

Introduced: 2/6/87  
Referred: Labor and Commerce

5-0292A

1 IN THE SENATE BY FAIKS

2 SENATE BILL NO. 110

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulation of architects."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 08.48.101(a) is amended to read:

9 (a) The board may adopt regulations to carry out the purpose of  
10 this chapter, including, but not limited to

11 (1) describing the contents of an examination;

12 (2) establishing the conduct of an examination;

13 (3) establishing a minimum score for passing an examina-  
14 tion;

15 (4) establishing bylaws governing its meetings and activ-  
16 ities;

17 (5) publishing a code of ethics or professional conduct for  
18 those persons regulated by this chapter, including corporations under  
19 AS 08.48.241;

20 (6) establishing civil penalties, not to exceed \$2,000 for  
21 each violation, for the unlawful practice of architecture that give  
22 due consideration to

23 (A) the severity of the violation;

24 (B) good faith of the person charged;

25 (C) the history of prior violations.

26 \* Sec. 2. AS 08.48.281 is amended by adding a new subsection to read:

27 (b) A person licensed to practice architecture under this chap-  
28 ter may not aid in the practice of architecture by another person who  
29 is not authorized to practice architecture.

1 \* Sec. 3. AS 08.48 is amended by adding new sections to read:

2           Sec. 08.48.283. CIVIL PENALTIES FOR UNLAWFUL PRACTICE OF ARCHI-  
3 TECTURE. (a) The board shall appoint a person to investigate com-  
4 plaints of the unlawful practice of architecture by a licensed archi-  
5 tect or an unlicensed person acting in the capacity of an architect.

6           (b) The investigator appointed in (a) of this section may issue  
7 a citation to a licensed architect or an unlicensed person acting in  
8 the capacity of an architect if

9           (1) the investigator finds that probable cause exists that  
10 the unlawful practice of architecture has occurred; and

11           (2) contacts with the licensed architect or the person  
12 acting in the capacity of an architect cannot resolve the alleged  
13 violation of this chapter or the regulations adopted under this chap-  
14 ter.

15           (c) The citation shall

16           (1) be written;

17           (2) describe with particularity the nature of the conduct  
18 constituting the unlawful practice of architecture, including refer-  
19 ence to the statute or regulation alleged to have been violated;

20           (3) include an assessment of a civil penalty;

21           (4) be served personally upon the alleged violator or by  
22 registered mail.

23           Sec. 08.48.285. PROCEDURE FOR CONTESTING A CITATION OR CIVIL  
24 PENALTY. (a) A licensed architect or an unlicensed person acting in  
25 the capacity of an architect who has received a citation under AS 08.-  
26 48.283 may contest the citation or assessment of a civil penalty  
27 within 10 days after service of the citation by requesting in writing  
28 a hearing before the board.

29           (b) Within 60 days after receipt of a request for a hearing, the

1 board shall hold a hearing on the citation. At the conclusion of the  
2 hearing the board may affirm, modify, or dismiss the citation or  
3 assessment of the civil penalty. The board shall state with particu-  
4 larity in a written order the reasons for its action and shall provide  
5 a copy to the licensee or the unlicensed person.

6 (c) If the licensee or the unlicensed person does not contest  
7 the citation or the assessment of a civil penalty, the citation and  
8 the assessment of a civil penalty is a final order of the board.

9 (d) In lieu of contesting a citation and assessment of a civil  
10 penalty, a licensee or an unlicensed person may transmit to the board  
11 the amount assessed in the citation within 10 days after service of  
12 the citation.

13 (e) After exhaustion of review procedures, the board may apply  
14 to the superior court for judgment in the amount of the civil penalty  
15 and an order compelling compliance with this chapter or regulations  
16 adopted under this chapter. The application, including a certified  
17 copy of the final order of the board, constitutes a sufficient showing  
18 to warrant the issuance of judgment and order.