

CASE SUMMARY #7 ACTIVITIES AFTER CANCELLATION

COMPLAINT REVIEW COMMITTEE

The AAA Complaint Review Committee recently heard a case based on the failure of an individual to respond to directives from the Association to return his emblems of registration and refrain from holding himself out as an architect following cancellation of his membership.

BACKGROUND AND FACTS

The individual's registration as a registered architect was cancelled for failure to complete the requirements of the continuing education program. Despite numerous requests from the Association to return his seal and certificate of registration and to refrain from activities that would represent to the public that he was a registered architect or was entitled to engage in the practice of architecture, the member failed to do so. The Chair of the Complaint Review Committee referred the matter to a panel of the Complaint Review Committee.

FINDINGS OF THE PANEL

The Panel found the individual guilty of unprofessional conduct in that he:

- ▶ used the names and title "architect" and "architects firm" after registration was cancelled; such conduct brought harm to the standing of the profession of architecture generally, in contravention of section 30(1)(c) of the Architects Act;
- ▶ represented or held out expressly or by implication that he or his firm were authorized entities or were entitled to engage in the practice of architecture, after cancellation of registration; and
- ▶ failed to surrender emblems of registration when requested to do so by the registrar.

SANCTIONS

In addition to a formal reprimand for the above noted unprofessional conduct, the panel ordered the following:

- ▶ a fine of \$10,000 for use of restricted titles;
- ▶ a fine of \$10,000 for holding out, expressly or by implication that he and his firm were entitled to engage in the practice of architecture;
- ▶ a fine of \$10,000 for failing to return emblems of registration;
- ▶ payment of \$33,064.33 toward costs of the complaint, investigation and hearing;
- ▶ publication of a summary of the case for the education of the membership.



COMMENTARY

The Panel found the conduct of the individual to be unprofessional in that:

- ▶ It was detrimental to the public interest. The profession cannot allow someone who is not registered to represent to the public that they are entitled to practice the profession.
- ▶ It harmed the standing of the profession of architecture generally. The use of the restricted titles and the seal are privileges reserved for those who have met the established professional standards.
- ▶ It contravened the profession's code of conduct regarding integrity, responsibility to the profession and prohibition on practice.
- ▶ It contravened the Architects Act requirements regarding exclusive scope of practice, use of name and return of emblems of registration upon cancellation.

The Panel found that the individual's blatant disregard for the authority of the Association in enforcing the Architects Act and his lack of respect for the significance of the exclusive scope of practice and restricted titles afforded under the Act to be matters of a most serious nature.

Date: August 2011

Case Summaries are issued by The Alberta Association of Architects as a practice resource or as general interpretations of the requirements in the Architects Act, the Regulations under the Act, and the By-laws. Summaries should be read in conjunction with the Act, Regulations and By-laws and in no way supersede these documents. Summaries are not intended to be and are not legal advice to the Members of the Association nor to the Public/Client. Members and the Public should consult their own legal, income tax or financial advisors as to the application of the Architects Act and Regulations in specific circumstances.