



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Shannon Himes, Ohio Architects Board

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: July 6, 2020

RE: CSI Review – Architecture Regulation (OAC 4703-1-01, 4703-1-02, 4703-1-03, 4703-1-04, 4703-2-01, 4703-2-03, 4703-2-04, 4703-2-05, 4703-2-06, 4703-2-07, 4703-2-08, 4703-3-01, 4703-3-02, 4703-3-03, 4703-3-04, 4703-3-05, 4703-3-06, 4703-3-08, 4703-3-09, 4703-3-10, 4703-3-12, and 4703-3-13)

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This Ohio Architects Board (Board) rule package consists of 15 amended, one new, five no change, and two rescinded rules. It was submitted to the CSI Office on June 3, 2020, and the public comment period was open through June 17, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 3, 2020.

The proposed rules cover individual and architecture firm licensing requirements, standards, and fees. Amendments to the rules include the addition of a criminal records review to determine an applicant's eligibility in accordance with ORC 9.78, removal of required hours that an architect must be physically present at an architecture firm's office for which they are the resident registered architect, removal of electronic seal requirements, corrections regarding unlicensed foreign architects, and the addition of a requirement that unlicensed architects disclose their license status to clients. Additionally, changes have been made to rescind the fee for renewal cards (which are no longer available), add a \$25 fee for the new criminal records review, and add a potential nominal fee

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for eLicense transactions.

During the period of early stakeholder outreach, the Board contacted stakeholders by email, including the Council of Architect Registration Boards, the Ohio Chapter of the American Institute of Architects, the Council of Landscape Architect Registration Boards, the Ohio Chapter of the American Society of Landscape Architects, the National Architectural Accrediting Board Inc., the Ohio Building Officials Association, the Ohio Board of Building Standards, and the American Planning Association. The Board states that only comments supportive of the rules were received during the early stakeholder outreach period. No comments were received during the CSI public comment period.

Impacted communities include Ohio's individual architects and architectural firms. Potential adverse impacts include fines and fees as a disciplinary measure for non-compliance with the rules, administrative time to comply with the rules, and licensure fees. Licensure fees include \$50 for an initial architect's license, \$250 for a reciprocal license, \$125 for a certificate of authorization, \$125 for a firm license, \$125 for individual license renewals, \$100 for firm renewals, \$25 for a criminal records review when necessary, \$25 for a duplicate certificate, and a transaction fee for the use of the eLicense system. The Board states that the rules are necessary to establish minimum competencies and to ensure the health and safety of the public and the built environment.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.