



**ARCHITECTS LICENSING BOARD OF
NEWFOUNDLAND AND LABRADOR**

8th Annual Report

P O Box 5204, St. John's, NL, A1C 5V5
Tel: 709.726-8550 - Fax: 726.1549
albni@albni.com - www.albni.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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ALBNL 8th Annual Report (2017)

Introduction

The Architects Licensing Board of Newfoundland and Labrador is a volunteer board. In 2017 its directors included:

- James B. Case, FRAIC, NLAA, Chairperson
- Greg Snow, MRAIC, NLAA, Registrar
- Paula Pitman, NLAA, Finance Chair
- Paul Chafe, NLAA
- Taryn Sheppard, NLAA
- Louise Pinsent-Parsons, Lay Appointee
- Jackie Manuel, P. Eng., Lay Appointee
- Lynda Hayward, MRAIC, Administrative Director

This year could be described as busy, yet somewhat more routine than 2016. Applications for licenses are perhaps at their historical zenith, and this has kept the Registrar and the Administrative Director extremely active. These are committed individuals. With their invaluable efforts, the ALBNL is most effective in its legal and professional mandate.

The Continued Erosion of the Architectural Profession?

This is a provocative heading, and is intended to be so. Phrased as a question, it may also be taken as a challenge. Whether or not the ALBNL (and License Holders) can rise to the challenge in the wake of political forces largely beyond our control and professional adversaries determined to undermine our education, talent and skill, remains to be seen.

In December of 2016, I circulated an email to the Membership concerning the *Guidance Document for the Submission of Building Plans and Specifications* in order to draw attention to the fact that Service NL had unilaterally revised the document to indicate to the general public that “an engineer skilled in the work concerned” would now be permitted to stamp architectural documents. Determining which engineers are skilled in the architectural profession is apparently of little concern to Service NL and it is certainly of no concern to PEGNL. The latter has held to its edict that “only engineers can qualify engineers” (even in the practice of architecture).

It was made poignantly clear that the Professional Engineers and Geoscientists of NL had successfully lobbied government, and with one fell swoop, Service NL addressed the “services overlap” issue which was the pivotal item of the 2016 ALBNL report to the House of Assembly.

Just prior to Christmas of 2016, the undersigned reached out to the (now former) Deputy Minister for Service NL, Mr. Sean Dutton. I asked for a meeting to review Service NL's intent with respect to the new guidelines, and in addition, offered to provide him with an advance copy of the 2016 ALBNL Annual Report for his information and comment. A meeting was subsequently convened on March 7th 2017. It served mainly as an information session for the Deputy Minister and covered the "agreement to disagree" with PEGNL.

In a related action, the ALBNL and NLAA submitted an Access to Information request to the Government of NL asking for copies of correspondence between PEGNL and Service NL. The resultant documentation painted a picture of an unrelenting campaign by PEGNL to have the "services overlap" question addressed - in order to legitimize the practice of architecture by engineers. One may conclude that the two years of pressure tactics which forced Service NL to revisit the MOU and to go as far as to suggest mediation between the professional bodies, ultimately resulted in the *Guidance Document* change - although this was never communicated to the Board as a policy change. ALBNL's request to have this examined by Service NL (through the 2017 Annual Report) has essentially fallen on deaf ears.

Fallout from the revision to Service NL's *Guidance Document* included complaints from members suggesting that Service NL were no longer enforcing the provisions of the Architect's Act, and informal communications between the ALBNL and officials of various cities and towns indicating uncertainty as to how to interpret or apply the revised guidelines. The Board has been unable to provide direction to municipalities because Service NL has never provided any clarification to the ALBNL as to the basis for the *Guidance Document* change.

Notable Discussions and Actions from the Past Year

In January of 2017, Service NL asked the Board to rule on a requested exemption from the Act (i.e. requirements for an Architect) for a project based in Marystown. This was the *last* clarification requested of Service NL after dozens of such requests in previous years. Clearly the revised wording of the *Guidance Document for the Submission of Building Plans and Specifications* had resolved any questions of interpretation.

The ALBNL did however receive numerous requests from members for the examination of certain building projects that were considered to be in violation of the Act. One in particular, a personal care home in St. John's, triggered a letter to all License Holders indicating that the stamping/signing of drawings related to this project could result in fine or suspension.

Other informal complaints resulted in letters to various technicians and draftspersons warning them that they may be in contravention of the Act, and if so, based on evidence presented to the Board, to cease and desist.

Stemming from similar enquiries pertaining to the regulation of the profession, a letter was issued to the Association of Registered Interior Designers of Ontario (ARIDO) recommending that they advise their members of the ALBNL requirements for providing design services on

architectural projects in Newfoundland & Labrador. We are aware that the ALBNL letter was shared with the ARIDO Board of Management through its Executive Director/Registrar on June 12th, but we were not informed of any subsequent actions.

After the examination of a brochure circulated by a local heritage foundation, the Board found it warranted to restrict the use of intellectual property available on its website (including our logo). The NLAA Intellectual Property Notice was reworded to state that limited license for the use of such property *may* be granted upon *written* request for “non-commercial, personal, or educational purposes only”. Further details of the restricted use (no modification, attribution, etc.) can be found on the website.

In February of 2017, the ALBNL was interviewed on behalf of the Foreign Qualifications Recognition Working Group (FQRWG) tasked to collect post-licensure employment outcomes data of internationally trained individuals (ITI) and Canadian-educated members. The Chair participated in a lengthy telephone interview to discuss post-licensure employment outcomes, and the *Stakeholder Interview Protocol and Questionnaire* document was provided to the Board for information purposes.

Early in 2016, there was considerable discussion regarding options for retirement from the profession and the subsequent use of the title “Architect”. This resulted in a letter to the NLAA from the Chair and Tom Horrocks (former member, now retired). The letter was entitled “The Question of Retirement for Architects”. Recommendations from the Board on this issue were endorsed at an NLAA Town Hall in late spring and were actioned by Council. Subsequently (with the prerequisite 30 day notice) revisions to the Regulations which would clarify issues pertaining to the retirement of Architects were voted on and passed during the course of the Annual General Meeting in November.

Late in 2017, a request was received from the Chair of the Continuing Education Standing Committee for the Board to consider the implementation of surcharges (i.e. late fees) for License Holders deemed to be non-compliant at the end of any given ConEd (two-year) cycle. This is common practice for most professional associations, and will relieve the Administrative Director (and the standing committee) of a considerable burden of unnecessary work. The recommendation was adopted by the Board as policy and is now in place for the Continuing Education audit function prior to June 30th 2018. The six month grace period remains in effect.

One final new business item of note: the ALBNL, reflecting upon action taken by the Ontario Association of Architects, decided to change the designation of the affiliated position “Intern in Architecture” – a rather cumbersome title. The term “Intern Architect” was adopted and may now be used by interns as their designation in communications in social media, online platforms, email and business card signatures, and letterheads. Examples have been made available and these include prohibition of the use of “NLAA” in such references. Also, only interns who are working under Direct Supervision are entitled to use this designation. As the definition of the term “intern” implies, you cannot be considered as such, while working

independently (without supervision). Such individuals may, of course, use abbreviations associated with any degrees earned.

Newly Released Practice Bulletins

Based on a number of queries regarding the Code of Ethics, the Board felt it necessary to offer direction to License Holders on the topic of examining or commencing work that had been previously prepared by a peer. Subsequently, and after considerable research, a policy paper entitled *Board Guidelines Regarding Work Started by a Previous Architect* was prepared and distributed as a Practice Bulletin (available on the ALBNL website) in October of 2017.

Similarly, the Board received a request for clarification regarding the stamping/sealing of "As-Built" documentation. After consideration with respect to local industry practices and research into guidelines prepared by other regulatory bodies in Canada, a policy paper entitled *Board Guidelines Regarding Project As-Built or Record Drawings* was prepared and distributed as a Practice Bulletin (available on the ALBNL website) early in January of 2018.

Routine Business of the ALBNL

Aside from the regular business of examining the credentials of and licensing all those who practice architecture in Newfoundland and Labrador, throughout 2017 the Board dealt with national (and international) matters pertaining to registration of architects as part of its mandate towards protection of the public. This involved monthly correspondence with the various national boards responsible for a wide range of duties, including the adjudication of the qualifications of graduate applicants for certification (pre-registration), the auditing of schools of architecture across Canada, the examination of credentials of broadly experienced foreign architects (BEFA), the terms of reciprocity with other international jurisdictions, and so forth.

Some examples are worthy of note:

- The Canadian Architectural Certification Board (CACB) "Terms and Conditions for Accreditation" were an ongoing subject for the Board early in 2017. These were endorsed by the ALBNL and notice was given to the Chair of the CACB National Standing Committee. In April, the CACB "Strategic Plan" (in advance of the national meeting in May) was provided to the Board for information purposes.
- The ALBNL reviewed and endorsed documentation pertaining to the Mutual Recognition of Professional Qualifications Agreement (MRA) between the Canadian Architectural Licensing Authority (CALA) and the Architects Council of Europe (ACE) which included draft course outlines (for evaluation purposes) and background documentation on competencies. In addition, Terms of Reference for CALA's International Relations Committee (IRC) and for "Co-operation among CALA" were reviewed and endorsed by the Board.

Concluding Remarks

For the past two years I have been honoured to serve as the ALBNL Chair. I have worked hard in this capacity, but often feel as though my best efforts made little advancement in the cause of our profession. I do however feel that the NLAA (in the success of Architecture Week and the fall Lecture Series among other notables) is on the right track in raising the public profile of the profession.

Our Registrar, Greg Snow, has been tireless and the ALBNL Administrative Director, Lynda Hayward, has been stalwart as always.

Paula Pittman has been ever resourceful in her role as Finance Chair. Not only has she assisted Lynda in keeping the ALBNL on course, she has helped assure future success.

For our two new Board members, Taryn Sheppard and Paul Chafe, I suspect that this past year has been an eye opener. They have been baptized with issues, and have embraced research and policy items thoroughly and most competently. They are to be regarded as role models for the next generation.

Finally, our layperson appointees Louise Pinsent-Parsons and Jackie Manuel, whose presence on the Board is as right as rain, have been such remarkable information resources and thoughtful counsel that I truly don't know how we would manage without them.



James B. Case, FRAIC, NLAA (Retired)

Registrar's Report

Architects Licensing Board of Newfoundland and Labrador
8th Annual General Meeting
November 17, 2017

I have been honoured to be your Registrar again this year. I would like to thank all the Board and Lynda Hayward for their continued support and dedication.

With respect to our current membership, the number of licence holders is up slightly. Internship numbers remain strong.

Our current membership is as follows:

Associates	3
Interns in Architecture	8
Honorary Life Members	2
Retired	2
<u>License Holders</u>	<u>144</u>
Total Membership	159

One Intern, Emily Campbell, took the ExAC licensing exam this year.

Also, the Board recently changed the designation “**Intern in Architecture**” to “**Intern Architect**”. This change is meant to simplify and harmonize with most of the other jurisdictions.

As your ALBNL representative for the Canadian Architectural Licensing Authorities (CALA), I am pleased to report that we continue to work together in a constructive manner. We most recently met in Montreal in October and had a very productive meeting. The following are some of the highlights:

- The **Canadian Architectural Certification Board (CACB) Committee** reported on the “**Future of Architects**” sub-committee. This sub-committee is focussed on addressing two items; (1) architecture in the community; and (2) the profession and the licensure process. The CACB Committee also provided an update on the Broadly **Experienced Foreign Architect (BEFA) Program** funding. CALA agreed that the program should be self-sustaining and supports an applicant fee increase to cover the ongoing budget shortfall. They are also seeking federal funding to pay for promotion of this Program. The committee reported that the issue of **Auto-Certification** of graduates has been resolved.
- The **ExAC Committee** reported that of the 613 Interns sitting at ExAC 2016, 443 passed all sections: a 72.3% passing rate; the overall success rate was 86.4% and ExAC 2017 will mark the 10th year of the exam. The Committee continues its review of online administration of ExAC, including computer-based exams, similar to NCARB; however, cost is a primary concern.
- The **International Relations Committee (IRC)** reported that their members have been working to finalize the **MRA** with the **Architects Council of Europe (ACE)**. It was noted that **NCARB** is requesting a meeting to discuss the issues that may

arise out of renegotiation of NAFTA and the potential imposition of a tariff on services. The **Tri-National** and **APEC** agreements carry on, with an overall goal of bring more signatories on board.

- RAIC gave an update on the new **3rd Edition of Canadian Handbook of Practice (CHOP)** development. The provincial regulators and the RAIC are currently seeking experienced architects to participate on the CHOP Editorial Board.
- The new part-time **CALA Support Position** has been filled by Jaidin Wale, out of BC. This position is cost-shared between the Authorities.
- NSAA Administrator, Margo Dauphinee, provided an update on the **Trademark Proposal**. Much of the discussion was then centred around how to approach the costs associated with trademarking of logos and official marks. OAA and OAQ already have such trademarks in place, however, it was questioned as to whether this cost would be feasible to other, especially much smaller jurisdictions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Greg Snow', followed by a period.

Greg Snow, NLAA, MRAIC

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Financial Statements

Year Ended September 30, 2017

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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Year Ended September 30, 2017

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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, 2017 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, 2017, 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 25, 2017



Chartered Professional Accountants

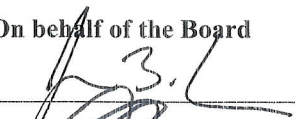

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Financial Position

September 30, 2017

	2017	2016
ASSETS		
Current		
Cash	\$ 61,591	\$ 48,943
Accounts receivable	609	1,158
Prepaid expenses	2,458	2,439
	<u>\$ 64,658</u>	<u>\$ 52,540</u>
LIABILITIES AND NET ASSETS		
Current		
Accounts payable and accruals	\$ 2,840	\$ 2,612
Harmonized sales tax payable	2,639	1,213
Deferred revenue	3,151	3,680
	<u>8,630</u>	<u>7,505</u>
Net assets		
Unrestricted	<u>56,028</u>	<u>45,035</u>
	<u>\$ 64,658</u>	<u>\$ 52,540</u>

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, 2017

	Budget 2017		2017		2016
Revenues					
Licence	\$ 74,400	\$	81,363	\$	79,400
Examination fees	3,680		3,680		912
Other income	2,500		1,985		2,296
	<u>80,580</u>		<u>87,028</u>		<u>82,608</u>
Expenses					
Administrative services	51,000		46,299		50,815
Annual general meeting and banquet	1,500		1,311		2,597
Continuing education	390		470		420
Courier	1,080		1,097		1,098
Examination of architects in Canada	2,500		3,010		1,537
Insurance	3,218		1,864		1,841
Interest and bank charges	352		292		351
Luncheon meeting	4,930		5,378		4,930
National levies	2,306		1,463		2,171
Office	2,731		3,150		2,605
Other national levies	1,138		1,321		-
International relations committee expenses	485		198		193
Professional fees	3,000		2,600		2,700
Telephone	1,800		1,856		1,791
Travel	2,500		4,276		4,120
Website	1,650		1,450		1,650
	<u>80,580</u>		<u>76,035</u>		<u>78,819</u>
Excess of revenues over expenses	\$ -	\$	10,993	\$	3,789

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Changes in Net Assets

Year Ended September 30, 2017

	2017	2016
Net assets - beginning of year	\$ 45,035	\$ 41,246
Excess of revenues over expenses	10,993	3,789
Net assets - end of year	\$ 56,028	\$ 45,035

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, 2017

	2017	2016
Operating activities		
Excess of revenues over expenses	\$ 10,993	\$ 3,789
Changes in non-cash working capital:		
Accounts receivable	549	(1,094)
Accounts payable and accruals	228	(412)
Deferred income	(529)	2,768
Prepaid expenses	(19)	906
Harmonized sales tax payable	1,426	(511)
	<u>1,655</u>	<u>1,657</u>
Increase in cash flow	12,648	5,446
Cash - beginning of year	<u>48,943</u>	<u>43,497</u>
Cash - end of year	\$ 61,591	\$ 48,943

The accompanying notes are an integral part of these financial statements

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year Ended September 30, 2017

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.

Measurement uncertainty

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amount of assets and liabilities, disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the period. Such estimates are periodically reviewed and any adjustments necessary are reported in earnings in the period in which they become known. Actual results could differ from these estimates.

Cash and cash equivalents

Cash is defined as cash in bank, cash on deposit and short term deposits with maturity dates of less than ninety days, net of cheque issued and outstanding at the reporting date.

Financial instruments policy

Financial instruments are recorded at fair value when acquired or issued. In subsequent periods, financial assets with actively traded markets are reported at fair value, with any unrealized gains and losses reported in income. All other financial instruments are reported at amortized cost, and tested for impairment at each reporting date. Transaction costs on the acquisition, sale, or issue of financial instruments are expensed when incurred.

Income taxes

The association is a not-for-profit organization and is not subject to corporate income tax.

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 2017 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.

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements
Year Ended September 30, 2017

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, 2017.

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. Management believes 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. Management believes there has been no change to this risk exposure from the prior year.



BY-LAWS

As of 18 October 2010
Revised 09 March 2016

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

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 The Board shall be guided by the spirit of the government of Newfoundland and Labrador's Access to information and Protection of Privacy Act, 2015 in deciding on what information shall be held in confidence and what information shall be made available to the public.

.5 Election of the Chair

- .1 The election of the chair 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 Chair shall be by secret ballot of all Board members administered by an appointed member of the Board.
- .4 The term of the Chair 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 Chair each year.
- .6 The Chair 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
 - .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 CHAIR:
 - .1 The role of the Chair 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 Chair 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
- .3 Confidentiality Agreement

Each person, immediately following their election or appointment to the Board, shall enter into a confidentiality agreement, adapted and amended by the Board from time-to-time, before attending Board meetings and before having access to records of the Board.

- 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.



ALBNL Chair:



ALBNL Registrar:

Date Revised and approved by the Board: March 9, 2016



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 practice architecture by the *Board*.

PART 3 - CODE OF ETHICS

3.1 COMPETENCE

- .1 In practicing 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 practicing 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 practice 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.
 - .2 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 practicing 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, an 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.

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

Signature of the Chairman:

A handwritten signature in black ink that appears to read "Gene Delvin" with a stylized flourish.

Signature of the Registrar:

Date: October 18th 2010



ALBNL 8TH ANNUAL GENERAL MEETING MINUTES

DATE: November 17, 2017

MEETING PLACE: Fairfield Inn by Marriott, 199 Kenmount Road, St. John's

PRESENT:

The ALBNL 8th AGM attendance record is attached to the minutes for record purposes.

GREETINGS:

The Chair, Jim Case, welcomed everyone to the ALBNL 8th Annual General Meeting.

1. MEETING CALL TO ORDER:

The meeting was called to order at 9:23am.

2. BUSINESS MEETING AGENDA:

The Meeting Agenda was tabled.

Motion: That the Meeting Agenda, as circulated, be accepted.

Moved: Charles Henley, Seconded: Dominic Lipa, Verdict: Motion carried.

3. THE ALBNL 7th ANNUAL GENERAL MEETING MINUTES:

The ALBNL 7th Annual General Meeting Minutes were tabled.

Motion: That the ALBNL 7th Annual General Meeting Minutes, as circulated, be accepted.

Moved: Greg Snow, Seconded: Jeremy Bryant, Verdict: Motion carried.

3.1 BUSINESS ARISING FROM THE 7TH AGM Minutes:

Report of the Chair:

- A discussion centred around the area of overlap in building designs between the respective scopes of practice with architects and engineers; it was noted by the Chair that a detailed research report was inadvertently omitted in the AGM package titled "Services of an architect are not required provided" completed by Paul Blackwood. The document was circulated immediately after the Annual General Meeting.

- Project Management/Request for Information (RFI): In summary, the matter was brought forward at a regular monthly Board meeting. The Board determined that the issue centred on advocacy rather than a regulatory matter and recommended that the document titled “Project Management and Contract Administration” be sent to the NLAA Council. It was discussed at the Council level, and the document was sent to the membership for comments and feedback. At the time, there was none received, however Past President, Rob Menchenton, agreed to research the subject and continue further discussions with Sandy Gibbons to ascertain a possible solution.

Report of the Registrar – action item:

A copy of the latest membership listing was included with the Registrar’s annual report for information purposes. Discussion focussed around the format of the License Holders directory on the ALBNL website and direct supervision.

Other Business:

The ALBNL Committee’s Listing for 2016-17 was reviewed and updated shortly following the AGM; a copy of the listing was issued to the license holders for information purposes.

4. BOARD REPORTS:

4.1. Report of the Chair:

Jim Case read his report and brought forward discussion on many of the Board’s activities throughout the past year.

Motion: That the Chair’s Annual Report be adopted.

Moved: Gary Walsh, Seconded: Paula Pittman, Verdict: Motion Carried

4.2 Report of the Registrar:

Greg Snow read his report; updates were provided to the membership in regards to both local and national activities.

Motion: That the Registrar’s Annual Report be adopted.

Moved: Paul Blackwood, Seconded: Jeremy Bryant, Verdict: Motion Carried

4.3 Finance Chair’s Report:

4.3.1 Financial Report:

Paula Pittman presented the Financial Statement to the membership, prepared by Sooley & White Chartered Professional Accountants – Sept. 1st 2016 to September 30th 2017. Excess of revenues over expenses showed a balance of \$10,993.00.

Motion: That the Financial Statement prepared by Sooley & White Chartered Professional Accountants for the Year Ended September 30th 2017 be approved.

Moved: Paul Blackwood, Seconded: Sandy Gibbons, Verdict: Motion Carried

4.3.2 Reappointment of the Auditors:

Motion: That Sooley & White Chartered Professional Accountants be reappointed for the year 2017-18.

Moved: Paula Pittman, Seconded: Jeremy Bryant, Verdict: Motion Carried

5. COMMITTEE REPORTS:

5.1 Standing Committee on Continuing Education:

The Chair, Rob Menchenton, read the report of the Standing Committee on Continuing Education. This year, the ALBNL adopted a structure for implementing surcharges to license holders who are deemed in non-compliance at the end of a particular Con Ed Cycle. The new fee structure is effective on the first day of each Con Ed Cycle i.e. July 1st and will be in effect as of July 1st 2018. All license holders were encouraged to complete their Con Ed requirements on time.

An interpretation on the compliance of “AIA approved” Con Ed Sessions was also on the agenda of the Committee. It was determined that members seeking Con Ed credit for AIA sessions do so on a session-by-session basis and should not assume that all AIA sanctioned learning hours are Core/SL in NL.

Action: Standing Committee on Continuing Education have all approved seminars/courses noted on the ALBNL website.

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; waiting on the direction from the Board.

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:

6.1 Professional Interpretation of the Architects Act “Are the Service NL Guidelines, last revised Dec. 8th, 2016 in consistent with the Architect’s Act, 2008, SNL 2008 c A-15.1?”

While there were a variety of important topics brought forward from the Chair’s report, one in particular was in relation to the Service NL Guidance Document for the submission of building Plans and Specifications. Complaints had been received from license holders suggesting that Service NL is no longer enforcing the provisions of the Architect’s Act. As a result, the Board sought a legal opinion as to whether or not Service NL was in contravention of the Architect’s Act. The legal opinion received from our lawyers was circulated to all license holders. After much discussion, a motion that Sandy Gibbons and Paul Blackwood meet with Cox & Palmer to continue dialogue on this important issue was moved by Paula Pittman, Seconded by Jeremy Bryant and carried.

Action: The Board to schedule a meeting with Cox & Palmer.

7. Elections:

For the position of one new Board member, one nomination was put forward namely, Greg Snow. A request for additional nominations from the floor was announced three consecutive times. Greg Snow elected by acclamation.

Motion: That nominations cease.

Moved: Paula Pittman, Seconded: Jeremy Bryant, Verdict: Motion Carried
A round of applause was extended to Greg Snow.

8. OTHER BUSINESS:

No other Business was tabled.

9. ADJOURNMENT

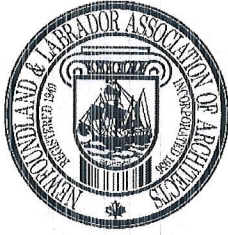
The meeting adjourned at 11:45am.



**Jim Case NLAA
Chair - ALBNL**

Minutes recorded by:

**Lynda Hayward Hon. MRAIC
Administrative Director**



Architects Licensing Board of Newfoundland and Labrador
 8th Annual General Meeting
 Friday Nov. 17, 2017
 Fairfield Inn by Marriott, 199 Kenmount Rd., St. John's, NL

AGM ATTENDANCE RECORD

Print Name	Signature
JAMES B. CASE	[Signature]
GREG SNOW	[Signature]
Tina Birmingham	[Signature]
DOMINIC LIPPA	[Signature]
MICHELA BOSCHETTI	[Signature]
DAVID KELLAND	[Signature]
SUE WRIGHT	[Signature]
PETER JACKSON	[Signature]
CHRIS WOODFORD	[Signature]
Paul Chafe	[Signature]
CHARLIE HENLEY	[Signature]
FRANK STANLEY	[Signature]
GRANT V. GENOVA	[Signature]
TIM ROSENBERG	[Signature]
Nick Herder	[Signature]
CARL YETMAN	[Signature]
Philip Pratt	[Signature]
Glen Barnes	[Signature]
ROB MENCHENTON	[Signature]
DAVE DEWING	[Signature]
RON PETERS	[Signature]
MARK WHAZEN	[Signature]
IAN HIGENELL	[Signature]
MICHAEL COOK	[Signature]
SARAH GIBBONS	GIBBONS SNOW ARCHITECTS INC

