

A L B N L

**ARCHITECTS LICENSING BOARD
OF
NEWFOUNDLAND AND LABRADOR**

6TH 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
CANADA A1C 5V5

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

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ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Annual Report of the Chair

Paul Blackwood, NLAA

20 November 2015

I have been on the Board since its inception, and this coming year represents the last year of my second three-year term. For Stan Hampton and Dominic Lippa however, today represents the end of their two terms as Board members. On behalf of the Board and its license holders I would like to express a debt of gratitude for their contribution over the past five years. I encourage all those who are interested in the regulatory aspects of the profession to put their name forward for the election of two new Board members, to be held at the conclusion of this meeting.

The end of 2014 brought the unexpected news of the passing of two long-time local license holders, Bill MacCallum and Doug Hawes. Both men made significant contributions to the local built environment. Their passing, as active license holders, also brought new unexplored issues for the Board to address, which was the beginning of a busy year addressing a series of new and public interest issues.

The New Year began with a number of clients and designers approaching the Board who expressed their concern that their architect-of-record was no longer available to see their ongoing design work completed, and were therefore seeking direction. Under the power granted to the Board under its Regulations, the Board established a protocol to be followed by any license holder who assumes the architect-of-record role from a license holder who passes. The protocol established a series of procedures to be followed to ensure the public's interests are adequately addressed. This protocol is available to any license holder who is approached to assume responsibility for a project in progress.

At the same time that issue was being addressed, the Board became aware of a number of non-licensed individuals who had prepared architectural documents and were now requesting guidance as to who could stamp drawings for permitting. The Board emphasized the requirements of the Act which states an architect is only permitted to stamp drawings prepared under the architect's direct supervision (with limited exceptions). The Board issued notices to some of these individuals and is exploring whether or not to pursue charges against those who had previously been given a notice about improper practise.

This year the Board was approached by a license holder who was asked to stamp as-built drawings for a community hall designed by the town's engineer and built without a Service NL permit, in order to obtain the necessary Service NL permits after the fact. In consultation with Service NL officials, the Board established a one-time-only set of stringent protocols to allow a license holder to stamp the necessary documents. The Board is also in the process of filing a complaint with PEGNL regarding this issue.

The Board was drawn into a public debate this year concerning a historic restoration project. A building owner undertook a series of expensive renovations to a property without the services of an architect and was unable to obtain the necessary Service NL permits. The Board understood the owner eventually

hired an architect and has subsequently obtained the necessary permits. Interestingly, the building owner seemed oblivious to a host of serious life safety deficiencies within the building that needed to be properly addressed, despite having received feedback from his sprinkler contractor, structural engineer, senior technologists, and passing comments from license holders. This project is a prime example why certain building types require comprehensive services of a license holder.

The Board was also drawn into a debate with a building owner who apparently started construction on a building without Service NL approval, attempted to get an electrical permit to allow power hook-up and was subsequently denied because the owner:

- hadn't submitted drawings;
- had drawings prepared, submitted them, then had them turned down because they were not prepared by an architect;
- claims to have paid an architect to take care of it only to find out that the individual was in fact a senior technologist in private practise.

As a result, the owner had become quite frustrated and was seeking direction from the Board. The Board recommended the owner hire an architect and then established a set of protocols for the architect to provide the necessary assist. The Board encouraged the person to come forward with a complaint about the technologist and the associated details but they chose not to, leaving the Board unaware as to what has transpired since.

This last issue highlights a much bigger problem that was brought to the Board's attention by the Federation of Small Business. The Federation wrote the Minister of Government Services during the year about the Architects Act, and received a response back essentially stating government expects full compliance with the Architects Act. It further suggested that the Federation enter into a dialogue with the Board to resolve their concerns. The Federation requested a meeting with the Board to question the need to regulate architectural services in the first place. Once the rationale was outlined why the Architect's Act is designed to protect the public, the Federation focused on the main issue their members are facing.

The Federation indicated some of its members who were wanting to construct buildings in smaller communities approached rural municipalities seeking direction as to what they must do to obtain permits. Some of these communities simply indicated that a drawing submission to Service NL for it approval was the extent of the requirement, and if Service NL approved their project, the municipality would also approve their project. The Federation stated that based on this, some of their members had hired a designer, paid for drawings, and had them submitted for approval, only to subsequently learn that such drawings must be prepared by an architect.

The net result was considerable frustration, delay, and expense; and given that some of their members felt the drawings they had already paid for were perfectly fine, they considered the instruction to start all over again, at additional cost, was a bureaucratic demand that added no value and should be eliminated. On the premise that a reinvigorated public information campaign was needed, the Federation invited the Board to provide it with a notice or flyer that it could distribute to its members. It was further agreed that it was beneficial to have Service NL and municipal officials indicate the professional drawing requirements from the outset to anyone looking to construct buildings. This issue

needs further consideration by the Board and could be an issue for the NLAA to pursue from a public relations perspective.

Again this year, the Board met with the Professional Association of Engineers and Geoscientists (PEGNL) where the perennial issue of engineers wanting to provide regulated architectural services was once again discussed. The Board pointed out it is in the best interest of public safety if only those persons judged qualified by the Board are permitted to provide architectural services governed by the Act. It was pointed out that the Board only licenses those individuals who demonstrate a competency in architecture by:

- passing a series of examinations in the field;
- completing a prescribed period of internship; and
- are being held accountable each year by the licensing authority by meeting minimum continuing education requirements in the area of architecture.

The Board pointed out that PEGNL has not and does not do this, and furthermore, it would be redundant and inefficient to have two authorities licensing individuals to provide the same services. The Board also reminded PEGNL that their association is on record as indicating that (1) there are material differences between architecture and engineering, (2) the professions are not the same, and (3) even the courts, when confronted in some jurisdictions with identical definitions for architecture and engineering, agree on the marked differences between the two professions. The Board further pointed out that the Engineer's Act defines engineering as the application of mathematics to solve problems, which is radically different from architecture.

The Board reminded PEGNL in the 1980s and 90s, the two licensing authorities undertook to evaluate those members of both associations who expressed an interest in providing services in the other respective field. No architects applied. However six of the most qualified engineers did. After an exhaustive evaluation process, a committee of architects and engineers appointed by the two associations unanimously agreed that only one engineer had acquired the necessary skills over the course of their career to make them qualified to provide architectural services. Some years' later, one of the initial applicants appealed, claiming their initial appeal was not properly undertaken. Again a committee was formed to undertake the evaluation, and with the help of a facilitator, there was unanimous agreement again that only the one applicant was qualified. For any engineer to now claim they have since acquired the necessary skills through ongoing practise would be admitting to have been practising outside the boundaries of the Act.

The Board also reminded PEGNL that it was not in the public's interest to have individual engineers make a self-assessment of their architectural skills to determine whether or not they are qualified to offer professional services that are the strict domain of architects under the Architect's Act. Such evaluation would be subjective and completely unprofessional.

Separate from the meeting described above, the Board was notified of a presentation planned by an official of PEGNL to their west coast chapter on the issue of engineers and architectural practice. The flyer promoting the event contained a number of extremely provocative statements, which if actually played out as suggested, would at best represent a complete denial of past relevant facts and agreements concerning this issue. The Board will be making contact PEGNL for clarification.

This past year the Board entered into a limited debate over a development application at the City of St. John's involving a building design that the Act requires to be undertaken by a license holder, but this was found not to be the case. While the Act does not impose any requirements on municipalities or permitting authorities, the Board wrote the City outlining what types of documents are required to be prepared by a license holder and which of these must be stamped for application to authorities. It requested the City to accept only those applications that contained proper documentation. The Board was subsequently invited to meet with the City to discuss the issue and did so. The Board took the opportunity to express the opinion that it was disingenuous to entertain development applications for buildings required by the Act to be designed by a license holder that hadn't been, especially those who's design may be divisive and may result in acrimonious public debates. If approved, such designs could not legitimately be completed by a license holder, necessary in order to allow construction to proceed. While the city stated it was not prepared to require stamped drawings at the development application stage, it would modify its development application to ask applicants to name their architect and allow the Board to include a brief footnote on the application form indicating that provincial law requires certain building designs to be undertaken by a license holder.

The City indicated that it would not stop processing applications based on information provided or not provided on application forms. In the same meeting however, the city gave its unqualified support for requiring construction drawings to be prepared and stamped by license holders for those projects outlined in the Act. The City's cooperation and lines of communications with the Board remain quiet, despite the City's position on development applications.

The Board also received a public complaint that a design and drawings used for a project under construction had not been prepared by a license holder as required by the Act. The Board, using the Freedom of Information Act, acquired the documentation from the authorities and subsequently wrote the designer, outlining the requirements of the Act, giving notice to cease and desist providing regulated architectural services on any future projects. As a result of this and other similar circumstances, the Board is looking to establish a log of all such possible infractions and any notices given, which should help identify repeat offenders and decide legal action if and where prudent.

In general, the Board's agenda over the past year has been unlike any of the first four years - those being focused on establishing administrative procedures. It has been heartening to see the changing focus. It also gives the Board reason to pause and reflect on the fact that the new Act which has been in place now for five years is poised to identify what aspects of the legislation should be further refined for the public's benefit.

For this reason, the undersigned recommends the Act Review Committee reconvene to evaluate the Act and suggest any changes needed, and for the Board to pursue it with the incoming government. Possible changes include incorporating provisions for making regulations governing supervision of firms; clarifying the language around which projects are required to be undertaken by a license holder; and evaluating whether a license holder should be able to "review and stamp" documents prepared by certain groups of people for a limited number of select project types. For example, currently the design of all renovations of any size to a large office building or large shopping centre must be undertaken by a license holder because of the breadth, depth, and complexity of code requirements imposed on even the simplest of work within these building types, often overlooked by non-license holders. On the other hand, the Board recognizes that certain groups of people, such as interior designers, have skills superior

to the general public in this regard and that consideration should be given to granting them a limited scope of practise on the condition that a license holder also agrees to undertake a detailed review of their work. The idea may very well be in the public's best interest and therefore we have an obligation to evaluate it accordingly.

The Board was also recently asked by a license holder to provide guidance on which design services can legitimately be provided in a design-build competition, especially when the jury evaluating design submissions may consist of laypersons with little knowledge of building design; as compared to the rigorous national regulations governing design competitions. While the Board recognizes the validity of the design-build procurement process in today's marketplace, it should evaluate the conundrum which exists between these distinct modes of competition, and provide guidance so that license holders can avoid unwittingly violating the Act and its regulations.

Over the past year the Board solicited a policy paper on the issue of what constitutes direct supervision of a firm by an architect. This term, while not defined in the Act, and only referenced in a single sentence within it, is the means under which firms are permitted to offer architectural services under the Act and the mechanism the Board uses to keep track of which firms are qualified to provide such services. The Board will be issuing clarifications in the New Year on what this term means and the responsibilities of license holders who assume the supervisory role.

So, in closing, while this report is a summary of the more significant issues the Board has addressed this past year, I can say it has been busy, and at times very time demanding; with many new and exciting issues, and no letup in sight. I would like to take this opportunity to thank Lynda Hayward, Administrative Director, for her services over the past year. Thank you to Louise Pinsent-Parsons and Jackie Manual, our two government appointed laypersons who have been with us from the start. Their presence (from at least one of them) is always needed to hold meetings, and this has never presented a problem.

Thank you to Dominic Lippa and Stan Hampton for their years of service, to Dave Dewling as Registrar, and to our newest Board member, Greg Snow. As this will be my last year on the Board, I will not be seeking election to the Chair's position for 2016 from my fellow Board members, and will take the next year to assist a new Chair transition into the position.

Thank you for the opportunity to have served you all and to have served the public.

Sincerely yours

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

Paul Blackwood, NLAA
ALBNL Chair



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Report to the ALBNL 6th Annual General Meeting
November 20, 2015

The Registrar is well supported by Lynda Hayward, the ALBNL Administrative Director, thanks as always. Thank-you to the Board for their support. At this meeting, you will be voting on two new Board members. I thank Stan Hampton and Dominic Lippa for their contribution. This year we had the passing of Honorary Member, Paul Johnson.

The work of the Registrar is to look after the process for renewal and new applications; The ALBNL is going into its seventh year as a separate organization from NLAA. Lynda is successfully obtaining insurance renewals when current certificates expire; this process is ongoing throughout the year, and as such I will be suggesting that the board not require proof of insurance for renewals as we track the expiry date and receive new insurance renewals on a timely basis.

This year the Board is not expecting growth and is anticipating that new applications will keep up with non-renewals.

This year I included a spread sheet for the last 4 years and as you can see the number of interns has remained constant; this bodes well for the health of the Association. Hopefully, we will see some new faces on the Board in coming years.

A reminder to everyone to review the registry listings by visiting the ALBNL web site at www.albnl.com and if there are any errors or omissions, please contact Lynda Hayward at albnl@albnl.com.

In closing, I thank the membership for the privilege to serve them and look forward to the 3rd and last year of this term, and as always, to Lynda for her patience and support.

Respectively submitted

A handwritten signature in black ink, appearing to read 'David Dewling'.

David Dewling, Architect, NLAA
Registrar

Breakdown of Classifications of Members and Regions

Permitted To Practice By Region

Region	2012	2013	2014	2015
NL	41	43	46	43
Maritime	21	26	24	38
QU	9	15	16	18
ON	18	23	30	33
West	13	17	12	7
USA			10	14

Non Practicing Members of NAA

Honorary	4	2	1	0
Life			1	1
Retired	2	2	2	2
Associate	2	3	4	3
Intern	10	10	11	11
License	102	124	138	153
Non License	18	17	19	17
Total	120	141	157	170

Note

In 2012 and 13 West and USA were combined as other
In 2012 and 13 Hon and Life members were combined as Hon

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Financial Statements

Year Ended September 30, 2015



SOOLEY &

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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Year Ended September 30, 2015

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**SOOLEY &
WHITE**

Chartered Professional
Accountants

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, 2015 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)

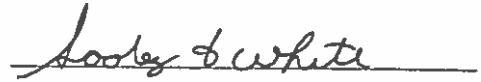
Independent Auditor's Report to the Members of Architects Licensing Board of Newfoundland and Labrador
(continued)

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, 2015, 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, 2015

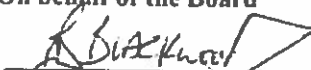



CHARTERED PROFESSIONAL ACCOUNTANTS

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR
Statement of Financial Position
September 30, 2015

	2015	2014
ASSETS		
Current		
Cash	\$ 43,497	\$ 36,486
Accounts receivable	64	3,961
Prepaid expenses	3,345	2,357
	\$ 46,906	\$ 42,804
 LIABILITIES & FUND BALANCES		
Current		
Accounts payable and accruals	\$ 4,748	\$ 6,319
Deferred revenue	912	1,340
	5,660	7,659
Fund balance		
Unrestricted	41,246	35,145
	\$ 46,906	\$ 42,804

On behalf of the Board


 _____ Member


 _____ Member

The accompanying notes are an integral part of these financial statements



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR
Statement of Revenues and Expenditures
Year Ended September 30, 2015

	Budget 2015	2015	2014
Revenues			
Licence	\$ 80,278	\$ 81,259	\$ 86,640
Examination fees	1,340	1,340	1,701
Other income	2,500	3,733	3,983
	<u>84,118</u>	<u>86,332</u>	<u>92,324</u>
Expenses			
Administrative services	49,500	49,362	48,993
Annual general meeting and banquet	1,500	2,311	1,259
Continuing education	3,150	1,010	1,640
Courier	1,000	1,120	957
Examination of architects in Canada	2,461	1,707	2,248
Insurance	3,000	1,805	1,745
Interest and bank charges	203	471	220
Licences and fees	3,679	3,300	1,272
Luncheon meeting	5,200	3,553	5,132
Office	3,425	3,915	3,222
Professional fees	4,500	2,500	2,600
Telephone	2,000	1,688	2,027
Travel	3,000	6,389	3,089
Website	1,500	1,100	1,500
	<u>84,118</u>	<u>80,231</u>	<u>75,904</u>
Excess of revenues over expenses	<u>\$ -</u>	<u>\$ 6,101</u>	<u>\$ 16,420</u>

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR
Statement of Changes in Net Assets
Year Ended September 30, 2015

	2015	2014
Net assets - beginning of year	\$ 35,145	\$ 18,725
Excess of revenues over expenses	<u>6,101</u>	<u>16,420</u>
Net assets - end of year	<u>\$ 41,246</u>	<u>\$ 35,145</u>

The accompanying notes are an integral part of these financial statements

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR
Statement of Cash Flows
Year Ended September 30, 2015

	2015	2014
Operating activities		
Excess of revenues over expenses	\$ 6,101	\$ 16,420
Changes in non-cash working capital:		
Accounts receivable	3,897	(2,806)
Accounts payable and accruals	(1,571)	1,494
Deferred income	(428)	(361)
Prepaid expenses	(988)	(611)
	<u>910</u>	<u>(2,284)</u>
Increase in cash flow	7,011	14,136
Cash - beginning of year	<u>36,486</u>	<u>22,350</u>
Cash - end of year	\$ 43,497	\$ 36,486

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year Ended September 30, 2015

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.

1. Summary of significant accounting policies

Basis of presentation

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.

2. Budget comparative figures

The 2015 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.

3. 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, 2015.

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. There has been no change to this risk exposure from the prior year.

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. There has been no change to this risk exposure from the prior year.



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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.

A. Blackwood

Signature of the Chairman:

Gene DelPrin

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 Licence 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



P.O. BOX 5204, ST. JOHN'S, NL,
CANADA A1C 5V5
Telephone: 709726.8550 / Fax: 709. 726.1549 / albnl@albnl.com / www.albnl.com

6TH ANNUAL GENERAL MEETING (AGM) MINUTES

DATE: November 20, 2015
TIME: 9:00am
MEETING PLACE: Sheraton Hotel, St. John's, NL

PRESENT:

The 6th AGM attendance record is attached to these minutes for record purposes.

GREETINGS:

Paul Blackwood, Board Chair, welcomed everyone to the 6th Annual General Meeting.

MEETING CALL TO ORDER:

Paul Blackwood called the meeting to order at 9:30am.

1. BUSINESS MEETING AGENDA:

The Meeting Agenda was tabled and accepted as circulated.

2. THE 5TH ANNUAL GENERAL MEETING MINUTES:

The 5th Annual General Meeting Minutes were tabled for information purposes.

3. BUSINESS ARISING FROM THE 5th AGM Minutes:

The Standing Committee on Continuing Education was tasked to look into the AIA courses as it was reported by some members that not all courses offered by the AIA were sanctioned. Upon research with the Ontario Association of Architects (OAA), it was determined that not all AIA courses are accepted in the Con Ed Structured Learning Category. The OAA accepts AIA courses that are supported by a certificate of completion; submission of an AIA transcript is not considered a legitimate proof of attendance. The ALBNL supports this policy.

4. BOARD REPORTS:

4.1. Report of the Chair:

Paul Blackwood read his report and spoke on some salient issues that came up during the year.

There were a variety of important discussions brought forward from the membership when the Chair finished reading his report; some action items for the Board to address in the New Year are:

- To revise the Code of Ethics;
- To prepare a policy paper on Design Build;
- To prepare a new Brochure/Flyer for the Canadian Federation of Independent Business (CFIB) to distribute to its members;
- The Board, in conjunction with the NLAA, was to participate in the Municipalities Conference to enhance a better public information campaign.

4.2 Report of the Registrar:

David Dewling read his report and spoke on the relevant points during the last year. This year he included a spread sheet for the membership listing over the last four years; he also updated the membership on current affairs associated with the International Relations Committee (IRC).

4.3 Finance Chair's Report:

4.3.1 Financial Report:

On behalf of the Finance Chair, Stan Hampton, Paul Blackwood presented the Financial Statement prepared by Sooley & White – Sept. 1st 2014 to September 30th 2015. Excess of revenues over expenses showed a balance of \$6,101.

Motion: That the Financial Statement prepared by Sooley & White for the Year Ended September 30th 2015 be approved.

Moved: Paul Blackwood

Seconded: Dominic Lippa

Verdict: Motion Carried

4.3.2 Reappointment of the Auditors:

Motion: That the reappointment of Sooley & White Certified General Accountants for the year 2015-16 Fiscal Year be approved.

Moved: Paul Blackwood

Seconded: Greg Snow

Verdict: Motion Carried

4.3.3 Financial Update:

The Comparative Gross Margin Income Statement Actual 01/10/2015 to 19/11/2015 and Budget 01/10/2015 to 30/09/2016 was tabled for information purposes.

5. COMMITTEE REPORTS:

5.1 Standing Committee on Continuing Education:

Rob Menchenton, Committee Chair, read his report. Con Ed Cycle 6 will end June 30, 2016 and the associated audit will take place soon thereafter.

5.2 Standing Committee on Legislative Change:

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

5.3 Complaints Authorization Committee:

No report was presented.

5.4 Disciplinary Committee:

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

6. NEW BUSINESS:

7. ELECTIONS FOR TWO NEW BOARD MEMBERS:

For the positions of two new Board members, three nominations were put forward from the floor, they were: Paula Pittman, Jim Case and Chris Woodford.

Motion: That nominations cease for the positions of new Board Members.

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

A secret ballot vote was held; Jim Case and Paula Pittman were elected as the new Board Members.

Motion: That the ballots be destroyed.

Moved by: Strat Barrett Seconded: Jeremy Bryant Verdict: Motion Carried

8. OTHER BUSINESS:

There was other business tabled.

9. ADJOURNMENT

The meeting adjourned at 11:35am.



Paul Blackwood NLAA
Board Chair - ALBNL

Minutes recorded by:

Lynda Hayward Hon. MRAIC
ALBNL Administrative Director



6th ALBNL Annual General Meeting
 Friday November 20, 2015
 Sheraton Hotel, St. John's, NL

AGM ATTENDANCE RECORD

Print Name	Signature
PAUL BLACKWOOD	<i>[Signature]</i>
DAVE DEWINE	<i>[Signature]</i>
TIM ROSENBERG	<i>[Signature]</i>
James B. Cose	<i>[Signature]</i>
FRANK NOSEWORTHY	<i>[Signature]</i>
CARLYETMAN	<i>[Signature]</i>
GREG SNOW	<i>[Signature]</i>
RICHARD KENNY	<i>[Signature]</i>
EMILY CAMPBELL	<i>[Signature]</i>
IAN HIGENELL	<i>[Signature]</i>
NICHELA BOSCHETTI	<i>[Signature]</i>
JEREMY BRYANT	<i>[Signature]</i>
Mark Whalen	<i>[Signature]</i>
Paula Pittman	<i>[Signature]</i>
GRANT GENOVA	<i>[Signature]</i>
PETER JACKSON	<i>[Signature]</i>
Tim Birmingham	<i>[Signature]</i>
REZKAR ABDULHATEED	<i>[Signature]</i>
Stephert Wiseman	<i>[Signature]</i>
BEATON SHEPPARD	<i>[Signature]</i>
DAVID KELLAND	<i>[Signature]</i>
FRANK STANLEY	<i>[Signature]</i>
Sarah Colven	<i>[Signature]</i>
GARY WALSH	<i>[Signature]</i>
TOM HORROCKS	<i>[Signature]</i>
STUART BARRETT	<i>[Signature]</i>
WENDY BARNER	<i>[Signature]</i>
MICHAEL COOK	<i>[Signature]</i>

Print Name	Signature
ZOB MENCHENTON	<i>[Signature]</i>
DOMINIC LIPPA	<i>[Signature]</i>
Glen Baynes	<i>[Signature]</i>
WILL BERRY	<i>[Signature]</i>
Jackie Manuel	<i>[Signature]</i>
Lynda Hayward	<i>[Signature]</i>
RON PETERS	<i>[Signature]</i>
JOHN HEARN	<i>[Signature]</i>
ROMAN HALITZKI	<i>[Signature]</i>