

# Idaho Board of Architectural Examiners

## Board/Commission Members:

- Peter Rockwell, Boise – Chair
- Allison McClintick, Meridian – Public Member
- Daniel K. Mullin, Moscow
- Garth J. Jensen, Rexburg
- Jay W. Cone, Hailey
- Rann W. Haight, Coeur d'Alene

**Board/Commission Composition:** The Board consists of six (6) members: five (5) architects and one (1) public member. The Board shall have at least one (1) member who is engaged primarily in professional architectural education. Board members serve a term of five (5) years. Board members may serve up to two terms. [Idaho Code § 54-312](#).

**Operating costs per licensee: \$55.60.** This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services.

**Total number** of current licensees in Idaho on May 19, 2018: **1,824**.

For the Idaho Board of Architectural Examiners, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **66 days**. Of all licenses, **82.7 percent** were issued the **same day**. The **average time** from complete application to issuing a license was **4.4 days**. The Board issued **168 licenses** between May 19, 2017 and May 19, 2018.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

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**A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal**

		<b>Statute</b> <a href="#">Title 54,</a> <a href="#">Chapter 3</a>	<b>Rule</b> <b>IDAPA</b> <a href="#">24.01.01</a>	<i>*Policy</i>	<b>Application</b>	<b>Basis to Deny</b> <b>Issuance or</b> <b>Renewal</b>	<b>Fees</b>
Architect	Issuance for Initial License	I.C. <a href="#">§ 54-302</a>  Endorsement: I.C. <a href="#">§ 54-302A</a>	IDAPA <a href="#">24.01.01.300</a>	*	<a href="#">Application</a>  <a href="#">Endorsement Application</a>	I.C. <a href="#">§ 54-302</a>  I.C. <a href="#">§ 54-305</a>	<a href="#">\$25 Exam Fee</a>  <a href="#">\$50 Endorsement Fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-304</a>	N/A	*	N/A	I.C. <a href="#">§ 67-2614</a>  I.C. <a href="#">§ 54-305</a>	<a href="#">\$50 Renewal Fee</a>
Temporary Permit	Issuance for Initial License	I.C. <a href="#">§ 54-302A(2)</a>	N/A	*	<a href="#">Application</a>		<a href="#">\$50 Application Fee</a>
	Renewal Requirements	N/A	N/A	*			N/A

*\*All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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**B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018**

Refusal to Issue Initial License [Total Number: 0 ]

	<b>Statutory Basis</b>	<b>Factual Summary</b>
	None	

Refusal to Renew License [Total Number: 0 ]

	<b>Statutory Basis</b>	<b>Factual Summary</b>
	None	

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### C. Disciplinary Actions for the Last Five (5) Years\*\*

The Idaho Board of Architectural Examiners received **58 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **49 complaints were closed** by the Board with no disciplinary action; **5 resulted in disciplinary action**; **2 remained under investigation**; **1 was pending for legal review**; and **1 was awaiting Board determination** for a final action.

*\*\*The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
ARC-2018-1	10/27/17	Settlement Order	I.C. <a href="#">§ 54-312</a> ; and <a href="#">IDAPA 24.01.01.450</a>	Respondent failed to meet the continuing education requirement.
ARC-2016-1	10/27/2017	Final Order	I.C. <a href="#">§ 54-305(1)(k)</a>	Failure to comply with a Board order entered in a disciplinary action.

**D. Changes or Attempted Changes in Last Five (5) Years to Update, Modernize or Eliminate Barriers to Entry**

Law and Rule

Session	Legislation or Rule	Summary
2013	<a href="#">Docket No. 24-0101-1201</a>	<p>This rule change, proposed by the Board and approved by the Legislature, accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Adds definitions to clarify direct supervision of non-licensed employees and responsible control of architectural drawings to be sealed,</li> <li>• Updates the examination section to address changes to the nationally administered examination; deleting the requirement of registration of interns,</li> <li>• Clarifies the use of an unlicensed individual’s name in an architectural firm name and the use of an architect’s seal, and</li> <li>• Eliminates language no longer applicable.</li> </ul>
2013	<a href="#">House Bill 74</a>	<p>This bill updates the law to conform to recent changes made to the nationally administered internship and examination. The changes include additional grounds for discipline. The bill eliminates registration of firm names, clarifies use of electronic seals/technology, and eliminates limitations on foreign corporation architectural practice in Idaho.</p> <p>(This bill was pulled by the Board and reworked for the 2014 Legislative Session.)</p>
2014	<a href="#">House Bill 360</a>	<p>House Bill 74, which was pulled by the Board in the 2013 Legislative Session, was the basis for this bill. After additional work, the bill was submitted to the 2014 Legislature, approved, and signed by the Governor.</p> <p>It accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Updates the law to conform to recent changes made to the nationally administered internship and examination,</li> <li>• Includes changes to the grounds for discipline based on an Idaho Supreme Court Case,</li> <li>• Eliminates the requirement to register firm names,</li> <li>• Clarifies use of electronic seals/technology, and</li> <li>• Eliminates limitations on foreign partnership and foreign corporate architectural practice in Idaho.</li> </ul>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2016	<a href="#">House Bill 366</a>	This bill removes board members from the Public Employee Retirement System of Idaho (PERSI) by changing their payment from compensation to an honorarium.
2017	<a href="#">Docket No. 24-0101-1601</a>	<p>These rule changes, proposed by the Board and approved by the Legislature, accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Reduces by three years the time for experience option applicants to qualify for the exam.</li> <li>• Incorporates the most recent National Council of Architectural Registration Board’s (NCARB) Certification Guidelines and Rules of Conduct,</li> <li>• Provides the Board more flexibility when deciding whom may sit for the Architectural Registration Exam (ARE),</li> <li>• Clarifies license renewal and reinstatement requirements, and</li> <li>• Removes the requirement that legal services be provided to the Board by the Attorney General.</li> </ul>
2017	<a href="#">House Bill 122</a>	<p>This bill allows the Board to accept the National Council of Architectural Registration Board (NCARB) exam for endorsement, or to accept another exam that an architect may have taken to get licensed in another state.</p> <p><b>Impact:</b> This bill eliminates a barrier for endorsement applicants applying for licensure in Idaho.</p>
2018	<a href="#">Docket No. 24-0101-1701</a>	<p>This rule change, proposed by the Board and approved by the Legislature, accomplishes the following:</p> <ul style="list-style-type: none"> <li>• Reduces the annual renewal fee from \$75 to \$50</li> <li>• Reduces the endorsement licensee fee from \$150 to \$50.</li> </ul> <p><b>Impact:</b> Based on efficiencies implemented by the Board over the years, the Board was able to decrease fees.</p>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2018	<a href="#">House Bill 458</a>	<p>This bill replaces the current provisions of the Architectural Examiners Act in Chapter 3 of Title 54 in Idaho Code. The Act has not been addressed in a comprehensive manner since 1971. Since that time, some changes have been made to specific provisions in the Act, but for more than a year volunteer members of the Board have been working to make updates to the entire Act. The bill primarily:</p> <ul style="list-style-type: none"> <li>• Reorganizes the Act using the standard template,</li> <li>• Clarifies the three paths to licensure and simplifies the application process for each:             <ul style="list-style-type: none"> <li>○ License by examination</li> <li>○ License by endorsement</li> <li>○ Temporary license</li> </ul> </li> <li>• Makes it easier to read and understand,</li> <li>• Removes redundancies in the law,</li> <li>• Clarifies the role of the Bureau as a service agency to the Board, and</li> <li>• Eliminates the requirement for a prospective licensee to submit an NCARB certificate. This change still allows an out-of-state licensee to present that certificate as proof of qualification, but it would not be required.</li> </ul>

Additional Barriers Eliminated/Opportunities Provided

Date	Barrier/Opportunity	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p><a href="#">I.C. § 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p><a href="#">I.C. § 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>
2015	<a href="#">I.C. § 67-2614</a>	<p>Set the reinstatement fee to \$35 and eliminated the requirement that, in addition to the reinstatement fee, the licensee had to include payment of the license fees for all of the years the license had been expired. It also clarified the continuing education required to reinstate.</p> <p>Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduced barriers to re-entry in two ways.</p> <p><b>Impact:</b> For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p>



Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barrier/Opportunity	Summary
2011	Early exam	Removes the requirement for the Architectural Experience Program (AXP) to be completed prior to qualifying for the exams. This change reduces the time it takes to become a licensed architect because the candidate can begin taking the 6-part exam prior to completing the AXP.
2009	Disciplined in another state	When a licensee is disciplined in another state and has met the other state’s conditions, it is the Board’s general policy to not discipline the Idaho license. Instead, the Board may send them an advisory letter reminding them to follow Idaho’s laws and rules when practicing in this state.
2000	<a href="#">House Bill 138</a>	This bill removes members of the Idaho Board of Architectural Examiners from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under Idaho Code <a href="#">§ 59-509</a> .
1997	Endorsement	An expedited review and approval process is available to holders of an NCARB Certificate. The certificate provides multi-state portability. State Boards make up NCARB, and through Idaho’s participation in that organization, have put into place an expedited process to provide portability.
Possibly back to 1961	Additional pathway to licensure	An individual can get a license in Idaho with eight years of experience in lieu of a college degree.  Today Idaho is only one of 16 states that offer an experienced-based path to licensure.

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### **E. Assessment of Public Interest**

The Idaho Board of Architectural Examiners ensures the protection of the public health, safety, and welfare by establishing the standards necessary for architectural practice and only licensing individuals who meet those standards. Architects are responsible for the integration of safe and appropriate building systems (structural, mechanical, electrical, plumbing, communications, lighting, security, and fire protection); correct use of materials; and compliance with local, state and national codes and ordinances, including the Americans with Disabilities Act (ADA). Licensure includes a combination of education, practical experience, and examination—all vital components for preparing future architects for the significant responsibilities of the profession.

In Idaho, applicants can become licensed through the education, experience and exam model, or if they do not have a college degree, applicants can document eight years' experience and passage of the exam. Idaho is only one of 16 states that allow the experience option. Additionally, the Board worked with other states through the National Council of Architectural Registration Boards to reduce the time it takes to gain experience and qualify for the exam. In Idaho, you can begin accruing experience during college and take the exam upon graduation with an architectural degree.

The Board exists to protect the public, yet it is able to ensure there are many pathways to licensure without compromising its fundamental purpose. Licensing architects creates an essential layer of protection for the public, and ensures a safe built environment in Idaho. A licensed architect is expected to design structures that will exist for generations; to function through multiple ownerships; and to anticipate future conditions.

**F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. The 2018 Legislature approved the Board's legislation which updated the Act. This year the Board will be submitting temporary/proposed rules to implement the new law. Changes include:
  - Clarifying that the application fee of \$25 also includes the initial license fee. There is no additional fee for an initial license.
  - Clarifying rules [IDAPA 24.01.01.250](#) and [IDAPA 24.01.01.300](#) to make it easier for applicants to understand and apply.
  - Removing a barrier by allowing the Board to consider all applications received prior to the Board meeting. (The current rule requires an application to be in 30 days in advance.)
  - Removing [IDAPA 24.01.01.351](#) that allowed the Board to require an applicant submit to a personal interview. The Board does not interview applicants; there is no need for this rule.
  - Deleting [IDAPA 24.01.01.400.01](#) and [IDAPA 24.01.01.400.02](#). They are not necessary.
  - Updating the military exemption rule in [IDAPA 24.01.01.450.06.a](#) to reflect I.C. [§ 67-2602A](#).
  - Deleting [IDAPA 24.01.01.500](#). It is not necessary.
  - Deleting [IDAPA 24.01.01.550](#). It is not necessary.
  - Deleting [IDAPA 24.01.01.700](#). It is not necessary as it is in the law that the Board follows the Administrative Procedures Act.
  - Updating [IDAPA 24.01.01.750](#) to conform to the 2018 law change.
  - Deleting [IDAPA 24.01.01.751](#). It is not necessary.
  - Creating an exemption review to allow the Board to assess criminal convictions to determine suitability for licensure.
2. Investigate possibility of accepting non-accredited architectural education as partially meeting the experience requirement for the Experience in Lieu of Degree applicants.
3. The Legislature approved the Board's fee decreases in 2017. The Board will continue to monitor its cash balance to see if an additional decrease is appropriate.

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4. Review the process for those applications that are already not part of an expedited process. For example, applications for exam and endorsement that do not have any issues could be approved by staff or a single Board member instead of waiting for the next Board meeting.
5. The Board does not have authority over unlicensed practice. When the Board gets the public's complaints about unlicensed practice, it refers the complainant to the county prosecutor who has jurisdiction. It is the opinion of the Board that the public may be better served if the Board did have some jurisdiction over unlicensed practice.

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### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Architectural Examiners respectfully submits the attached report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
  - ✓ Protect the public. (*I.C. [§ 54-301](#)*)
  - ✓ Portability of licensure. (*I.C. [§ 54-302A](#), endorsement*)
  - ✓ Eliminate barriers to entry to work. (*I.C. [§ 54-302](#), multiple pathways to licensure*)
  - ✓ Do away with unnecessary regulation. (*Updated their Act in 2018*)
  - ✓ Modernize licensure and regulatory requirements. (*Updated their Act in 2018*)
  
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
  - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*There are no barriers to telework; allows use of an electronic seal in [I.C. § 54-304](#)*)
  - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*Exams are available on demand through testing centers; CE may be completed online*)
  - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*See Section F, item 1*)
  - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*The Board allows the exam to be taken upon starting the required Architectural Experience Program, possibly eliminating applicants waiting up to three years to get a license*)
  - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*IDAPA 24.01.01.450.06.c offers a special exemption*)
  - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*I.C. [§ 54-302A](#), endorsement and temporary permits*)