

Legal Corner: Parsing Unlicensed Practice

by Daniel A. Taylor, Esq.

Member boards and architects sometimes confront the issue of whether or not an architect not licensed in state A but nevertheless practicing or holding himself/herself out as performing architectural services in state A for a project located in state B is subject to discipline by state A's registration board. It depends on the facts and whether the violation is unlicensed practice or unlicensed holding out.

In *Roll v. Bliss* (Fla. App. 1982), 408 So.2d 229, a Florida architect licensed in the Bahamas and several foreign countries, but not in Florida or any other state, provided design services in Florida for an Algerian project. The Florida intermediate appellate court concluded that Florida's statute prohibiting the unlicensed "practicing of architecture in this state" did not apply since the state's police powers did not extend to protecting the public using buildings located

outside of Florida.

In *Ransburg v. Haase*, 224 Ill App. 3d 681; 586 NE.2d 1295 (Ill. App. Ct. 3d Dist. 1992); app. den. 145 Ill. 2d 644, 596 N.E.2d 637 (1992), however, an intermediate appellate court in Illinois distinguished *Roll* and found an Illinois resident who offered architectural services to other Illinois residents in Illinois without being licensed anywhere violated Illinois' licensing law even though the project in question was a duplex house in Colorado. As to the claim of violating Illinois law, the court found a holding out violation that was well within Illinois' police power to protect Illinois citizens from, saying, "The allegations . . . plainly charge the defendant with offering professional services as an architect in Peoria where he operated a design and decorating business. Regardless of where the services were ultimately furnished, holding

himself out to plaintiffs as an architect in Illinois was a violation of the Illinois Architecture Act." at 684.

Both cases also remind us that registration laws are often enforced by disgruntled clients who refuse to pay by claiming that violators of professional licensing laws cannot benefit financially from their violations. In Florida, fee recovery was allowed; in Illinois, fees already paid had to be disgorged and all unpaid fees foregone.

The Legal Corner is available as an online resource for NCARB's member board members and member board executives. To learn more about this web-based feature, visit the Members-only section of the NCARB web site (www.ncarb.org/members/legal/index.html). DC

Design Competition News and Update

Fourth Annual PCI Architectural Design Competition

In May 2005, the Precast Concrete Institute (PCI) will announce winning entries in its fourth annual architectural design competition. Students in architecture, engineering, construction management, interior design, or other building-related programs and interns were invited to submit plans for a new Fisheries and Illinois Aquacultural Center that highlights fish and wildlife from the Upper Mississippi Delta region.

PCI is one of the first organizations to establish a separate category for those completing the Intern Development Program. PCI explains, "Since the project details with the Fisheries Building, this design competition will enable interns to complete community service credits as well as possibly winning the IDP [portion of the] competition."

More than \$40,000 in prize money will be awarded to the top three finishers in each of the following categories: student, intern, and

student/total precast concrete solution. Faculty sponsors and IDP supervisors also will be honored.

For more information about PCI's annual design competition, visit www.pci.org. Winners of the 2005 event will be featured in the fall issue of *Direct Connection*.

Lyceum Fellowship Design Competition

Now celebrating its 20th year, the Lyceum Fellowship awards travel grants to students who "stimulat[e] perceptive reasoning and inspir[e] creative thought." Nine schools of architecture are invited to take part in this annual competition: Boston Architectural Center, California College of the Arts, Cooper Union, Rhode Island School of Design, Southern California Institute of Architecture, the University of Arizona, the University of Cincinnati, the University of Illinois at Chicago, and the University of Minnesota.

This year's competition asks students to investigate the concept of architecture as garment.

Students will design wearable architecture that is "self-sufficient, inhabited by a single individual, or used to create larger environments when colonized." Ten "smart materials" have been identified in concert with this concept; students must use at least one in their design solution. They include fiber optic fabric, photo and thermal chromatic dyes, bendable glass, and nano solar material.

The first place winner will receive \$10,000 for six months travel abroad. The second place winner will receive \$6,000 for three months travel abroad, and the third place winner will receive a \$1,000 grant.

The 2005 competition is hosted by Peter N. Vincent, AIA, of Honolulu, Hawaii, who also serves on the fellowship committee. To learn about future Lyceum Fellowship competitions, visit www.lyceum-fellowship.org. Winners of the 2005 event will be featured in the fall issue of *Direct Connection*. DC