

CASE SUMMARY #3

SEALING DOCUMENTS PREPARED BY OTHERS

COMPLAINT REVIEW COMMITTEE

The AAA Complaint Review Committee recently heard a case that represents a clear example of a serious problem in the profession – one which presents itself in a variety of forms to practitioners at all levels of practice. It speaks to the undercutting of the profession by non-architects and goes to the very essence of the services that architects provide.

BACKGROUND AND FACTS

An architect was approached by an architectural technologist with a request that he act as the professional of record on two ongoing projects. The architect had limited involvement in both projects, yet affixed his signature and seal to documents and drawings respecting those projects. In both cases, he contracted directly with the technologist rather than the owner, and in both cases the fee charged by the architect was minimal and inadequate to provide the services required of a coordinating professional.

Project A

- ▶ A 5,300 sq ft addition/renovation to an existing library building, with a construction budget of approximately \$600,000.
- ▶ The architect reviewed but did not supervise the preparation of the construction documents nor did he administer the contracts. The architect's agreement with the technologist was to review the working drawings and specifications for compliance with the Alberta Building Code and life safety.
- ▶ The architect visited the site twice during the project – the regular site visits were performed by the technologist. The architect never met the client or its representative.

Project B

- ▶ A 14,000 sq ft addition/renovation to an existing seniors' lodge, with a construction budget of approximately \$2 million
- ▶ The architect's contract with the technologist was to review the design drawings and construction documents prepared by the technologist
- ▶ The architect attended an initial meeting with the consultants, contractor and owner and received minutes of biweekly meetings. He visited the site six times in total to meet with the technologist and the site superintendent to review the work.

FINDINGS OF THE PANEL

The architect's conduct was found to constitute unskilled practice and unprofessional conduct in violation the Architects Act, Regulations and Code of Ethics. The architect was found to have harmed the standing of the profession of architecture generally and to have displayed a lack of

knowledge, skill and judgment in the practice of architecture and in the obligations undertaken in the practice of architecture. Specifically, the panel found that:

- ▶ the architect had inadequate participation in the projects to warrant affixing his signature and seal to documents and drawings, and inadequate participation to represent that he was the coordinating professional or professional of record for the projects; and
- ▶ the architect had allowed the technologist directly or indirectly to engage in the practice of architecture.

SANCTIONS

In addition to a formal reprimand, the panel ordered the following:

- ▶ A fine of \$5,000.00.
- ▶ Payment of \$5,000 to the Association toward costs of the complaint, investigation and hearing.
- ▶ Participation in a one year mentorship program.
- ▶ Publication of a Case Summary for the education of the membership.

COMMENTARY

In addition to the above, the architect has indicated that this matter has resulted in immense personal stress, loss of productivity, damage to reputation, as well as personal legal fees exceeding \$15,000. The panel, in rendering their decision, indicated that had it not been for this individual's remorseful and cooperative attitude and the relative personal and financial toll that the matter had exacted upon him, the fines and costs awarded would have been significantly higher. This was a case of an error in judgment made by a naïve participant. The sanctions for flagrant and intentional selling of the seal, we anticipate would be harsh and possibly include suspension as well as financial sanction. It is a matter that the Association, as regulator of the profession, takes very seriously.

Date: June 2005

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