

Chapter 671

Architects

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671.010 Definitions. As used in this chapter:

(1) "Architect" means a person who engages in the practice of architecture.

(2) "Board" means the State Board of Architect Examiners.

(3) "Building" means any structure consisting of the foundations, floors, walls and roof, having footings, columns, posts, girders, beams, joists, rafters, bearing partitions, or a combination of any number of these parts, with or without other parts or appurtenances thereto.

(4) "Person" includes any person, firm of persons or corporation.

(5) "Practice of architecture" means any one or combination of the following practices by a person: The planning, designing or supervision of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings. "Practice of architecture" does not include any contractor or his duly appointed superintendent or foreman directing the work of erection, enlargement or alteration of any building or any appurtenance thereto, under the supervision of a registered architect or registered professional engineer, as provided by this chapter.

(6) "Professional engineer" means a person defined by and described in subsections (2) and (3) of ORS 672.010, as such.

671.020 Practice of architecture without certificate of registration prohibited; drawings and specifications to be stamped with seal. (1) In order to safeguard life, health and property and to eliminate unnecessary loss and waste in this state, no person shall practice the profession of architecture or assume or use the title of architect, or any title, sign, cards or device indicating, or tending to indicate, that such person is practicing architecture or is an architect, or represent in any manner that he is an architect, without first qualifying before the board or obtaining a certificate of registration as provided by this chapter.

(2) No person shall practice or attempt to practice the profession of architecture, or assume the title of "architect," or use in connection with his business any words, letters or figures indicating the title "architect" without first complying with the provisions of this chapter.

(3) Every registered architect shall have a seal with which he shall stamp all drawings and specifications issued from his office.

The seal shall contain the name of the architect, his place of business and the words "Registered Architect, State of Oregon," and shall be designed so as to make an impression in the paper.

671.030 Activities not considered as "practice of architecture." (1) This chapter shall not be construed to affect or prevent the practice of naval or landscape architecture or of engineering by a professional engineer licensed under the laws of the state or to apply to any person licensed as a professional engineer in this state or to any person engaged in architecture or engineering work as an employe of an architect or registered engineer; nor shall it prevent draftsmen, clerks of the work, superintendents and other employes of registered architects and registered professional engineers, under provisions of this chapter, from acting under the instructions, control or supervision of their employers. Such engineer or persons designated shall not use the designation "architect," "architectural" or "architecture" unless licensed under the provisions of this chapter.

(2) Nothing contained in this chapter shall prevent any person from making plans, specifications for, or supervising the erection, enlargement or alteration of a building, or any appurtenance thereto, if the building is to be used for a single family residential building or farm building or is a structure used in connection with or auxiliary to a single family dwelling or farm building, such as a three car garage, barn, shed, shelter used for the housing of domestic animals, livestock, etc.; nor shall anything in this chapter prevent any person from making plans, specifications for, or supervising the erection, enlargement or alteration of any building, or any appurtenance thereto, where the building has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top of the foundation to the top of the rafter plate.

(3) Nothing in this chapter shall prevent a person from planning, designing, specifying or supervising the alterations or repairs to a building when the structural part of a building, i.e., the foundation walls, floors, roof, footings, bearing partitions, beams, columns, joists, etc., is not involved.

(4) Nothing in this chapter shall prevent a person practicing marine, naval or landscape architecture from designating himself as a marine, naval or landscape architect as

long as his work is confined and limited to work coming under those classifications.

671.040 Practice of corporations and partnerships. (1) No corporation or stock company is entitled to a certificate to practice architecture. No corporation, other than corporations existing and practicing architecture on March 11, 1935, shall be permitted to engage in or practice architecture.

(2) A partnership may engage in the practice of architecture if a firm name or title is used containing only the name or names of the registered architect or architects of the firm. All such partnerships when organized or formed and when any change in the personnel of the partnership occurs, whether by withdrawal, addition, resignation or death, shall make and file with the secretary of the board, a sworn statement giving the names and addresses of all members. Nothing in this section shall prevent the surviving members of a partnership, whose names appear in the firm name, from continuing the existing firm name as long as the practice and business is continued in the old firm name without change. Upon any change, alteration or addition to the old firm name, the name of the deceased or retiring member or partner shall be dropped.

(3) Corporations and partnerships in existence on March 11, 1935, organized for and engaged in the practice of architecture may continue to practice under the firm name or designation then adopted, as long as the then existing membership or personnel of the corporation, firm or partnership continues. Upon any change in the membership or personnel of the corporation or partnership, whether by withdrawal, addition, resignation or death, the partnership, firm or corporation shall be required to comply with and come under the provisions and requirements of this chapter.

(4) The same exemptions apply to corporations and partnerships as apply to individuals under this chapter.

671.050 Application for certificate of registration; qualifications; fee. (1) Any person desiring the right to practice the profession of architecture in this state shall make application to the board 15 days prior to any meeting of the board upon such forms and in such manner as may be provided by the board. In addition to the qualifications required by this chapter, each applicant shall be a citizen of the United States, or a person who has declared his intention of becoming

a citizen of the United States, and shall be of good moral character and at least 21 years of age.

(2) Each applicant for a certificate of registration shall pay to the treasurer of the board a fee of \$20.

671.060 Examination of applicants; issuing certificates. (1) Examinations of applicants for certificates of registration shall be made by the board according to the method deemed by it to be the most practicable to test the applicants' qualifications. Examinations shall be written or oral and the subjects of the examination shall be as follows: Mechanics as applied to building; superintendence, materials and construction; history of architecture in relation to architectural design; planning and design; practical knowledge of sanitary and electrical installation, heating and ventilating.

(2) A certificate of registration shall be granted to all applicants who after the examinations are, in the opinion of a majority of the board, properly qualified. A certificate shall be denied to applicants who, in the opinion of the majority of the board, are not properly qualified.

671.070 Reciprocity. Any person who is a registered or certified architect in another state where the qualifications are equal to those required in this state shall, in the discretion of the board, be entitled to a certificate of registration without examination.

671.080 Annual renewal fee; time for payment; effect of failure to pay; abandonment of practice. Every person holding a certificate of registration, as provided for in this chapter, who desires to continue to practice his profession in this state, shall annually, during the time he continues to practice, pay to the treasurer of the board during the month of July a fee in such amount, not to exceed \$12, as the board may deem necessary to meet the necessary expenses for carrying out the provisions of this chapter; and the secretary thereupon shall issue to such registered architect a certificate of renewal of his registration for a period of one year. Upon failure to have his certificate renewed during the month of July of each year, the holder thereof shall be deemed to have forfeited his right to practice architecture within Oregon, but the failure to renew his registration in proper time shall not deprive him of his right to renew the certificate either before October 1, with-

out penalty, upon payment of renewal fees or after October 1, upon payment of renewal fees plus a penalty of \$1 for each month or fraction thereof during which the default continues after October 1. Any person who fails to pay the renewal fee, with accrued penalties, for a period of one year, shall forfeit the right to practice architecture in this state and may be reinstated as an architect only upon passing the examinations and paying the fees required for securing an original certificate of registration as an architect. A registered architect, giving up his practice in this state while he is in good standing with the board, may resume his practice at any time upon the payment of the annual fee for renewal of registration for the current year.

671.090 Grounds for denial or revocation of certificates. The board may refuse to grant or may revoke a certificate of registration to practice architecture in this state upon the following grounds:

(1) The employment of fraud or deception in applying for a certificate of registration or in passing an examination as provided in this chapter.

(2) Upon proof that the holder of the certificate of registration is falsely impersonating a practitioner or former practitioner.

(3) That the holder of a certificate is practicing under an assumed, fictitious, or a corporate name contrary to the provisions of this chapter.

(4) Upon proof that the holder of the certificate of registration is guilty of fraud or deceit, or of gross negligence, incompetency or misconduct in the practice of architecture.

(5) For the conviction of a crime involving moral turpitude, or proof of habitual intemperance, the using of morphine, opium, cocaine or other drugs having similar effect, by the holder of the certificate of registration.

(6) Upon proof that the holder of the certificate of registration wilfully evaded or tried to evade any law, ordinance, code or regulation of the state, or counties and cities of this state, governing construction or buildings.

(7) Upon proof that the holder of the certificate of registration permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or

under his personal supervision by his regularly employed subordinate.

(8) Upon proof that the holder of the certificate of registration received, unbeknown to a party for whom he is doing work, rebates, commissions, grants of moneys or favors which he is not entitled to or justified in receiving.

(9) Upon proof that the holder of the certificate is practicing contrary to the provisions and requirements of this chapter.

671.100 Revocation of certificates or disciplinary action by board. (1) The board may revoke, suspend or annul the certificate of registration to practice architecture in this state of an architect, or reprimand, censure or otherwise discipline an architect, as provided in this section.

(2) Any person may prefer charges against a holder of a certificate of registration to practice architecture. The charges shall be in writing and sworn to by the complainant. They shall be forwarded to the board which shall act on the charges at its next regular meeting. Any person who is a holder of a certificate of registration, or who is an applicant for a certificate of registration, against whom any of the grounds for revoking or refusing a certificate of registration set forth in ORS 671.090 is presented to the board with a view of having the board revoke or refuse to grant a certificate of registration, shall be furnished with a copy of the complaint and shall have a hearing before the board in person or by attorney. Witnesses may be examined by the board respecting the guilt or innocence of the accused.

671.110 Appeal from action of board.

(1) In case of refusal or revocation of a license by the board under this chapter, the applicant whose application is refused, and the licentiate whose license is revoked by the board, may appeal from the decision refusing or revoking the license within 30 days after the filing of the decision in the office of the secretary of the board. The appeal shall be to the circuit court in and for the county in which was held the last general meeting of the board prior to the refusal of the license in case of a refusal, or to the circuit court in and for the county in which the hearing was had upon which the license was revoked in case of revocation. Upon appeal, the cause shall be tried de novo.

(2) A person desiring to take an appeal shall serve, or cause to be served, upon the

secretary of the board, a written notice of appeal containing a statement of the grounds of appeal and shall file in the office of the secretary an appeal bond with good and sufficient surety, to be approved by the secretary, to the State of Oregon, conditioned for the speedy prosecution of the appeal and the payment of such cost as may be adjudged against him upon the appeal. The secretary shall, within 10 days after the service of the notice of appeal and the filing and approval of the appeal bond, transmit to the clerk of the circuit court to which the appeal is taken, a certified copy under the seal of the board and the grounds thereof in the case of the refusal of license; and in addition thereto a certified copy, under the seal of the board, of the complaint in the cause of the revocation of a license, together with the bond and notice of appeal. The clerk of the court shall thereupon docket the appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. If the judgment of the circuit court is in favor of the party appealing from the decision of the board, and if the board does not appeal from judgment within 60 days, the board shall immediately upon the expiration of the 60 days issue to the successful party the usual license to practice architecture in this state and, in addition thereto, shall reinstate upon the records of the board the name of the successful applicant in case of the revocation of his license by the board.

(3) Either party may appeal from the judgment of the circuit court to the Supreme Court in like manner as in civil actions within 60 days after the rendition and entry of judgment in the circuit court. In case of appeal to the Supreme Court by the board, no license shall be issued nor reinstatement be required until the final determination of the cause. If the final decision of the Supreme Court is against the board, the court shall make such order in the premises as may be necessary and the board shall act accordingly. No costs shall be adjudged or taxed against the board.

671.120 State Board of Architect Examiners; number of members; qualifications. A board hereby is established to be known as the State Board of Architect Examiners. The board shall be composed of five architects who shall be residents of Oregon and shall have resided and practiced the profes-

sion of architecture in this state for a period of not less than five years.

671.130 Board members; appointment; terms; oath; filling vacancies; removal. Annually, upon the expiration of the term of a board member, the Governor shall appoint one architect possessing the qualifications prescribed in ORS 671.120 as a member of the board to serve for a period of five years. Each member of the board shall take and subscribe an oath of office calling for the faithful performance of duty and shall file the oath with the Secretary of State. The Governor, by appointment, shall fill any vacancy on the board caused by death, or otherwise, the appointee to serve for the unexpired term. The Governor may remove at will for inefficiency, or neglect of duty, any member of the board.

671.140 Officers of board. The board shall elect annually a president, vice president, secretary and treasurer, who shall with the exception of the secretary be chosen by the members from among themselves.

671.150 Meetings of board; time for examinations; quorum. The board shall meet for the purpose of conducting examinations on the second Tuesday in July of each year at such place as the board shall designate and at such other times and places as to the board seem necessary. A majority of the board shall constitute a quorum.

671.160 Record of board proceedings. The secretary of the board shall keep a record of the proceedings of the board which shall be at all times during business hours open to public inspection.

671.170 Powers and duties of board. The board shall:

(1) Adopt a seal which shall be affixed to all certificates of registration issued by it.

(2) Adopt a schedule of minimum educational requirements which shall be without prejudice or discrimination as to the different schools teaching architecture.

(3) Have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters pertaining to its duties.

671.180 Rules and regulations. The board shall from time to time adopt such rules and regulations as it may deem proper and necessary for the performance of its work. The board may prescribe rules and regulations under which applicants for cer-

tificates of registration, or persons whose certificates of registration have been revoked, may apply. The board shall keep on file with the Secretary of State a copy of its rules and regulations for public inspection.

671.190 Mileage and expenses of board members. The members of the board shall receive mileage at the rate of five cents a mile for each mile necessarily traveled in going to and from any meeting of the board and also their hotel bills and incidental expenses; but no member of the board shall receive any other compensation for his services as a member of the board. This section does not prevent the board from employing a secretary, who need not be an architect, at such salary as the board may determine. The mileage and other incidental expenses necessarily connected with the board shall be paid only out of the funds of the board.

671.200 Bond of treasurer. The treasurer of the board shall give bond in such sum and with such sureties as the board may deem proper. The bond shall be approved by the Attorney General and filed in the office of the Secretary of State.

671.210 Disposition of fees; continuing appropriation; accounting for receipts and disbursements; report to Governor. (1) All examination fees received by the board under this chapter shall be paid to the treasurer of the board who shall pay them into the State Treasury monthly. The fees shall

be by the State Treasurer placed to the credit of the General Fund, and any such payments when so made shall constitute and be considered as, and hereby are made, an appropriation of such sums or amounts from the General Fund for the purpose of carrying out the provisions of this chapter. All necessary expenses of the board incurred in carrying out the provisions of this chapter shall be audited by the Secretary of State and paid from the funds provided in this chapter in the same manner as other claims against the state are paid, after approval thereof by the president and treasurer of the board.

(2) The secretary and treasurer shall keep a true and accurate account of all sums received and of vouchers issued by the board, and on December 1 of each year, they shall file with the Governor a report of all receipts and disbursements and the proceedings of the board for the fiscal year.

671.220 Enforcement of chapter. The district attorneys shall prosecute all persons charged with the violation of any of the provisions of this chapter. The secretary of the board shall, under the direction of the board, aid the district attorneys in the enforcement of this chapter.

671.990 Penalties. Violation of any of the provisions of this chapter is punishable, upon conviction, by a fine of not more than \$200 or by imprisonment in the county jail for not more than 60 days, or by both.

