



Copying of Measured Drawings; Signing and Sealing Construction Drawings Incorporating Work of Others

Summary

The Council finds no violation where a Member copied measured drawings of an existing structure, prepared by the previous architect on the project, and used them as the basis for demolition plans included in construction drawings signed and sealed by the Member.

All initials, names, dates, places, and gender references in this decision have been changed.

References

Code of Ethics and Professional Conduct, Canon IV, Obligations to the Profession

R. 4.105 Members shall not sign or seal drawings, specifications, reports or other professional work for which they do not have direct professional knowledge or direct supervisory control; however, in the case of those portions of such professional work prepared by the Members' registered consultants, the Members may sign or seal said portions of the professional work if the Members have reviewed such portions, have coordinated their preparation, or intend to be responsible for their adequacy.

Commentary: The essence of this rule is that the sign or seal of a Member should not be affixed to any professional work unless the Member intends to accept professional responsibility for its adequacy. The requirements that the Member have professional knowledge or supervisory

control, or have reviewed or coordinated the consultant's work, is evidence of the intent to assume professional responsibility.

R. 4.108 Members shall neither copy nor reproduce the copyrighted works of other architects or design professionals.

Commentary: The copyright laws of the United States shall be used as guidelines for interpretation and enforcement of this rule.

Facts

The owners of a suburban house engaged a Member to design a renovation and expansion of the house. The owners gave the Member measured drawings of the existing conditions that had been prepared by a previous architect who had been terminated.

In preparing demolition drawings for the project, the Member took the base measured drawings and added his own changes, dimensions and notes. Three sheets of demolition plans were included in the full set of construction drawings stamped and signed by the Member and submitted for permit.

Discussion

The question we address here is whether the Code of Ethics prohibits the use of measured drawings without the permission of the architect that prepared them. The question is deceptively simple. To answer it we look to the intention and practical application of both Rules 4.105 and 4.108.



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Taking first the charge under Rule 4.108, we note that copying of the measured drawings is admitted here. That fact by itself doesn't establish a violation of any Rule. Every Rule in the Code of Ethics must be interpreted in the context of what is generally accepted architectural practice. It has long been common practice in many architectural offices to refer to materials such as old plans and measured drawings in preparation for new design work. It makes no sense from the client's perspective for an architect to be precluded from using another architect's depiction of an existing floor plan. Indeed, to enforce such a rule would risk a public backlash that the profession was improperly requiring clients to pay twice for the same simple drafting work.

We do not see any intrusion on any professional interest of the first architect if a successor is allowed to use measured drawings. The ability to draw an accurate plan of a constructed single family residence is not unique to architects. Design and the organization of new ideas for a building are the skills for which the public values architects and the service that architects are licensed to provide. No creative or schematic design work is misappropriated when measured drawings are reused. To apply Rule 4.108 to protect a rote depiction in two dimensions of an existing house that the first architect did not design goes too far. It would be a major change in what most practitioners regard as acceptable practice.

Our finding is based on the proper application of an **ethical** code as applied to architecture and is not an interpretation of copyright law. As a practical matter, enforcement of the Code of Ethics cannot rest on the technicalities in the copyright law. On the facts of this case we find no violation of Rule 4.108.

The charge under Rule 4.105 is similar in many respects to the one discussed above. The Rule is the standard formulation against plan stamping. This is not a typical plan stamping case, however. Before stamping and submitting the drawings for

permit, the Member remeasured the building

entirely, changed several small details on the measured plans, marked walls, windows, doors and other elements to be removed, and added extensive notes. All of this points to a clear intent by the Member to accept professional responsibility for the final drawings.

Looking again at the context of normal professional practice, it would not be wise to apply Rule 4.105 in such a way that every line in a set of construction documents had to be drawn by the architect who sealed them or by someone working for him. It is both sensible and efficient, for example, to use standard details not personally drawn by the architect. Here, every decision requiring professional judgement, such as whether the removal of a particular wall was both safe and necessary, was made by the Member or an employee accountable to him. That is normal practice and well within the requirements of Rule 4.105. We find no violation in this circumstance.

Conclusion

Finding no violation of either Rule 4.105 or Rule 4.108, the Complaint is dismissed.

Kenneth DeMay, FAIA, Chair
Melvin Brecher, FAIA
D. Susan J. O'Brien, AIA
Samuel A. Anderson, FAIA,

The Hearing Officer, Norma Merrick Sklarek, FAIA, did not participate in the decision of this case, as provided in the Rules of Procedures. Council Members Robert P. Madison, FAIA, and Carolyn D. Geise, FAIA, also did not participate.

September 8, 1995