4.1. Chair's Report:

Paul Blackwood presented his report; below are the highlight of activities that the Board dealt with over the past year:

- **Leave of Absence Policy:** The Board is working on the development of a leave-of-absence policy.
- **ALBNL-PEGNL Liaison Committee:** The Board provided feedback to PEGNL on their draft MOU to establish a liaison committee between the two licensing authorities. The Board made repeated requests to meet with PEGNL as a follow-up to an earlier request received for the two licensing authorities to meet regularly to discuss common issues.

- **Change of Direct Supervision of Forms:** The Board received a number of “Change of Direct Supervision of Firm” forms from license holders and adopted a fee to cover the cost of processing such forms.
- **Meeting with ADM of Dept. of Transportation and Works:** The Board is waiting on a reply from the ADM of DTW for a meeting to review the requirements of the new Act.
- **ALBNL Bulletin:** The Board issued a bulletin to license holders reminding them that it is not permitted for a license holder to stamp architectural drawings that have been prepared by someone else and merely reviewed by the license holder.
- **Sinking Fund Savings Account:** The Board will establish a sinking fund savings account in the New Year to place any surplus that may occur in any one year into as a rainy day account to finance any unexpected expenditures that may arise.

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

Moved: Paul Blackwood

Seconded: Stan Hampton

Verdict: Motion Carried

4.2 Registrar’s Report:

David Dewling tabled his report. Salient points raised in the report were as follows:

- License Holders were reminded that if they still have their old NAA professional seals they are to be returned immediately to the ALBNL Office; they are obsolete and the NAA is no longer a valid Licensing Authority.
- ALBNL License Renewal Forms are due on or before November 30th; all members are encouraged to get them in on time.
- The ALBNL is expecting continuing growth this coming year; new applications are being processed on a monthly basis.
- The Registrar noted the passing of two NLAA Life Members, Charles Cullum FRAIC and Philip Greenacre FRAIC this past year.
- Two long-time volunteers with the Association/Board, Kerry Gosse and Gerry Cook, moved to another province; best wishes were extended to them from the Registrar.
- A reminder to everyone to review the Registry Listing by visiting the ALBNL web site www.albni.com; any errors or omissions must be sent to albni@albni.com.

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

Moved: David Dewling

Seconded: Dominic Lippa

Verdict: Motion Carried

4.3 Finance Chair’s Report:

4.3.1 Financial Report:

Finance Chair, Stan Hampton presented the Financial Statement prepared by Sooley & Associates – Sept. 1st 2012 to August 31st 2013. Stan reported that due to the increase in License applications this past year, the Board’s finances showed a surplus at year end.

Chair Gerry Cook moved away; no report was presented.

5.4 Disciplinary Committee:

Sandy Gibbons reported there were no complaints brought forward for the Committee to act upon.

6. NEW BUSINESS:

6.1 The Process for filing a Complaint:

- Discussion from the floor indicated that some License Holders were still unclear about the process for filing a complaint.
- The Board advised members that should a license holder or member of the public feel there has been a specific infraction of the Act, Regulations, By-laws, and Code of Ethics by a license holder, that a formal complaint letter be forwarded to the Board, providing specific information of the alleged infraction with supporting evidence, together with specific references to those sections of the legislation and regulations that may have been impacted.
- The Board will then forward the documentation onto the Chair of the Complaints Authorization Committee for investigation with the committee to determine if grounds exist to start a disciplinary proceeding.

7. ELECTIONS:

The election of two Board members was required for a three year term. David Dewling and Paul Blackwood initial terms expired. The Board nominated these two members for re-election for a three year term. Lynda Hayward took the floor and inquired if there were other nominations to put forward in this election. She asked three consecutive times if there were any other nominations to be brought forward from the floor; with none presented, a motion put forward by Lynda Hayward and seconded by Jim Case that nominations cease; David Dewling and Paul Blackwood were elected by acclamation for a three year term.

8. OTHER BUSINESS:

At the request of some license holders, the Board, following the adjournment of the AGM, will present educational sessions regarding "Direct Supervision of a Firm" and "Stamping of Documents."

9. ADJOURNMENT

On a Motion by Paul Blackwood the meeting adjourned at 10:40pm.



Paul Blackwood NLAA
Board Chair - ALBNL

















Minutes recorded by:

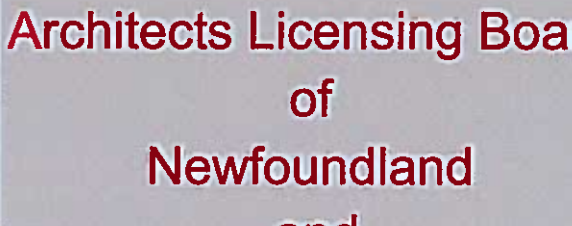
Lynda Hayward Hon. MRAIC
ALBNL Administrative Director



AGM ATTENDANCE RECORD

Print Name	Signature
Glen Bones Mark Whalen	Glen Bones
KELVIN NYATHI	Kevin Nyathi
ROB MENCHENTON	Rob Menchenton
RICHARD KENNY	Richard Kenny
RICHARD SYMONDS	R. Symonds
WILE BARRY	W. Barry
WILLIAM WALKER MAEQUAN	William Walker Maequan
CARL YETMAN	Carl Yetman
GARY WALSH	Gary Walsh
TOA HORROCKS	Toa Horrocks
Chris Woodford	Chris Woodford
TARYN SHEPPARD	Taryn Sheppard
Jessica Stanford	Jessica Stanford
DAVID KELLAND	David Kelland
RON J. PETERS	Ron J. Peters
FRANK STANLEY	Frank Stanley
Roman Halitzki	Roman Halitzki
REZKAR ABDULMATEED	Rezkar Abdulmateed
JEREMY BRANT	Jeremy Brant
SAMU GIBBONS	Samu Gibbons
GRAHAM LANGRIDGE	Graham Langridge
GREG SNOW	Greg Snow
JAMES CASE	James Case
JACOB ALDERDICE	Jacob Alderdice
RON Fougere	Ron Fougere
Amgad Sorjag	A-Sorjag

Print Name	Signature
Paul Chafe	
Paula Pittman	
Sue Wright	
Peter Jackson	
GRANT V. GENOVA	
FRANK NOSEWORTHY	
DOMINIC LIPPA	
Stephen Wiseman	
DOUG HAWES	
Peter Hampton	
PAUL BLACKWOOD	
DAVE DEERING	
IAN HIGENELL	
JOHN HEARN	
NAT SMITHS	
Lynda Hayward	



Architects Licensing Board
of
Newfoundland
and
Labrador

4TH ANNUAL REPORT



P O Box 5204, St. John's, NL, A1C 5V5
Tel: 709.726-8550 - Fax: 726.1549
albnl@albnl.com - www.albnl.com





**ARCHITECTS LICENSING BOARD OF
NEWFOUNDLAND AND LABRADOR**

P.O. BOX 5204

ST. JOHN'S, NL, A1C 5V5

albnl@albnl.com

www.albnl.com

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4th Annual Report to the Minister**

1. Reports:

- Chair
- Registrar
- Finance Chair

2. By-Laws

3. Code of Ethics

**4. 4th Annual General Meeting
Minutes**

Report of the Chair of the Architects Licensing Board of Newfoundland and Labrador

Prepared by Paul Blackwood NLAA, Chair, 22 November 2013

This Annual General Meeting marks the end of the first three full years of operation by the Board since its creation in 2010. On a go forward basis, all terms for elected Board positions are now three years in duration. For David Dewling and me, this is the last year of our three year term. Dominic Lipa and Stan Hampton are entering the second year of their term; while Gerry Cook would have been entering into his third year of his term. In that regard, Gerry Cook resigned from the Board this fall and has relocated to Ontario. In accordance with the By-laws the Board appointed Greg Snow to fill Gerry's position. Jackie Manuel and Louise Pinsent Parsons continue on as the Board's two government appointees. While Jackie and Louise's are three year appointments, the Act states they are to remain members of Board until they are re-appointed or replaced. The former is our expectation for 2014.

Immediately following the Board's 2012 AGM, I was re-elected as its Chair, David Dewling as its Registrar, and Stan Hampton as its Finance Chair.

Below are highlights of some of the issues the Board has addressed over the last twelve months:

- The Board has been working on the development of a leave-of-absence policy. This has taken slightly longer than expected due to workload commitments of Board members.
- The Board has provided feedback to PEGNL on their draft memorandum of understanding to establish a liaison committee between the two licensing authorities. The Board has also made repeated requests to meet with PEGNL as a follow-up to an earlier request received for the two licensing authorities to meet regularly to discuss common issues.
- The Board received a letter from the Department of Education indicating there is an apparent overlap in the work that may be undertaken by engineers and architects and where the overlap is obviously the responsibility of one profession work has been assigned accordingly. The Department did not indicate where they felt the overlap existed. The Board will be seeking further information from the Department in hopes at arriving at a common understanding of the Act's requirements. The Board holds the opinion that work governed by the Act should only be undertaken by qualified individuals licensed by the Board.
- The Board issued a clarification insurance coverage must be continuous while an architect holds an active license. The clarification was issued in response to some license holders submitting proof of insurance that was not continuous while their license was active.

- The Board dealt with applications for license under the Broadly Experienced Foreign Architects (BEFA) program.
- The Board looked at the option of adopting a secure electronic digital stamp, but decided against doing so. There were concerns that the process would add significant cost but would add little value in preventing the illegitimate application of an architect's stamp to documents.
- The Board signed a Mutual Recognition Agreement between CALA and NCARB that is intended to come into effect January 2014 provided a minimum number of jurisdictions sign on.
- The Board is participating in a Validation Conference this coming year. It is my understanding that the Conference will be looking at the changing environment the profession works in and identifying the skills needed to practise architecture in the 21st century. There have been concerns expressed that schools and professions have been backing away from many technical aspects of the profession and these are now becoming the domain of others, thus diminishing the imperative to regulate the profession.
- License holders are reminded to ensure compliance with the mandatory continuing education requirements. The Board has already refused to renew licenses for individuals who have failed to meet these requirements.
- The Board has been attempting to meet with the planning department of the City of St. John's to bring them up to date on the requirements of the new Act.
- A number of regulatory agencies have been seeking evidence of an architect's stamp on architectural documents prior to granting permits. Having said that the Board is aware of the need to educate many of the major municipalities throughout the province and at least one Service NL office about the requirements and benefits of the new Act. The Board has therefore decided it would attempt to make a number of educational presentations to regulatory authorities in 2014.
- At the request of some license holders the Board, at its 2013 AGM, will be holding educational sessions regarding "Direct Supervision of a firm" and "stamping of Documents"
- The Board has received a number of "Change of Direct Supervision of Firm" forms from license holders. At the last Board meeting a fee was adopted to cover the cost of processing such forms.
- The Board is waiting on a reply from the ADM of DTW for a meeting to review the requirements of the new Act.
- The Board issued a bulletin to license holders reminding them that it is not permitted for a license holder to stamp architectural drawings that have been prepared by someone else and merely reviewed by the license holder.

- The Board has decided to establish a sinking fund savings account to place any surplus that may occur in any one year into as a rainy day account to finance any unexpected expenditures that may arise.

The Board takes seriously its mandate to ensure that the public's interests are protect by ensuring only those individuals who have been judged qualified to provide architectural services and hold appropriate insurance coverage are granted a license to do so; to take it upon itself to educate the public of the requirements of the Act; and to seek compliance with the Act by those who provide architectural services.

This concludes the third full year of operations for the Board. Following presentation of other Board reports there will be an election for two seats on the Board. David Dewling and my terms will expire. We have offered ourselves for a second term. Nominations from the floor are also welcome.

Sincerely yours,

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

Paul Blackwood NLAA
Chair, 2012-2013
Architects Licensing Board of Newfoundland and Labrador



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND & LABRADOR

Report to the ALBNL 4th ANNUAL GENERAL MEETING November 22nd 2013

The Registrar, was well supported by Lynda Hayward, ALBNL Administrative Director; thanks as always, you keep me organized as well as the files, and the web page up to date.

The work of the office of the Registrar is to look after the process for Renewal and New Applications; we are going into our fourth year as a separate organization from NLAA. Lynda is successfully obtaining insurance renewals when current certificates expire; this process is ongoing throughout the year.

Everyone is reminded that if they still have their old NAA stamps they are to be returned to the ALBNL Office immediately; they are invalid and the NAA is not a valid Licensing Authority.

This year the Board is expecting continuing growth, and as we all fill out renewal forms, which are due on or before the end of this month, the Board is processing New License Applications.

From the Registry as of Oct 30 2013 (2012):

Licensed Members:

NL... 43 (41)
Maritimes...26 (21)
QC... 15 (9)
ON... 23 (18)
Other... 17 (13)

Classifications:

Honorary/ Life... 2 (4)
Retired... 2 (2)
Associates...3 (2)
Interns ... 10 (10)

This year I especially note the passing of two NLAA Life Members, Charles Cullum FRAIC and Philip Greenacre FRAIC. Also, two longtime volunteers with the Association and Board, Kerry Gosse and Gerry Cook, left the province; we wish them the best in the future. Longtime member Ian Penney retired; we wish Ian all the very best in retirement.

A reminder to everyone to review the Registry Listing by visiting the ALBNL web site at www.albnl.com; if you note any errors or omissions, please contact Lynda at albnl@albnl.com.

In closing, I thank the membership for the privilege to serve them, and as always to Lynda Hayward for her patience and support.

Respectively submitted

David Dewling, Architect, NLAA
ALBNL Registrar

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR
Financial Statements
Year Ended September 30, 2013



**SOOLEY &
ASSOCIATES**

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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Year Ended September 30, 2013

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**SOOLEY &
ASSOCIATES**



**SOOLEY &
ASSOCIATES**



82 Clyde Avenue
Mount Pearl, NL
A1N 4S2

Tel: (709)747-7777
Fax: (709)747-3841

INDEPENDENT AUDITOR'S REPORT

To the Members of 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, 2013 and the statements of revenues and expenditures, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

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.

Auditor's Responsibility

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 judgment, 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.

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

(continues)

Independent Auditor's Report to the Members of Architects Licensing Board of Newfoundland and Labrador
(continued)

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of Architects Licensing Board of Newfoundland and Labrador as at September 30, 2013, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Mount Pearl, Newfoundland and Labrador

October 30, 2013

Sooley + Associates

CERTIFIED GENERAL ACCOUNTANTS




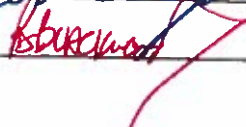
ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Financial Position

September 30, 2013

	2013	2012
ASSETS		
Current		
Cash	\$ 22,350	\$ 13,007
Accounts receivable	1,155	-
Prepaid expenses	1,746	1,808
	<u>\$ 25,251</u>	<u>\$ 14,815</u>
LIABILITIES & FUND BALANCES		
Current		
Accounts payable and accruals	\$ 4,824	\$ 4,218
Deferred revenue	1,701	13,703
	6,525	17,921
Fund balance		
Unrestricted	18,726	(3,106)
	<u>\$ 25,251</u>	<u>\$ 14,815</u>

ON BEHALF OF THE BOARD


 _____ Owner

 _____ Owner



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Revenues and Expenditures

Year Ended September 30, 2013

	Budget 2013	2013	2012
Revenues			
Licence	\$ 57,675	\$ 81,804	\$ 55,750
Examination fees	1,620	1,620	772
Other income	-	345	37
	<u>59,295</u>	<u>83,769</u>	<u>56,559</u>
Expenses			
Administrative services	35,000	38,822	35,017
Annual general meeting and banquet	750	1,008	767
Continuing education	1,150	710	627
Courier	1,200	1,195	1,229
Examination of architects in Canada	2,875	1,869	2,945
Insurance	2,700	1,709	1,369
Interest and bank charges	300	266	306
Licences and fees	2,875	1,933	2,091
Luncheon meeting	2,300	4,164	1,874
Office	1,945	4,073	2,159
Professional fees	4,200	1,900	2,700
Telephone	1,300	1,649	1,407
Travel	2,400	2,579	1,002
Website	300	60	270
	<u>59,295</u>	<u>61,937</u>	<u>53,763</u>
Excess of revenues over expenses	\$ -	\$ 21,832	\$ 2,796



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Changes in Net Assets

Year Ended September 30, 2013

	<u>2013</u>	<u>2012</u>
Net assets - beginning of year	\$ (3,106)	\$ (5,902)
Excess of revenues over expenses	<u>21,832</u>	<u>2,796</u>
Net assets - end of year	<u>\$ 18,726</u>	<u>\$ (3,106)</u>

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Cash Flows

Year Ended September 30, 2013

	2013	2012
Operating activities		
Excess of revenues over expenses	\$ 21,832	\$ 2,796
Changes in non-cash working capital:		
Accounts receivable	(1,155)	696
Accounts payable and accruals	606	107
Deferred income	(12,002)	4,988
Prepaid expenses	62	(497)
	<u>(12,489)</u>	<u>5,294</u>
Increase in cash flow	9,343	8,090
Cash - beginning of year	<u>13,007</u>	<u>4,917</u>
Cash - end of year	\$ 22,350	\$ 13,007



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year Ended September 30, 2013

1. Description of operations

Architects Licensing Board of Newfoundland and Labrador (the "Association") was 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.

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 licence fees charged.

4. Budget comparative figures

The 2013 budget figures presented in the statement of operations are figures provided by management and have not been audited. These figures are included for the convenience of the reader only.

5. Financial risk and concentration of risk

The Association is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. The following analysis provides information about the Association's risk exposure and concentration as of September 30, 2013.

Credit risk

Credit risk arises from the potential that a counter party will fail to perform its obligations. The Association is exposed to credit risk from members. The Association was established under the Architects Act 2008 and is authorized to licence architects in the province of Newfoundland and Labrador. In order to practice as a professional architect the individual must be licensed. The Association has a significant number of members requiring licences which minimizes concentration of credit risk.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Association is exposed to this risk mainly in respect of its receipt of funds from its members.



SOOLEY &
ASSOCIATES



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

P.O. BOX 5204
ST. JOHN'S, NL
CANADA A1C 5V5

TEL (709) 726-8550
FAX (709) 726-1549
albnl@albnl.com / www.albnl.com

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.



Signature of the Chairman:



Signature of the Registrar:

Date: October 18th 2010



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

P.O. BOX 5204
ST. JOHN'S, NL
CANADA A1C 5V5

TEL (709) 726-8550
FAX (709) 726-1549
albnl@albnl.com / www.albnl.com

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 18th 2010



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

P.O. BOX 5204
ST. JOHN'S, NL
CANADA A1C 5V5

TEL (709) 726-8550
FAX (709) 726-1549
albnl@albnl.com / www.albnl.com

4th Annual General Meeting Minutes

DATE:	November 22, 2013	MEETING PLACE:	Johnson Geo Centre
TIME:	9:30a.m.		St. John's, NL

PRESENT:

The attendance record is attached to these minutes.

1. MEETING CALL TO ORDER:

Paul Blackwood, Board Chair, welcomed everyone to the 4th ALBNL Annual General Meeting and called the meeting to order at 9:40a.m.

2. APPROVAL OF THE MEETING AGENDA:

Motion: To approve the Meeting Agenda as circulated.

Moved: Stan Hampton

Seconded: David Dewling

Verdict: Motion Carried

3. APPROVAL OF THE 3rd ANNUAL GENERAL MEETING MINUTES:

Motion: To approve the 3rd Annual General Meeting Minutes.

Moved: David Dewling

Seconded: Dominic Lippa

Verdict: Motion Carried

3.1 BUSINESS ARISING FROM THE 2nd AGM Minutes:

There was no business arising from the 3rd Annual General Meeting Minutes.

4. BOARD REPORTS:

4.1. Chair's Report:

Paul Blackwood presented his report; below are the highlight of activities that the Board dealt with over the past year:

- **Leave of Absence Policy:** The Board is working on the development of a leave-of-absence policy.
- **ALBNL-PEGNL Liaison Committee:** The Board provided feedback to PEGNL on their draft MOU to establish a liaison committee between the two licensing authorities. The Board made repeated requests to meet with PEGNL as a follow-up to an earlier request received for the two licensing authorities to meet regularly to discuss common issues.

- **Department of Education:** The Board received a letter from the Department of Education indicating there is an apparent overlap in the work that may be undertaken by engineers and architects and where the overlap is obviously the responsibility of one profession work has been assigned accordingly. The Department did not indicate where they felt the overlap existed. The Board will be seeking further information from the Department in hopes of arriving at a common understanding of the Act's requirements. The Board holds the opinion that work governed by the Act should only be undertaken by qualified individuals licensed by the Board.
- **Professional Liability Insurance Coverage:** The Board issued a clarification that insurance coverage must be continuous while an architect holds an active license. The clarification was issued in response to some license holders submitting proof of insurance that was not continuous while their license was active.
- **BEFA – Broadly Experienced Foreign Architects:** The Board dealt with applications for license under the Broadly Experienced Foreign Architects (BEFA) program.
- **Electronic Digital Stamp:** The Board investigated the option of adopting a secure electronic digital stamp however decided against it; there were concerns that the process would add significant cost with little value in preventing the illegitimate application of an architect's stamp to documents.
- **MRA – CALA and NCARB:** The Board signed a Mutual Recognition Agreement between CALA and NCARB that is intended to come into effect January 1st 2014 provided a minimum number of jurisdictions sign on.
- **2014 Validation Conference:** The Board is participating in a Validation Conference this coming year. The Conference will be looking at the changing environment the profession works in and identifying the skills needed to practise architecture in the 21st century. There have been concerns expressed that schools and professions have been backing away from many technical aspects of the profession and these are now becoming the domain of others, thus diminishing the imperative to regulate the profession.
- **Continuing Education:** License holders must comply with the ALBNL Mandatory Continuing Education requirements. The Board refused to renew licenses for individuals who did not comply to meet these requirements.
- **City of St. John's:** The Board made several attempts to meet with the planning department of the City of St. John's to bring them up to date on the requirements of the new Act.
- **Regulatory Agencies:** A number of regulatory agencies have been seeking evidence of an architect's stamp on architectural documents prior to granting permits. The Board is aware of the need to educate many of the major municipalities throughout the province and at least one Service NL office about the requirements and benefits of the new Act. In 2014, the Board will attempt to make a number of educational presentations to regulatory authorities.

- **Change of Direct Supervision of Forms:** The Board received a number of “Change of Direct Supervision of Firm” forms from license holders and adopted a fee to cover the cost of processing such forms.
- **Meeting with ADM of Dept. of Transportation and Works:** The Board is waiting on a reply from the ADM of DTW for a meeting to review the requirements of the new Act.
- **ALBNL Bulletin:** The Board issued a bulletin to license holders reminding them that it is not permitted for a license holder to stamp architectural drawings that have been prepared by someone else and merely reviewed by the license holder.
- **Sinking Fund Savings Account:** The Board will establish a sinking fund savings account in the New Year to place any surplus that may occur in any one year into as a rainy day account to finance any unexpected expenditures that may arise.

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

Moved: Paul Blackwood

Seconded: Stan Hampton

Verdict: Motion Carried

4.2 Registrar’s Report:

David Dewling tabled his report. Salient points raised in the report were as follows:

- License Holders were reminded that if they still have their old NAA professional seals they are to be returned immediately to the ALBNL Office; they are obsolete and the NAA is no longer a valid Licensing Authority.
- ALBNL License Renewal Forms are due on or before November 30th; all members are encouraged to get them in on time.
- The ALBNL is expecting continuing growth this coming year; new applications are being processed on a monthly basis.
- The Registrar noted the passing of two NLAA Life Members, Charles Cullum FRAIC and Philip Greenacre FRAIC this past year.
- Two long-time volunteers with the Association/Board, Kerry Gosse and Gerry Cook, moved to another province; best wishes were extended to them from the Registrar.
- A reminder to everyone to review the Registry Listing by visiting the ALBNL web site www.albni.com; any errors or omissions must be sent to albni@albni.com.

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

Moved: David Dewling

Seconded: Dominic Lippa

Verdict: Motion Carried

4.3 Finance Chair’s Report:

4.3.1 Financial Report:

Finance Chair, Stan Hampton presented the Financial Statement prepared by Sooley & Associates – Sept. 1st 2012 to August 31st 2013. Stan reported that due to the increase in License applications this past year, the Board’s finances showed a surplus at year end.

Motion: That the Financial Statement prepared by Sooley & Associates for the Year Ended September 30th 2013 be approved.

Moved: Stan Hampton

Seconded: Greg Snow

Verdict: Motion Carried

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 2013-14 Fiscal Year.

Moved: Stan Hampton

Seconded: Dominic Lipka

Verdict: Motion Carried

5. COMMITTEE REPORTS:

5.1 Standing Committee on Continuing Education:

- Rob Menchenton, Committee Chair, reported that as of July 1, 2012, the ALBNL is currently in Cycle 5, ending next summer on June 30, 2014.
- After June 30th License Holders Transcripts will be collected and the Committee will meet to review for compliance with the required number of Core/Structured learning hours and Self-Directed Hours. An audit of reported hours in the online registry will take place at this meeting to evaluate the legitimacy of those hours reported.
- Due to the expected large volume of total hours representing all members, a randomized selective audit rather than a thorough audit of all hours will take place. In previous years, the Committee found that some hours may not be strictly categorized the correct way, or properly inventoried. The online recording of points is the sole responsibility of each License Holder. The results will be reported to the ALBNL prior to next year's membership renewal process.
- The Con Ed Committee has an established system in place for reviewing suggested seminars, lectures, presentations, and other models for review for Core/SL and Self-directed hours and the Committee encourages the membership to continue to submit items for review.
- In the New Year, the reviewed and approved Con Ed seminars, lectures, presentations will be posted on line for members and Committee to have a quick reference and will also assist in streamlining this information.

Motion: That the report of Standing Committee Chair be approved.

Moved: Rob Menchenton

Seconded: Sue Wright

Verdict: Motion Carried

5.2 Standing Committee on Legislative Change:

Chair Paul Blackwood reported there was no activity with this committee to report for the past year.

5.3 Complaints Authorization Committee:

Chair Gerry Cook moved away; no report was presented.

5.4 Disciplinary Committee:

Sandy Gibbons reported there were no complaints brought forward for the Committee to act upon.

6. NEW BUSINESS:

6.1 The Process for filing a Complaint:

- Discussion from the floor indicated that some License Holders were still unclear about the process for filing a complaint.
- The Board advised members that should a license holder or member of the public feel there has been a specific infraction of the Act, Regulations, By-laws, and Code of Ethics by a license holder, that a formal complaint letter be forwarded to the Board, providing specific information of the alleged infraction with supporting evidence, together with specific references to those sections of the legislation and regulations that may have been impacted.
- The Board will then forward the documentation onto the Chair of the Complaints Authorization Committee for investigation with the committee to determine if grounds exist to start a disciplinary proceeding.

7. ELECTIONS:

The election of two Board members was required for a three year term. David Dewling and Paul Blackwood initial terms expired. The Board nominated these two members for re-election for a three year term. Lynda Hayward took the floor and inquired if there were other nominations to put forward in this election. She asked three consecutive times if there were any other nominations to be brought forward from the floor; with none presented, a motion put forward by Lynda Hayward and seconded by Jim Case that nominations cease; David Dewling and Paul Blackwood were elected by acclamation for a three year term.

8. OTHER BUSINESS:

At the request of some license holders, the Board, following the adjournment of the AGM, will present educational sessions regarding "Direct Supervision of a Firm" and "Stamping of Documents."

9. ADJOURNMENT

On a Motion by Paul Blackwood the meeting adjourned at 10:40pm.



Paul Blackwood NLAA
Board Chair - ALBNL
















Minutes recorded by:

Lynda Hayward Hon. MRAIC
ALBNL Administrative Director



AGM ATTENDANCE RECORD

Print Name	Signature
Glen Barnes	Glen Barnes
Mank Whalen	
KELVIN NYATHI	
BOB MENCHENTON	
RICHARD KENNY	Richard Kenny
RICHARD SYMONDS	R. Symonds
WILE BARRY	
WILLIAM WALLACE MACQUEEN	
CARL YETMAN	
GARY WALSH	Gary Walsh
TOR HORROCKS	
Chris Woodford	Chris Woodford
TARYN SHEPPARD	Taryn Sheppard
Jessica Stanford	Jessica Stanford
DAVID KELLAND	David Kelland
RON J. PETERS	
FRANK STANLEY	Frank Stanley
Roman Halitzki	
REZKAR ABDULMATEED	
JEREMY BRYANT	
SAMUHL GIBBONS	
GRAHAM LANGRIDGE	Graham Langridge
GREG SNOW	
JAMES CREE	
JACOB ALLDERDICE	
RON Fougere	Ron Fougere
Amgad Sorjaj	A. Sorjaj

Print Name	Signature
Paul Chafe	
Paula Pittman	
Sue Wright	
Peter Jackson	
GRANT V. GENOVA	
FRANK NOSEWORTHY	
DOMINIC LIPPA	
Stephen Wiseman	
DOUG HAWES	
Pat Stan Hampton	
PAUL BLACKWOOD	
DAVE DENLINGER	
IAN HIGENELL	
JOHN HEARN	
NAT SALTUS	
Lynda Hayward	