



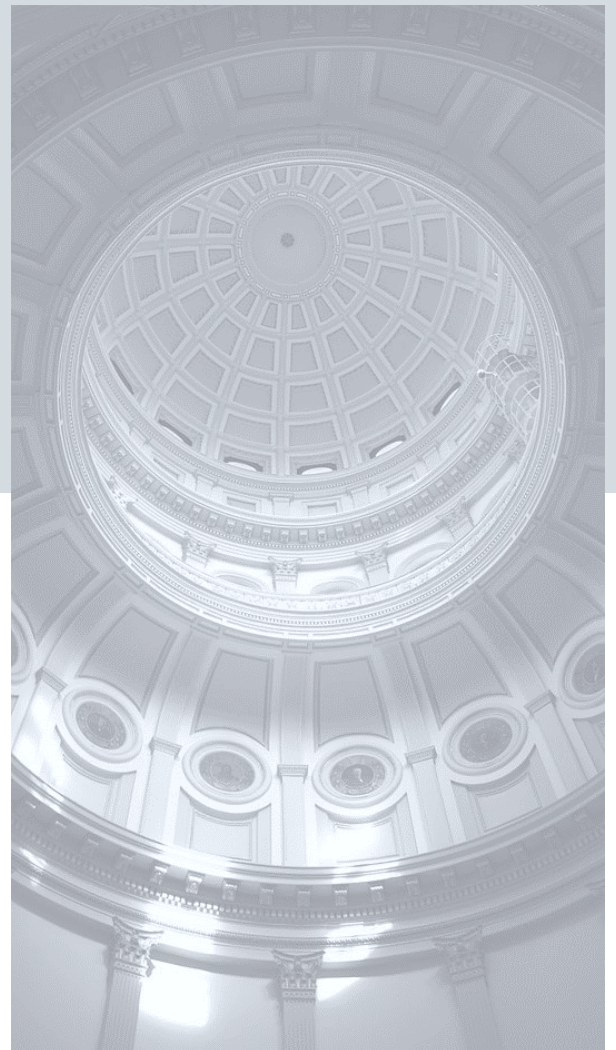
COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

2023 Sunset Review

State Board of Licensure for
Architects, Professional Engineers,
and Professional Land Surveyors



October 13, 2023



COLORADO

Department of
Regulatory Agencies

Executive Director's Office

October 13, 2023

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient, and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Colorado State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Board). I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2024 legislative committee of reference.

The report discusses the question of whether there is a need for the regulation provided under Article 120 of Title 12, C.R.S. The report also discusses the effectiveness of the Board in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit coprrr.colorado.gov.

Sincerely,

Patty Salazar
Executive Director





Sunset Report: State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors

Background

What is regulated?

Architects are professionals who work to develop images and plans for a variety of buildings, including office buildings, homes, and other structures, with the goal of creating functionality and safety in the structural design.

Engineers create design solutions while working under a variety of constraints such as the laws of nature, statutory requirements, and the desires of consumers.

Land surveyors make precise measurements to determine the boundaries of real property. Additionally, land surveyors provide data to determine the contour and shape of the property's surface which can be used in a variety of mapmaking, engineering, and construction projects.

How is it regulated?

The State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Board) is established within the Department of Regulatory Agencies' Division of Professions and Occupations to provide regulatory oversight through licensure requirements for architects, professional engineers, and professional land surveyors, and maintains a process of enrollment for land surveyor interns and engineer interns.

Why is it regulated?

Architects, professional engineers, and professional land surveyors perform invaluable services in the communities in which they work by ensuring safety and structural integrity in buildings, public works,

and products and must keep accurate historical records of property boundaries. Additionally, these professions have the ability to approve the work of others in their field, which increases their individual levels of responsibility and the need to ensure minimal competency.

Who is regulated?

During fiscal year 21-22, there were a total of 58,023 licenses issued for architects, professional engineers, and professional land surveyors in Colorado. Additionally, there were a total of 19,331 engineer and land surveyor interns within the state.

What does it cost?

In fiscal year 21-22, the Board expended \$1,285,043 and allotted 3.20 full-time equivalent employees to implement the program.

What disciplinary activity is there?

During the sunset review period of fiscal years 17-18 through 21-22, 1,921 complaints were filed, and 448 disciplinary actions were taken against all occupation types regulated by the Board.

Key Recommendations

- Continue the Board for nine years, until 2033.
- Include in the grounds for discipline, failure to respond to the allegations of a complaint within the length of time specified in the Board's letter.

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Background

Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria¹ and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether the program under review is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To address the second sunset criterion--whether conditions that led to the initial creation of the program have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the fifth sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state, and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures, and practices; whether the agency or the agency's board performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the fourteenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

¹ Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

Table 1
Application of Sunset Criteria

Sunset Criteria	Where Applied
(I) Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.	<ul style="list-style-type: none"> • Profile of the Profession • History of Regulation • Recommendation 1
(II) Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight.	<ul style="list-style-type: none"> • History of Regulation
(III) If the program is necessary, whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms.	<ul style="list-style-type: none"> • Legal Summary • Recommendations 3, 4, and 5
(IV) If the program is necessary, whether agency rules enhance the public interest and are within the scope of legislative intent.	<ul style="list-style-type: none"> • Legal Summary
(V) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters.	<ul style="list-style-type: none"> • Legal Framework • Program Description and Administration
(VI) Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively.	<ul style="list-style-type: none"> • Program Description and Administration
(VII) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.	<ul style="list-style-type: none"> • Legal Summary • Program Description and Administration
(VIII) Whether regulatory oversight can be achieved through a director model.	<ul style="list-style-type: none"> • Program Description and Administration
(IX) The economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.	<ul style="list-style-type: none"> • Profile of the Profession

Sunset Criteria	Where Applied
(X) If reviewing a regulatory program, whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.	<ul style="list-style-type: none"> • Complaint Activity • Disciplinary Activity • Recommendation 2
(XI) If reviewing a regulatory program, whether the scope of practice of the regulated occupation contributes to the optimum use of personnel.	<ul style="list-style-type: none"> • Licensing • Examinations
(XII) Whether entry requirements encourage equity, diversity, and inclusivity.	<ul style="list-style-type: none"> • Not available
(XIII) If reviewing a regulatory program, whether the agency, through its licensing, certification, or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses, certifications, or registrations that the agency denied based on the applicant's criminal history, the number of conditional licenses, certifications, or registrations issued based upon the applicant's criminal history, and the number of licenses, certifications, or registrations revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.	<ul style="list-style-type: none"> • Collateral Consequences
(XIV) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.	<ul style="list-style-type: none"> • Recommendations 1-7 • Administrative Recommendation 1

Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR's website at coprrr.colorado.gov.

The functions of the State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Board) and the Division of Professions and Occupations within the Department of Regulatory Agencies (Division and Department, respectively), as enumerated in Article 120 of Title 12, Colorado Revised Statutes (C.R.S.), shall terminate on September 1, 2024, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the Board pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation should be continued and to evaluate the performance of the Board and the Division. During this review, the Board must demonstrate that it serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

Methodology

As part of this review, COPRRR staff interviewed Board staff, practitioners, and officials with state and national professional associations; and reviewed complaint files, Colorado statutes and rules, and the laws of other states.

The major contacts made during this review include, but are not limited to:

- American Council of Engineering Companies;
- American Institute of Architects, Colorado Chapter;
- Board members;
- Colorado Association of Geotechnical Engineers;
- Colorado Attorney General's Office;
- Colorado Department of Transportation;
- Colorado Municipal League;
- Colorado Office of the State Architect;
- Division of Professions and Occupations;
- National Council of Architectural Registration Boards;
- National Council of Examiners for Engineering and Surveying;
- National Society of Professional Engineers, Colorado Chapter;
- Professional Land Surveyors of Colorado; and
- Rocky Mountain Mechanical Contractors Association.

In July 2023, COPRRR staff conducted a survey of all licensed architects, professional engineers, and professional land surveyors. The survey was sent to 49,327 licensees and 592 were returned as undeliverable. The survey received 4,232 responses, which is an 8.58 percent response rate. Survey results may be found in Appendix A.

Profile of the Professions

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first criterion asks whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.

To understand the need for regulation, it is first necessary to recognize what the profession does, where they work, who they serve and any necessary qualifications.

Architects

Architects are professionals who work to develop images and plans for a variety of buildings, including office buildings, homes, and other structures, with the goal of creating functionality and safety in the structural design.²

The work of an architect typically includes, but is not limited to:³

- Meeting with clients regarding any requirements for structures;
- Providing estimates regarding construction time and cost;
- Preparing structural specifications;
- Visiting worksites to determine if building construction is adhering to structural plans;
- Preparing structural drawings, either by hand or with the use of computer software; and
- Managing construction contracts.

There are typically three required components to become an architect, including education, an internship, and the passage of an examination.

Architects usually complete a five-year bachelor's degree program in architecture, but may also obtain a master's degree, which may require an additional one to five years of schooling. Currently, approximately two-thirds of the states require a degree in architecture from an accredited program, and all states require architects to be licensed.⁴

Additionally, state boards often require that a candidate for an architecture license complete a minimum of a three-year paid internship prior to sitting for any examinations. Internships are often completed by working for architectural firms, but

² Debbie Wolf et al., "What is an Architect? Learn More About What Architects Do," *Forbes Home*, November 2, 2022.

³ United States Bureau of Labor Statistics. *Occupational Outlook Handbook: Architects*. Retrieved July 10, 2023, from [bls.gov/ooh/architecture-and-engineering/architects.htm#tab-2](https://www.bls.gov/ooh/architecture-and-engineering/architects.htm#tab-2)

⁴ United States Bureau of Labor Statistics. *Occupational Outlook Handbook: How to Become an Architect*. Retrieved July 10, 2023, from [bls.gov/ooh/architecture-and-engineering/architects.htm#tab-4](https://www.bls.gov/ooh/architecture-and-engineering/architects.htm#tab-4)

in some states part of the training may also be completed in the offices of related fields, such as engineering or general contractor companies.⁵

Engineers

Engineers create design solutions while working under a variety of constraints such as the laws of nature, statutory requirements, and the desires of consumers.⁶ Engineers typically specialize in one of a variety of engineering fields, including, but not limited to:⁷

- Aerospace;
- Agricultural;
- Chemical;
- Civil;
- Computer Hardware;
- Electrical;
- Environmental;
- Health and Safety;
- Industrial;
- Marine;
- Naval;
- Mechanical;
- Mining;
- Nuclear; and
- Petroleum.

Engineers typically obtain a bachelor's degree in an area of specialty, although many engineering degrees are often completed in the disciplines of electrical, mechanical, and civil engineering. To be recognized as a professional engineer, an applicant must complete a variety of requirements, including education, an internship, and examination, although these requirements often vary from state to state.

These requirements typically include the following:⁸

- Earning a four-year degree in engineering from an accredited program;
- Completing four years of progressive experience under the supervision of a professional engineer; and
- Passing the *Fundamentals of Engineering* and the *Principles and Practice of Engineering* examinations.

⁵ Ibid.

⁶ Michigan Tech, College of Engineering. *What Do Engineers Do*. Retrieved July 10, 2023, from mtu.edu/engineering/outreach/welcome/engineers/

⁷ United States Bureau of Labor Statistics. *May 2022 Occupation Profiles*. Retrieved on July 10, 2023, from bls.gov/oes/current/oes_stru.htm#17-0000

⁸ National Society of Professional Engineers. *What is a PE?* Retrieved July 10, 2023, from nspe.org/resources/licensure/what-pe

In Colorado, one can practice as an engineer without a license, but can only refer to themselves as a Professional Engineer if a license is obtained.

Land Surveyors

Land surveyors make precise measurements to determine the boundaries of real property. Additionally, land surveyors provide data to determine the contour and shape of the property's surface which can be used in a variety of mapmaking, engineering, and construction projects.⁹

The work of a surveyor typically includes, but is not limited to:¹⁰

- Measuring distances and angles between points that may be on, below, or above the surface of the property;
- Researching land records, land titles, and survey records;
- Preparing maps, plots, and reports;
- Establishing official land or water boundaries;
- Looking for evidence regarding previous boundaries; and
- Presenting findings to clients and government entities.

Depending upon specific job duties, land surveyors may work in an office environment, or they may work in the field. Fieldwork may involve working in variable weather conditions, walking long distances, and standing for extended periods while taking measurements.¹¹

All 50 states require that a surveyor be licensed in order to certify legal documents regarding property lines or markings for construction projects. In order to be licensed, most states require the completion of similar components, including:¹²

- Completion of a preparatory bachelor's degree;
- Passing both the *Fundamentals of Surveying* and *Principles and Practices of Surveying* examinations; and
- Gaining sufficient experience under the supervision of a licensed surveyor.

⁹ United States Bureau of Labor Statistics. *Surveyors: What Surveyors Do*. Retrieved July 10, 2023, from [bls.gov/ooh/architecture-and-engineering/surveyors.htm#tab-2](https://www.bls.gov/ooh/architecture-and-engineering/surveyors.htm#tab-2)

¹⁰ Ibid.

¹¹ United States Bureau of Labor Statistics. *Surveyors: Work Environment*. Retrieved July 10, 2023, from [bls.gov/ooh/architecture-and-engineering/surveyors.htm#tab-3](https://www.bls.gov/ooh/architecture-and-engineering/surveyors.htm#tab-3)

¹² United States Bureau of Labor Statistics. *Surveyors: How to Become a Surveyor*. Retrieved July 10, 2023, from <https://www.bls.gov/ooh/architecture-and-engineering/surveyors.htm#tab-4>

The ninth sunset criterion questions the economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.

In 2022, the median pay for architects throughout the United States was \$82,840 and the median pay for surveyors was \$63,080. As was previously mentioned, there are a wide variety of fields in which engineers may work. According to the Bureau of Labor Statistics, the median pay for engineers in 2022 ranged from \$83,260 to \$132,360 for the engineering occupational types evaluated.¹³

¹³ United States Bureau of Labor Statistics. *Occupational Outlook Handbook: Architecture and Engineering Occupations*. Retrieved September 9, 2023, from bls.gov/ooh/architecture-and-engineering/home.htm

Legal Framework

History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first sunset and second sunset criteria question:

Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare; and

Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

Colorado began the regulation of architects in 1909, when the five-member Colorado State Board of Examiners of Architects (Architect Board) was established to develop licensure standards among specific professional tracks.

In 1919, the Colorado State Board of Engineer Examiners (Engineer and Land Surveyor Board) was established in Colorado to license both engineers and land surveyors. Engineers were also authorized to practice land surveying.

In 1981, multiple changes occurred relating to both professional boards. For example, the Architect Board's membership expanded to include two public members and one licensed general contractor, and a "surveyor quorum" was created within the Engineer and Land Surveyor Board, tasked with the administration of land surveying issues.

In 1988, following sunset reviews of both boards, additional statutory changes occurred. Among those changes were requirements for architects regarding the years of education and experience to sit for licensing examinations. Additionally, the Engineer and Land Surveyor Board was provided the authority to issue letters of admonition, and several grounds for discipline were added to the statute for engineers and land surveyors, including, but not limited to:

- The use of false, deceptive, or misleading advertising;
- Performing services beyond the competency, training, or education of a licensee; and
- Failing to report any engineering malpractice claims that were settled, or in which a judgement was entered.

Further, the Engineer and Land Surveyor Board was provided with the authority to enforce violations of Title 38, C.R.S., which includes specific standards of practice for land surveying.

The 2005 sunset review of the Architect Board recommended consolidating the two boards which led to the enactment of the board in its current form as State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Board). As a result, the merged statutory provisions for architects, professional engineers, and professional land surveyors, as well as the authority of the newly established Board, were located section 12-25-101 *et seq*, C.R.S. (Act), through the passage of House Bill 06-1196.

A sunset review was again performed in 2012 which made the recommendation to continue the Board for 11 years until 2024. Additionally, recommendations were made to align specific elements of the Act including, but not limited to:

- Reconciliation of the fining provisions for all licensees,
- Alignment of the stamp and seal requirements for documents among all three of the professions,
- Requirement that all licensees provide updated address changes to the Board within 30 days, and
- Revision of the language relating to drug and alcohol use throughout the Act.

These revisions to standardize provisions within the Act were enacted by the General Assembly through the passage of Senate Bill 13-161.

During the 2019 legislative session, the General Assembly recodified Title 12, C.R.S. with the passage of House Bill 19-1172. At that time, Article 25 was repealed and reenacted as Article 120. Though there were changes in the manner in which the law reads, and many provisions of law were combined with common elements of other laws, none of those changes affected the implementation or enforcement of the Act.

Legal Summary

The third, fourth, fifth and seventh sunset criteria question:

Whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;

Whether agency rules enhance the public interest and are within the scope of legislative intent;

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures,

and practices and any other circumstances, including budgetary, resource, and personnel matters; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

A summary of the current statutes and rules is necessary to understand whether regulation is set at the appropriate level and whether the current laws are impeding or enhancing the agency's ability to operate in the public interest.

The Board is established in section 12-120-101, *et seq.*, C.R.S. (Act), within the Department of Regulatory Agencies' Division of Professions and Occupations (Department and Division, respectively) to provide regulatory oversight for the three separate professions.

Board Composition

The Board is a Type 1 entity consisting of 13 members appointed by the Governor for staggered terms, including:¹⁴

- Four members who are professional engineers, with no more than two of the four members working in the same discipline;
- Three members who are practicing professional land surveyors;
- Three members who are practicing licensed architects; and
- Three members who are residents of the United States who have also been residents of the state for at least one year who have not practiced architecture, land surveying, or engineering.

Board member requirements are further specified for professional engineer members, including that each shall be a citizen of the United States, a resident of the state for at least one year, and licensed and practicing as a professional engineer for a minimum of five years.¹⁵

Additional Board member requirements are also specified for professional land surveyor members, including that each must be a citizen of the United States, a resident of Colorado for a minimum of one year, and licensed as a professional land surveyor for a minimum of five years.¹⁶ Further, the Board must have a separate "surveyor quorum," a type of advisory committee, which must relay information to the Board regarding issues relating to land surveyors. Also, the surveyor quorum of the Board is responsible for electing or appointing a chair, vice-chair, and a secretary on an annual basis.¹⁷

¹⁴ §§ 12-120-103(3) and (5), C.R.S.

¹⁵ § 12-120-103(4)(a), C.R.S.

¹⁶ § 12-120-103(4)(b), C.R.S.

¹⁷ § 12-120-103(4)(b)(III), C.R.S.

In order to be eligible as a member of the Board, an architect must be a citizen of the United States, a resident of the state for a minimum of one year and be a state-licensed architect with a minimum of three years of experience.¹⁸

The Act further requires that the Board meet a minimum of six times per year, and that the Board elect a chair, vice-chair, and a secretary on an annual basis.¹⁹

Powers and Duties of the Board

The Act specifies that the Board perform a variety of functions, including, but not limited to:²⁰

- Promulgating rules regarding organizations permitted to practice under the Act;²¹
- Promulgating rules related to standards of professional conduct for professional engineers, professional land surveyors, and architects; and
- Keeping records for all applicants for licensure under the Act.

Additional duties of the Board are also specified for each profession under the Act.

Regarding professional engineers, the Board must provide additional services, including:²²

- Provide examinations and passing score requirements to ensure minimal competency;
- Provide information to the public regarding the requirements of the Act; and
- Participate in the National Council of Examiners for Engineering and Surveying, and the Board must also send at least one delegate to its annual national meeting.

For professional land surveyors, the Board must provide additional services, including:²³

- Require professional land surveyors to demonstrate minimal competency through examination and education, and the Board may also require applicants to provide work examples, if necessary, for licensing;
- Provide examinations and set passing score requirements to ensure minimal competency, and the Board must publish a list of subjects included in the examination developed by the Board; and
- Examinations must be anonymously graded and identified only by numbers.

¹⁸ § 12-120-103(4)(c), C.R.S.

¹⁹ § 12-120-103(6), C.R.S.

²⁰ § 12-120-104(1), C.R.S.

²¹ § 12-120-204, C.R.S.

²² § 12-120-104(2), C.R.S.

²³ § 12-120-104(3), C.R.S.

Regarding architects, the Board must provide additional services, including:²⁴

- Provide examination and licensure for architect applicants, and renew qualified architect licenses;
- Conduct hearings when complaints are received regarding the conduct of architects;
- Prosecute, when necessary, violations of the Act; and
- Require licensed architects to utilize a stamp approved by the Board.

Further, the Board is directed to assume and continue any requirements and actions from its predecessor board regarding professional engineers—the State Board of Registration for Professional Engineers and Land Surveyors. Additionally, any person holding a valid architecture license prior to July 1, 2006, will be considered licensed under the Act.²⁵

The Board may take disciplinary action or limit the scope of practice of a licensee for violations of the Act in all three professions including, but not limited to:²⁶

- Engaging in fraud, misrepresentation, or deceit in attempting to obtain a license;
- Failing to meet generally accepted standards of practice;
- Being convicted of a felony or offering a plea of guilty or *nolo contendere* for a felony charge related to the profession;
- Violating or aiding and abetting a violation of the Act;
- Using false, deceptive, or misleading advertising;
- Performing services beyond the practitioner’s competency, education, or training; and
- Habitual or excessive use or abuse of alcohol, controlled substances, or any habit-forming drug.

Professional Engineer Licensure Requirements

The Act addresses the Board’s authority to prescribe and maintain a process for the licensure of professional engineers.

In order to apply for licensure, an applicant must:²⁷

- Submit an application;
- Pay the appropriate license fee; and
- Submit a statement to accompany the application regarding whether the applicant has been convicted of a felony in Colorado or any other state or has had a license revoked or suspended in Colorado or any other state.

²⁴ § 12-120-104(4), C.R.S.

²⁵ §§ 12-120-105(1) and (3), C.R.S.

²⁶ §§ 12-120-206(1), 12-120-306(1), and 12-120-406(1), C.R.S.

²⁷ § 12-120-209(1), C.R.S.

An applicant may qualify for licensure as a professional engineer by graduation, experience, and examination.²⁸ In order to be admitted to the examination, the applicant must meet at least one of the following requirement options:

- Option 1:²⁹
 - Graduate from a Board-approved engineering curriculum with a minimum of four years;
 - Possess a minimum of eight years of professional experience, which may include educational study; and
 - Have been enrolled as an engineer intern in Colorado.

- Option 2:³⁰
 - Graduate from a Board-approved engineering technology curriculum with a minimum of four years;
 - Possess a minimum of 10 years of progressive engineering experience, which may include educational study; and
 - Have been enrolled as an engineer intern in Colorado.

- Option 3:³¹
 - Graduate from an engineering curriculum that was not approved by the Board, with at least four years of educational experience, or from a related science curriculum of at least four years;
 - Possess 10 years of progressive engineering experience, which may include educational study; and
 - Have been enrolled as an engineer intern in Colorado.

- Option 4:³²
 - Graduate from an engineering curriculum of four or more years or from a related science curriculum of four or more years; and
 - Possess 20 years of progressive engineering experience, which may include educational study.

- Option 5:
 - An applicant may qualify for licensure as a professional engineer by experience and examination.³³ In order to be admitted to the examination, the applicant must:
 - Possess 12 years of progressive engineering experience, which may include educational study; and
 - Have been enrolled as an engineer intern in Colorado.

Further, the Board may request personal interviews only in instances where the application fails to demonstrate minimum qualifications regarding the applicant.³⁴

²⁸ § 12-120-213(2)(a), C.R.S.

²⁹ § 12-120-213(2)(b)(I), C.R.S.

³⁰ § 12-120-213(2)(b)(II), C.R.S.

³¹ § 12-120-213(2)(b)(III), C.R.S.

³² § 12-120-213(2)(b)(IV), C.R.S.

³³ § 12-120-213(3)(a), C.R.S.

³⁴ § 12-120-209(3), C.R.S.

The Board also maintains a process for enrollment as an engineer-intern. In order to qualify as an engineer-intern through the process of graduation, experience, and examination, an applicant must pass the *Fundamentals of Engineering* examination³⁵ and must possess a minimum of six years of progressive engineering experience, which may include the applicants' academic work.³⁶

To be admitted for the examination, the applicant must graduate from a Board-approved engineering or engineering technology curriculum of four years or longer or have senior status for four or more years.³⁷

Additionally, the applicant may qualify as an engineer intern by graduation and examination if an applicant passes the *Fundamentals of Engineering* and has senior status or graduated from a board-approved engineering curriculum of four or more years.³⁸

Also, professional engineers who have been licensed in Colorado and are over 65 years of age can be classified, upon application, with retired professional engineer status. With this status, applicants may not practice engineering and must pay a fee to retain the status.³⁹ Retired professional engineers may be reinstated to the status of professional engineer by paying the renewal fee.⁴⁰ If retired for two or more years, the retired professional engineer may need to pass the required examination unless the Board is satisfied that the retired professional engineer demonstrates continued competence.⁴¹

Once licensed, the professional engineer must obtain a stamp of either a crimp type, rubber stamp type, or an electronic seal type approved by the Board. The seal is required to contain the professional engineer's name, license number, and the words "Colorado licensed professional engineer".⁴² This seal is required to be utilized only when the work to which the seal was applied was prepared under the charge of the professional engineer.⁴³

Additionally, it is unlawful for any individual, partnership, joint stock company, limited liability company, professional association, or corporation to practice professional engineering in Colorado unless the individual responsible has complied with the provisions of the Act,⁴⁴ and no individual can hold themselves out to the public as a professional engineer unless the provisions of the Act have been met.⁴⁵

Further, the terms, "civil engineer," "structural engineer," "chemical engineer," "petroleum engineer," "mining engineer," "mechanical engineer," and "electrical

³⁵ § 12-120-211(2)(a), C.R.S.

³⁶ § 12-120-211(3)(a), C.R.S.

³⁷ § 12-120-211(3)(b), C.R.S.

³⁸ § 12-120-211(2)(a), C.R.S.

³⁹ § 12-120-213(4)(a), C.R.S.

⁴⁰ § 12-120-213(4)(b)(I), C.R.S.

⁴¹ § 12-120-213(4)(b)(II), C.R.S.

⁴² § 12-120-216(1), C.R.S.

⁴³ § 12-120-216(2), C.R.S.

⁴⁴ § 12-120-205(2), C.R.S.

⁴⁵ § 12-120-205(1), C.R.S.

engineer” cannot be used by any individual, professional partnership, joint stock company, limited liability company, professional association, or corporation unless the Act is complied with, nor can the terms, “engineer,” “engineered,” or “engineering” be utilized in an offer to perform services for the public without compliance with the Act. The general use of these words is not prohibited.⁴⁶

Professional Land Surveyor Licensure Requirements

The Act addresses the Board’s authority to prescribe and maintain a process for the licensure of professional land surveyors.

In order to apply for licensure, the application must be in a form specified by the Board and must contain statements taken under oath regarding the applicant’s education and experience. The applicant must also indicate whether they have ever been convicted of a felony in Colorado, or any other state, or have ever had a surveyor’s license suspended, revoked, not renewed, or have been fined or reprimanded related to work as a surveyor.⁴⁷ Further, the applicant must provide documentation of professional experience in order to be eligible for licensing.⁴⁸

An applicant may qualify for licensure as a professional land surveyor by education, experience, and examination as long as the applicant passes the *Principles and Practices of Surveying* examination and an additional examination pertaining to Colorado law.⁴⁹ In order to be admitted to an examination, the applicant must meet at least one of the following requirement options:

- Option 1:⁵⁰
 - Graduation from a Board-approved surveying curriculum of four or more years,
 - Demonstration of at least two years of progressive experience under the supervision of a professional land surveyor or exempted federal employee, and
 - Enrollment as a land surveyor intern in Colorado.

- Option 2:⁵¹
 - Graduation from a surveying curriculum of four or more years that is not Board-approved,
 - Demonstration of at least four years of progressive land surveying experience in which at least two years were under the supervision of a professional land surveyor or exempted federal employee, and
 - Enrollment as a land surveyor intern in Colorado.

⁴⁶ § 12-120-205(3), C.R.S.

⁴⁷ § 12-120-309(1), C.R.S.

⁴⁸ § 12-120-312, C.R.S.

⁴⁹ § 12-120-313(2)(a), C.R.S.

⁵⁰ § 12-120-313(2)(b)(I), C.R.S.

⁵¹ § 12-120-313(2)(b)(II), C.R.S.

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- Option 3:⁵²
 - Graduation from a Board-approved two-year surveying curriculum, or a four-year engineering program that included surveying curriculum specified by the Board in rule;
 - Demonstration of at least six years of progressive land surveying experience in which at least four years were under the supervision of a professional land surveyor or exempted federal employee; and
 - Enrollment as a land surveyor intern in Colorado.

 - Option 4:⁵³
 - Obtain a bachelor's degree in non-surveying curriculum;
 - Completion of surveying and other related coursework, as specified by the Board in rule;
 - Demonstration of at least six years of progressive land surveying experience, in which at least four years were under the supervision of a professional land surveyor or exempted federal employee; and
 - Enrollment as a land surveyor intern in Colorado.

The Board also maintains a process for enrollment as a land surveyor-intern. In order to qualify as a land surveyor-intern through the process of graduation and examination, an applicant must pass the *Fundamentals of Surveying* examination.⁵⁴ Further, to be admitted to the examination, the applicant must have either graduated or have senior status in a Board-approved surveying or surveying technology curriculum that is at least four years in length.⁵⁵

Further, professional land surveyors who have been licensed in Colorado and are over 65 years of age can be classified, upon application, with the status of retired professional land surveyor. With this status, applicants may not practice land surveying and must pay a fee to retain the status.⁵⁶ Retired professional land surveyors may be reinstated to the status of professional land surveyor by paying the renewal fee.⁵⁷ If retired for two or more years, the retired professional land surveyor may be required by the Board to pass the required examination unless the Board is satisfied that the retired professional land surveyor demonstrates continued competence.⁵⁸

Partnerships, corporations, and limited liability companies are not eligible for licensure, and an entity may practice in the state only if an individual in charge of land surveying activities is a professional land surveyor.⁵⁹

Further, it is unlawful to practice professional land surveying in the state without first being licensed, and the terms, “land surveyor,” “land surveying,” and “professional

⁵² § 12-120-313(2)(b)(III), C.R.S.

⁵³ § 12-120-313(2)(b)(IV), C.R.S.

⁵⁴ § 12-120-311(2)(a), C.R.S.

⁵⁵ § 12-120-311(2)(b), C.R.S.

⁵⁶ § 12-120-313(5)(a), C.R.S.

⁵⁷ § 12-120-313(5)(b)(I), C.R.S.

⁵⁸ § 12-120-313(5)(b)(II), C.R.S.

⁵⁹ § 12-120-304(1) and (2), C.R.S.

land surveyor,” cannot be used by any individual or entity unless utilized to perform services for the public in compliance with the Act.⁶⁰

Once licensed, the land surveyor may obtain a seal of either a crimp type, rubber stamp type, or an electronic seal type approved by the Board. The seal is required to contain the professional surveyor’s name, license number, and the words “Colorado licensed professional land surveyor.”⁶¹

This seal is required to be utilized only when the work was prepared under the charge of the professional land surveyor.⁶²

Architect Licensure Requirements

The Act further addresses the Board’s authority to prescribe and maintain a process for the licensure of architects.

In order to be eligible for licensure as an architect, the applicant must provide documentation of technical experience.⁶³

To apply for licensure, the applicant must submit an application which must contain evidence of education, practical experience, and a statement taken under oath that the applicant has never been disciplined or denied licensure as an architect.⁶⁴

The Board may set minimal experience and education requirements, including:⁶⁵

- No more than three years of practical experience under the direct supervision of a licensed architect or an architect who is exempt as specified in statute and either:
 - A professional degree issued from a program accredited by the National Architectural Accrediting Board or a successor entity; or
 - Substantial equivalent experience or education approved by the Board, not to exceed a requirement of five years of experience or education to be required by the Board;
- No more than 10 years of practical experience under the direct supervision of a licensed architect or an architect who is exempt as specified in statute; or
- A combination of practical experience and education, not to exceed 10 years.

Additionally, of the experience required by the Board, one year of experience may be obtained through teaching or research in an accredited program, on-site building

⁶⁰ § 12-120-305(1), C.R.S.

⁶¹ § 12-120-316(1), C.R.S.

⁶² § 12-120-316(3), C.R.S.

⁶³ § 12-120-412, C.R.S.

⁶⁴ § 12-120-409(1), C.R.S.

⁶⁵ § 12-120-413(1)(a), C.R.S.

construction operations, or the physical analysis of existing buildings,⁶⁶ and full credit must be given for four-year bachelor's degree programs in architecture or environmental design.⁶⁷

Further, the applicant must pass an examination or examinations approved by the Board at a minimum level of competency, and examinations must be offered at least two times per year at times and locations established by the Board.⁶⁸

Applicants also have the option to apply to a national clearinghouse approved by the Board, which would then forward the application to the Board.⁶⁹

Once an applicant receives licensure from the Board, an architect may obtain a crimp-type seal, electronic-type seal, or rubber stamp-type seal as long as the design is approved by the Board. The seal must contain the architect's name, license number, and the words "Colorado licensed architect". The architect's seal, signature, and date of signature can only be used when applied to work prepared under the architect's control.⁷⁰

Furthermore, architects who have been licensed in Colorado and are over 65 years of age can be classified, upon application, as a retired architect. With this status, applicants may not practice architecture and must pay a fee to retain the status. Retired architects may be reinstated to the status of an architect by paying the renewal fee. If retired for two or more years, the retired architect may be required by the Board to pass the required examination unless the Board is satisfied that the retired architect demonstrates continued competence.⁷¹

Additionally, the term "architect" can only be utilized in the business name of a partnership, firm, entity, or group if the majority of individual members, partners, officers, and directors are licensed.⁷² It is also unlawful for any person not licensed to use the terms "architect," "architects," "architecture," "architectural," or "licensed architect" as titles or in an offer to perform services.⁷³

⁶⁶ § 12-120-413(1)(b), C.R.S.

⁶⁷ § 12-120-413(1)(c), C.R.S.

⁶⁸ § 12-120-413(2), C.R.S.

⁶⁹ § 12-120-413(3), C.R.S.

⁷⁰ § 12-120-417(1) and (2), C.R.S.

⁷¹ § 12-120-414, C.R.S.

⁷² § 12-120-404(1), C.R.S.

⁷³ § 12-120-405(2)(c)(I), C.R.S.

Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The fifth, sixth and seventh sunset criteria question:

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;

Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The State Board of Licensure of Architects, Professional Engineers, and Professional Land Surveyors (Board) is established in section 12-120-101, *et seq.*, C.R.S. (Act), within the Department of Regulatory Agencies' Division of Professions and Occupations (Department and Division, respectively) to provide regulatory oversight for the three separate professions.

The Board is a Type 1 entity consisting of 13 members appointed by the Governor for staggered terms, including:⁷⁴

- Four members who are professional engineers, with no more than two of the four members working in the same discipline;
- Three members who are practicing professional land surveyors;
- Three members who are practicing licensed architects; and
- Three members who are residents of the United States who have also been residents of the state for at least one year who have not practiced architecture, land surveying, or engineering.

Board member requirements are further specified for professional engineer members, including that each shall be a citizen of the United States, a resident of the state for

⁷⁴ § 12-120-103(3) and (5), C.R.S.

at least one year, and licensed and practicing as a professional engineer for a minimum of five years.⁷⁵

Additional Board member requirements are also specified for professional land surveyor members, including that each must be a citizen of the United States, a resident of Colorado for a minimum of one year, and licensed as a professional land surveyor for a minimum of five years.⁷⁶ Further, the Board must have a separate “surveyor quorum,” which must relay information to the Board regarding issues relating to land surveyors.

In order to be eligible as a member of the Board, an architect must be a citizen of the United States, a resident of the state for a minimum of one year and be a state-licensed architect with a minimum of three years of experience.⁷⁷

Per the Act, the Board is required to hold at least six meetings per year, although the Board typically meets on a monthly basis, and notice of regular meetings must be provided.

The Chair of the Board or three members of the Board may call special meetings at any time if a written request is filed with the program director.⁷⁸

Table 2 highlights the total expenditures and the number of full-time equivalent (FTE) employees dedicated to the Board for fiscal years 17-18 through 21-22.

Table 2
Board Expenditures and FTE

Fiscal Year	Total Program Expenditure	FTE
17-18	\$1,086,855	3.45
18-19	\$1,174,967	3.45
19-20	\$1,333,076	3.60
20-21	\$1,215,377	3.25
21-22	\$1,285,043	3.20

The table indicates that FTE trended downward during fiscal years 20-21 through 21-22, yet expenditures continued to trend upward during the years reviewed. According to Board staff, several position vacancies occurred during this timeframe.

Additionally, Board staff has indicated that the overall increase in expenditures may relate to increased costs associated with the Office of Information Technology and the services it provides.

⁷⁵ § 12-120-103(4)(a), C.R.S.

⁷⁶ § 12-120-103(4)(b), C.R.S.

⁷⁷ § 12-120-103(4)(c), C.R.S.

⁷⁸ 4 CCR § 730-1.1-B-2, Architects, Professional Engineers, and Professional Land Surveyors Rules and Regulations.

The FTE reflected in the table do not include employees in the centralized offices of the Division that provide management, licensing, administrative, technical, and investigative support to the Board. However, the cost of those FTE is reflected in the total program expenditures.

In fiscal year 22-23, the Division allocated staff to the Board in the following manner:

- Program Management III (Senior Program Director) - 0.35 FTE. This position provides support to the Program Management II position regarding higher-level issues of the Board, provides representation and assistance to senior management as needed and assists with additional special projects impacting the functions of the Board;
- Program Management II (Program Director) - 0.35 FTE. - Provides direction for the business of the Board and manages Board staff in performing functions including conducting meetings of the Board, Board representation, and participation in national organization activities, education, and outreach activities. Additionally, this position directly supervises the Technician III and Technician V positions;
- Technician V (Program Manager) - 0.35 FTE. This position oversees Board meeting preparation and the direct supervision of two Administrative Assistant III positions to ensure timely and accurate processing of enforcement cases and applications referred to the Board;
- Technician III (Compliance Specialist) - 0.75 FTE. This position assists with preparation of materials and performs compliance management functions for the Board, including all duties after a case is referred for disciplinary action; and
- Administrative Assistant III. Two separate Administrative III positions work as a part of Board staff:
 - Complaint Specialist - 0.85 FTE. This position prepares complaints and reports of investigation for Board consideration, assists with Board meeting follow-up for non-disciplinary cases, processes monument records for distribution and posting, and manages the general Board email inbox; and
 - Licensing Specialist - 0.70 FTE. This position processes applications referred to the Board from the Division's Office of Licensing, including preparation for Board review and non-disciplinary follow-up after the Board meeting is concluded. Additionally, this position conducts a variety of Board meeting duties including the preparation of meeting minutes, processing Board member per diem forms, providing regular industry publications for Board meetings, managing Board member information, sending letters to respondents and complainants regarding open cases and management of Board meeting materials.

Licensing

The eleventh sunset criterion questions whether the scope of practice of the regulated occupation contributes to the optimum use of personnel.

In part, COPRRR utilizes this section of the report to evaluate the Board according to this criterion.

The Board is tasked with the issuance of licenses for architects, professional engineers, and professional land surveyors, and is further required to establish an enrollment process for engineer interns and land surveyor interns. The Board is also required by statute to establish an application process for license renewal and the reinstatement of expired licenses. Additionally, all activities of the Board are cash funded through licensure fees.

Table 3 depicts the costs of initial and renewal license fees for all license types during fiscal years 17-18 through 21-22.

Table 3
Fees for Professional Engineer, Professional Land Surveyor, and Architect Licensure

Fiscal Year	Initial Fee	Renewal Fee
17-18	\$100	\$21.50
18-19	\$100	\$21.50
19-20	\$100	\$90
20-21	\$100	\$90
21-22	\$100	\$64

The table above demonstrates that renewal fees have fluctuated during the years reviewed. Board staff has indicated that fee revenue in fiscal year 18-19 only covered 69 percent of the expenses of Board operation, and the renewal fee increase demonstrated in fiscal years 19-20 through 21-22 returned the fund to a positive balance in fiscal year 21-22.

Additionally, the Board incurred legal fees each year, and the fee adjustment accounts for the cost of managing the Board and maintaining the thresholds needed to remain compliant with fund balance requirements.

Table 4 details the initial fees for engineer interns and land surveyor interns during fiscal years 17-18 through 21-22.

**Table 4
Intern Fees**

Fiscal Year	Initial Fee	Renewal Fee
17-18	\$30	Not applicable
18-19	\$30	Not applicable
19-20	\$30	Not applicable
20-21	\$30	Not applicable
21-22	\$30	Not applicable

The table indicates that the initial fee for interns has remained stable. Additionally, internship is not renewable since interns typically work toward licensure upon completion of their internship.

According to Board staff, the Board does accept applicants who are enrolled as an intern in another state into Colorado’s internship program. If not seeking licensure, the Board initiates internship enrollment for the applicant. If an intern applicant from another state is seeking licensure and qualifies, the applicant would not be placed into the internship program.

To practice in Colorado as an architect, professional engineer, professional land surveyor, or intern, the applicant must first obtain either enrollment in the intern program or licensure through the Board. Applicants requesting a license or intern enrollment must demonstrate minimum competencies through the following requirements established in statute, including, but not limited to:

- Pay the application fee;
- Demonstrate the completion of educational requirements specified by the Board for each profession if applying for licensure by education, experience, and examination;
- Complete an application with either the National Council of Examiners for Engineering and Surveying (NCEES), if applicable;
- Provide the Architecture Experience Program number from the National Council of Architect Registration Boards (NCARB) or the NCEES identification number, if applicable;
- Provide information regarding any related licenses held in other jurisdictions;
- Provide name change documentation, if applicable; and
- Pass the required examinations for each occupation type.

In order to receive licensure by endorsement, architect, professional engineer, and professional land surveyor applicants must be in good standing in any other jurisdiction.

Additionally, for professional land surveyor⁷⁹ and professional engineer applicants,⁸⁰ the individual’s qualifications must be substantially equivalent to the current requirements of the Act and rules promulgated by the Board. Professional engineers may also qualify for licensure by endorsement if the qualifications possessed by the applicant met the requirements in another jurisdiction at the time of their initial licensure, which also met the requirements of the Board and the Act at that time.

For architect applicants, qualifications must be substantially equivalent to those that are currently required of new applicants by the Act and the rules promulgated by the Board, and applicants have the option to either apply directly with the Board or through NCARB.⁸¹

Table 5 provides the number of new licenses by examination, endorsement, and renewal licenses, as well as the total number of active licenses for all license types during fiscal years 17-18 through 21-22.

**Table 5
Licensing Information - All License Types**

Fiscal Year	New/Examination	Endorsement	Renewal	Total
17-18	1,772	1,766	33,311	53,050
18-19	1,543	1,642	0	55,922
19-20	1,154	1,431	35,081	55,593
20-21	1,406	1,514	0	58,403
21-22	1,388	1,629	36,260	58,023

Renewals for all license types occur every other year. The table indicates a decrease in new licenses in fiscal year 19-20, and Board staff has indicated that this decrease may have been related to the COVID-19 pandemic due to reduced accessibility of scheduling in-person examinations. For additional information regarding licensing information related to each license type, see Appendix B.

Board staff has indicated that the reduction in new or examination licenses, endorsements, and renewals during fiscal year 19-20 for any of the license types was largely attributable to the COVID-19 pandemic. Additionally, the “Total” categories in all license tables above indicate the total number of active licenses per type for each license category during fiscal years 17-18 through 21-22.

⁷⁹ State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors. *Land Surveyor and Intern Applications and Forms: Licensing Requirements*. Retrieved July 21, 2023, from dpo.colorado.gov/AES/LandSurveyorApplications

⁸⁰ State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors. *Engineer and Intern Applications and Forms: Licensing Requirements*. Retrieved July 21, 2023, from dpo.colorado.gov/AES/EngineerApplications

⁸¹ State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors. *Architect (ARC) Applications and Forms: Licensing Requirements*. Retrieved July 21, 2023, from <https://dpo.colorado.gov/AES/ArchitectApplications>

Examinations

The eleventh sunset criteria question whether the scope of practice of the regulated occupation contributes to the optimum use of personnel.

In part, COPRRR utilizes this section of the report to evaluate the Board according to this criterion.

The State of Colorado requires that all three professions complete specific examinations prior to licensure.

To obtain licensure, professional engineers must pass both the *Fundamentals of Engineering* (FE) examination and the *Principles and Practice of Engineering* (PE) examination, and professional land surveyors must pass both the *Fundamentals of Surveying* (FS) examination and the *Principles of Surveying* (PS) examination. All of these examination types are administered by NCEES. Additionally, all of these examinations are computer-based and can be completed at Pearson Vue test center locations across Colorado. To obtain licensure as an architect, all states require the applicant to pass the *Architect Registration Examination* (ARE), which is administered by NCARB. All examinations are psychometrically evaluated by NCEES and NCARB.

Table 6 provides all examination data for Colorado test takers of these for all occupation types for fiscal years 17-18 through 21-22.

Table 6
Examination Information

Fiscal Year	Number of Written Examinations Given	Pass Rate
17-18	3,373	62%
18-19	3,770	58%
19-20	2,730	66%
20-21	3,908	68%
21-22	3,568	67%

In the table above, fiscal year 19-20 shows a decrease in completed examinations. According to the Board staff, architects are required to complete multiple divisions of the ARE for licensure, which may be reflected the total number of examinations completed in a given year. Additionally, the number of examinations given does not represent a direct correlation to the number of licensees, since an individual taking an examination may or may not apply for licensure.

Professional Engineer Examination Requirements

The FE examination is designed for engineering graduates or students who are completing their degrees and is administered year-round for an examination fee of \$175. The examination contains 110 questions with an examination time of five hours and twenty minutes.⁸²

The PE examination is for engineers who have gained a minimum of four years of experience after completing educational requirements and is designed to test minimal competency in 27 different engineering disciplines.⁸³ The examination schedule varies, depending upon the discipline type, and has an examination fee of \$375.⁸⁴ Depending upon the version being administered, the examination contains 80 to 85 questions. The examination time is either eight hours or eight hours and 30 minutes, depending upon the examination type.⁸⁵

Table 7 provides national examination data for Engineering examinations for fiscal years 17-18 through 21-22.

Table 7
Engineering Examinations

Fiscal Year	Total FE Examinations	Pass Rate (%)	Total PE Examinations	Pass Rate (%)
17-18	1,337	64%	780	60%
18-19	1,406	59%	715	62%
19-20	1,123	64%	483	64%
20-21	1,528	54%	1,017	66%
21-22	1,503	58%	690	63%

As noted above, the pass rate for the PE examination appears to remain somewhat consistent, with pass rates fluctuating between 60 percent and 66 percent during the years under review. The pass rate for the FE examination decreased in fiscal year 20-21 and then began to rebound in fiscal year 21-22 with a pass rate of 58 percent. According to Board staff, the COVID-19 pandemic may have contributed to this decrease.

⁸² National Council of Examiners for Engineering and Surveying. *FE Exam: Fundamentals of Engineering (FE) Exam*. Retrieved July 20, 2023, from ncees.org/exams/fe-exam/

⁸³ National Council of Examiners for Engineering and Surveying. *PE Exam: Principles and Practice of Engineering (PE) Exam*. Retrieved July 20, 2023, from ncees.org/exams/pe-exam/

⁸⁴ *NCEES Examinee Guide*, National Council of Examiners for Engineering and Surveying (2023), p. 4. Retrieved July 20, 2023, from ncees.org/exams/

⁸⁵ *NCEES Examinee Guide*, National Council of Examiners for Engineering and Surveying (2023), p. 10. Retrieved July 20, 2023, from ncees.org/exams/

Professional Land Surveyor Examination Requirements

The FS examination is designed for recent graduates or students who are close to completing an undergraduate surveying degree from an accredited program. The examination is administered year-round for an examination fee of \$175.⁸⁶ Additionally, the examination contains 110 questions with an examination time of five hours and twenty minutes.⁸⁷

The PS examination is for surveyors who have gained a minimum of four years of experience after completing educational requirements and is designed to test minimal competency. It is administered year-round for an examination fee of \$300.⁸⁸ The examination contains 100 questions with an examination time of six hours.⁸⁹

Table 8 provides pass rate data for FS and PS land surveyor examinations for fiscal years 17-18 through 21-22.

Table 8
FS and PS Land Surveyor Examinations

Fiscal Year	Total FS Examinations	Pass Rate (%)	Total PS Examinations	Pass Rate (%)
17-18	28	42%	14	79%
18-19	33	13%	19	91%
19-20	63	38%	30	80%
20-21	49	70%	38	50%
21-22	34	58%	47	53%

The pass rates for both FS and PS examinations appear to widely fluctuate from fiscal year 17-18 to fiscal year 21-22. According to Board staff, no reason is known for this fluctuation.

Additionally, candidates for licensure as a land surveyor must also take and pass the Colorado State-Specific Professional Land Surveyor Examination (COPLS), which tests the applicants' knowledge of the laws and rules that govern the activities of professional land surveyors in Colorado. The COPLS examination is developed and maintained by the Board, and the Board is responsible for the content of the

⁸⁶ *NCEES Examinee Guide*, National Council of Examiners for Engineering and Surveying (2023), p. 4. Retrieved July 20, 2023, from ncees.org/exams/

⁸⁷ *NCEES Examinee Guide*, National Council of Examiners for Engineering and Surveying (2023), p. 10. Retrieved July 20, 2023, from ncees.org/exams/

⁸⁸ *NCEES Examinee Guide*, National Council of Examiners for Engineering and Surveying (2023), p. 4. Retrieved July 20, 2023, from ncees.org/exams/

⁸⁹ *NCEES Examinee Guide*, National Council of Examiners for Engineering and Surveying (2023), p. 10. Retrieved July 20, 2023, from ncees.org/exams/

examination as well as determining what qualifies as a passing score.⁹⁰ Additionally, the examination has been psychometrically evaluated.

All professional land surveyor applicants must complete and pass the COPLS examination in order to obtain licensure within the state, and the examination score is valid towards initial licensure for a period of two years, within which time the applicant must also complete and pass the PS examination. Additionally, any professional land surveyor whose license is expired for more than six years must retake the examination.⁹¹

The Board has contracted with Iso-Quality Testing (IQT), an affiliate of Prometric, to administer the COPLS examination, which has a total of nine testing center locations in Colorado.

The examination is closed book⁹², and consists of 40 to 45 multiple-choice questions, with a total time allotted for completion of 90 minutes. The cost of each examination attempt is \$130.⁹³

Table 9 provides pass rate data for COPLS examinations for fiscal years 17-18 through 21-22.

Table 9
COPLS Examination Pass Rates

Fiscal Year	Total COPLS Examinations	Pass Rate (%)
17-18	53	68%
18-19	68	69%
19-20	75	63%
20-21	79	53%
21-22	58	57%

The table reflects that pass rates dropped in fiscal year 20-21, and then began to rebound in fiscal year 21-22. According to Board staff, this decrease may be related to the COVID-19 pandemic.

⁹⁰ *CO State-Specific Professional Land Surveyor Exam (COPLS): Candidate Handbook*, State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (2021) p. 2-3.

⁹¹ Policy 40.8 Validity of the Colorado State Specific Land Surveying Examination, State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors.

⁹² *CO State-Specific Professional Land Surveyor Exam (COPLS): Candidate Handbook*, State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (2021), p. 20.

⁹³ *CO State-Specific Professional Land Surveyor Exam (COPLS): Candidate Handbook*, State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (2021), p. 4.

Architecture Examination Requirements

The ARE is designed for architects to assess competency in the practice of architecture related to health, safety, and welfare.⁹⁴ The ARE is divided into six separate sections, commonly referred to as *divisions*, and each division contains a variety of question types, including multiple choice questions, check-all-that-apply questions, quantitative fill-in-the-blank questions, hotspot questions, and drag-and-place questions. Each question is worth one point, and no partial credit is awarded for any answers.⁹⁵

Further, the examination divisions may be completed in any order. However, all six examination divisions must be passed as a component of licensure.

Each of the six separate divisions of the ARE cost separate examination fees of \$235 per division, or a total of \$1,410. Additionally, a fee of \$235 is assessed to retake any division of the ARE.⁹⁶

The ARE examination is administered in a computerized format and can be completed utilizing online proctoring or an appointment can be scheduled with a designated testing center.⁹⁷

Table 10 provides national examination data for architect examinations for fiscal years 17-18 through 21-22.

Table 10
Architect Examinations

Fiscal Year	Total Active Test Takers	Total ARE Examination Divisions Administered	Pass Rate (%)
17-18	590	1,568	64%
18-19	496	1,537	61%
19-20	638	1,033	48%
20-21	370	746	64%
21-22	434	1,130	65%

The pass rate for the ARE decreased in fiscal year 19-20 and then began to rebound in fiscal year 20-21 with a pass rate of 64 percent. According to Board staff, the COVID-19 pandemic may have contributed to this decrease.

⁹⁴ National Council of Architect Registration Boards. *Pass the ARE*. Retrieved July 20, 2023, from ncarb.org/pass-the-are

⁹⁵ National Council of Architect Registration Boards. *ARE 5.0 Format*. Retrieved July 20, 2023, from ncarb.org/pass-the-are/prepare/are-5-0-format

⁹⁶ National Council of Architect Registration Boards. *Fees: Examination Fees*. Retrieved July 20, 2023, from ncarb.org/fees

⁹⁷ National Council of Architect Registration Boards. *Scheduling an Appointment*. Retrieved July 20, 2023, from ncarb.org/pass-the-are/start/scheduling

Continuing Education

Architects are also required to complete 12 continuing education hours (CEH) each calendar year to maintain licensure.⁹⁸ Licensees are not required to submit documentation regarding CEH on an annual basis but must maintain records of any completed CEH for six years from the date of the credit award,⁹⁹ which may be periodically audited by the Board.

According to Board staff, the last continuing education audit occurred after the 2019 renewal cycle in which 190 licensee's continuing education records were audited and 92 licensees' records were referred from the Audit Team for consideration of non-compliance or deficient continuing education review.

An additional audit was not performed during the 2021 renewal cycle based on the Board's intent to revisit rules related to continuing education. However, it is anticipated that the Board will continue the audits after the conclusion of the 2023 renewal cycle. Only architects are required to complete continuing education.

Complaints

The eighth and tenth sunset criteria require COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the Board according to these criteria.

The Board reviews complaints and takes disciplinary actions resulting from violations of the Act. Table 11 details the number of alleged violation types received from complaints for fiscal years 17-18 through 21-22 for all occupation types, which includes both licensees and interns.

⁹⁸ 4 § CCR 730-1.3.a.2.e, Architects, Professional Engineers, and Professional Land Surveyor Rules and Regulations.

⁹⁹ 4 § CCR 730-1. 3.a.2.n, Architects, Professional Engineers, and Professional Land Surveyor Rules and Regulations.

Table 11
Complaint Information - All Occupation Types

Nature of Complaints	17-18	18-19	19-20	20-21	21-22
Practicing Without a License	162	241	239	195	238
Aiding and Abetting Unlicensed Practice	1	2	0	3	0
Standard of Practice	62	122	124	83	98
Outside of the Scope of Practice	1	3	1	0	0
Unprofessional Conduct	22	9	10	15	17
Violation of Order	4	7	3	1	1
Continuing Education Violation	53	37	22	95	17
Failure to Report	6	7	4	1	2
Improper Supervision	0	0	1	0	0
Drug or Alcohol Abuse	2	0	1	1	0
Criminal Conviction	0	2	3	1	2
Physical or Mental Disability	0	0	0	0	0
Total	313	430	408	395	375

The category of “Outside of the Scope of Practice” relates to professionals working within their field, but outside of their training and expertise. The table also indicates an increase in standard of practice violations in fiscal years 18-19 and 19-20. According to the Board staff, no reason is known for this increase. For additional information regarding complaint information related to each occupation type see Appendix C.

Continuing education violations appear to fluctuate widely during the years under review. According to Board staff, this fluctuation may be due to the timing between when CEH credits must be completed and the annual renewal cycle since renewal occurs in October and licensees have until the end of the year for CEH completion.

Disciplinary Activity

The tenth sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the Board according to this criterion.

Table 12 summarizes disciplinary actions taken by the Board in fiscal years 17-18 through 21-22 for all occupation types.

Table 12
Final Agency Actions - All Occupation Types

	17-18	18-19	19-20	20-21	21-22
Revocation/Surrender/Voluntary Relinquishment	2	4	6	12	7
Suspension	3	4	3	0	2
Probation/Practice Limitation	30	49	69	55	48
Letter of Admonition	21	10	14	19	26
License Denied	1	0	0	1	4
Cease and Desist Orders	7	15	9	8	9
Injunctions	1	2	0	1	2
Final Agency Orders	0	1	1	1	1
Total Disciplinary Actions	65	85	102	97	99
Dismiss	117	288	263	225	146
Dismissed Application	Not applicable	Not applicable	Not applicable	Not applicable	103
Letter of Concern	57	19	58	13	64
Total Dismissals	174	307	321	238	313

The table indicates that total disciplinary actions have been increasing overall during fiscal years 17-18 through 21-22. According to Board staff, this increase may be largely attributable to architect continuing education violations through the resumption of continuing education audits.

Additionally, the table demonstrates that there was a large increase in the issuance of letters of concern in fiscal year 21-22. According to Board staff, this fluctuation may be largely based upon licensees who failed to timely renew their license and upon reinstatement, reported that they continued to practice while their license was expired.

The dismissed application category is utilized as an internal tracking mechanism by the Board and includes instances in which the application was approved, and the matter was dismissed. According to Board staff, fiscal year 21-22 was the first year in which this newly created category for dismissals was separately tracked.

The table above demonstrates that the number of dismissals rose in fiscal year 18-19, and then gradually decreased through fiscal year 20-21, with a sharp decrease in fiscal year 21-22. According to Board staff, no reason is known for this decrease.

For additional information regarding final agency actions related to each occupation type see Appendix D.

Fines

The Board is authorized by the Act to assess fines for any proven violations of the Act by a licensee.

Table 13 provides information regarding the number of fines imposed, the total value of fines imposed, and the total dollar amount of fines paid for fiscal years 17-18 through 21-22 for all occupation types.

Table 13
Fines Imposed - All Occupation Types

Fiscal Year	Number of Fines Imposed	Total Value of Fines Imposed	Total Value of Fines Paid
17-18	21	\$22,500	\$37,500
18-19	37	\$53,000	\$50,850
19-20	66	\$87,235	\$89,205
20-21	30	\$32,400	\$52,130
21-22	38	\$49,000	\$56,500

The table indicates that the total value of fines paid was higher than the total value of fines imposed in fiscal years 17-18, 19-20, 20-21, and 21-22. According to Board staff, this may occur when fines assessed are not paid in a timely manner and may be tabulated as a fine paid in later fiscal years.

Additionally, the table demonstrates that fines imposed were significantly higher during fiscal year 19-20. Board staff has indicated that the majority of fines imposed this year related to compliance issues regarding continuing education for architects.

For additional information regarding fines imposed related to each occupation type see Appendix E.

Table 14 depicts the average number of days for case processing time during fiscal years 17-18 through 21-22 for all occupation types. Each case lifespan is tabulated from the filing of the initial complaint through the final agency action taken.

Table 14
Average Time to Case Closure - All Occupation Types

Fiscal Year	Number of Days
17-18	183
18-19	177
19-20	148
20-21	172
21-22	79

The table demonstrates a significant decrease in the number of days for case closure during fiscal year 21-22. According to Board staff, the reduction in the number of days to case closure has been a major focus of the Division in recent years.

For additional information regarding fines imposed related to each occupation type see Appendix F.

Collateral Consequences - Criminal Convictions

The thirteenth sunset criterion requires COPRRR to examine whether the agency, through its licensing, certification, or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests.

COPRRR utilizes this section of the report to evaluate the Board according to this criterion.

The Board may deny, revoke, suspend, refuse to renew, or impose additional conditions upon a licensee based on a felony conviction or offering a plea of guilty or *nolo contendere* if the felony relates to the ability to practice architecture, engineering, or land surveying.¹⁰⁰

Board staff has indicated that no related felony violations have been found to have occurred during fiscal years 17-18 through 20-21.

¹⁰⁰ §§ 12-120-206(1)(c), 12-120-306(1)(c), and 12-120-406(1)(c), C.R.S.

Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendations that follow are offered in consideration of this criterion, in general, and any criteria specifically referenced in those recommendations.

Recommendation 1 – Continue the State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors for nine years, until 2033.

Architects, professional engineers, and professional land surveyors perform invaluable services in the communities in which they work by ensuring safety and structural integrity in buildings, public works, and products, and must keep accurate historical records of property boundaries. Additionally, these professions have the ability to approve the work of others in their field, which increases their individual levels of responsibility and the need to ensure minimal competency.

The State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors (Board) is established in section 12-120-101, *et seq.*, Colorado Revised Statutes (C.R.S.) (Act), within the Department of Regulatory Agencies' Division of Professions and Occupations (Department and Division, respectively) to provide regulatory oversight for the three separate professions.

The Board strives to protect consumers from harm through educational and licensure requirements to ensure that architects, professional engineers, and professional land surveyors receive proper training and maintain competency in their field. The Board also reviews complaints and may discipline licensees for violations of the Act including potential revocation for severe violations.

The first sunset criterion asks,

Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.

Through the application of the regulatory framework established in the Act, the Board provides effective oversight in order to protect the public interest. As changes in techniques utilized by the three professions are consistently evolving, the General Assembly should continue the Act for nine years, until 2033.

Recommendation 2 – Include in the grounds for discipline, failure to respond to the allegations of a complaint within the length of time specified in the Board’s letter.

Board staff has indicated that some licensees fail to respond to inquiries regarding complaint allegations. Currently, there is no statutory basis that requires a licensee to provide a timely response to the allegations, which may slow down disciplinary proceedings since a response is often required before the Board can take any action. These delays may place the public at risk when complaints are related to serious allegations, and the licensee may be able to continue to practice while the Board awaits a response.

Two types of letters are typically sent out by the Board to inform a licensee that a complaint has been filed against them: either a 30-day letter or, in critical circumstances in which the allegation involves public safety, a 10-day letter. Each letter clearly identifies the time frame (either 30 days or 10 days) within which a licensee is required to respond, as well as additional information regarding the allegations. Additionally, the practitioner should receive communication regarding the Board’s letter promptly since practitioners are already required to notify the Board of any change in their contact information within 30 days of the change.¹⁰¹

The tenth and fourteenth sunset criteria ask,

Whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity; and

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

By adding failure to respond to a complaint as a violation of the Act, a response not received within the timeframe specified would allow the Board to take actions to prevent potential consumer harm through the initiation of formal disciplinary proceedings when required.

Therefore, the General Assembly should amend sections 12-120-206, 12-120-306, and 12-120-406, C.R.S., to include in the grounds for discipline, failure to respond to the allegations of a complaint within the length of time specified in the Board’s letter.

¹⁰¹ §§ 12-120-214(5), 12-120-314(5), and 12-120-415(4), C.R.S.

Recommendation 3 – Repeal statutory references to examination names.

Multiple sections in statute reference the names of examinations for both professional engineers and professional land surveyors. Specifically, the Act references the *Fundamentals of Engineering, Principals and Practices of Engineering, Fundamentals of Surveying* and the *Principals and Practice of Surveying* examinations.

The Board arguably has the authority to select a different examination, but naming the examination in statute creates a presumption that this is the examination to be selected, and if the examination authorized by the Board were to change in the future, statute would also need to be amended to reflect the change.

The better practice would be to authorize the Board to adopt the appropriate examination. Repealing the references to specific examination names would provide the state with greater flexibility in the event that another examination was developed, or if an examination name changed in the future.

The third sunset criterion asks whether the existing rules and regulations establish the least restrictive form of regulation consistent with the public interest. Naming specific examinations in statute limits the Board’s authority and flexibility, which is contrary to the goal to protect public interests. For this reason, the General Assembly should repeal statutory references to examination names.

Recommendation 4 – Repeal the requirement that Board members be citizens of the United States and residents of the state of Colorado.

The Act states that citizenship and residency is a requirement for all professional members of the Board:

Each professional engineer member of the Board shall be a citizen of the United States and a resident of this state for at least one year...;¹⁰²

A professional land surveyor who is a member of the Board shall be a citizen of the United States and a resident of Colorado for at least one year; and¹⁰³

To be eligible for membership on the Board, an architect shall be: A United States citizen and a resident of Colorado for at least one year...¹⁰⁴

¹⁰² § 12-120-103(4)(a), C.R.S.

¹⁰³ § 12-120-103(4)(b), C.R.S.

¹⁰⁴ § 12-120-103(4)(c)(I), C.R.S.

Further, members of the Board that are not professionals regulated by the Act are also held to this same requirement in section 12-120-103(3), C.R.S.:

...three members shall be citizens of the United States and residents of this state for at least one year who have not practiced architecture, engineering, or land surveying.

This citizenship and residency requirement is relatively unique to the Board and is not a requirement of any of the Board's licensees. There is no citizenship or residency requirement for practitioners applying for either application by examination or endorsement, and those seeking application by endorsement are only required to be licensed and in good standing in another jurisdiction.

The fifth sunset criterion asks whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes. The requirement that a Board member be a citizen of the United States and a resident of the state may prevent the appointment of qualified individuals, which may impede the Board's ability to effectively serve the public interest.

Further, the third sunset criterion asks whether the existing rules and regulations establish the least restrictive form of regulation consistent with the public interest. The current statutory citizenship and residency requirement is unnecessarily restrictive since it may inadvertently bar otherwise qualified candidates from serving on the Board.

Therefore, the General Assembly should repeal the requirement that Board members be citizens of the United States and residents of the state of Colorado.

Recommendation 5 – Repeal the requirement that applicants supply a business address on the license application.

Section 12-120-104(1)(c)(III), C.R.S., currently requires that the applicant's place of business be supplied as a part of each application for licensure.

Stakeholders have indicated that in the event that an applicant is not employed at the time at which the application for licensure is submitted, this may create confusion and be interpreted as an undue burden on applicants.

Board staff have also stated that this business address requirement is redundant since every applicant for licensure is already required to provide current contact information. However, the contact information supplied does not necessarily need to be a business address.

The third and fourteenth sunset criterion ask,

Whether the existing rules and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms; and

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

Since supplying a business address may not be feasible for some applicants and the Board does not currently utilize this information in a specific way, it would be in the public interest to remove this requirement to eliminate confusion and to increase the ease in which an application may be submitted, thereby reducing barriers to entry.

Therefore, the General Assembly should repeal the requirement that applicants supply a business address on the license application.

Recommendation 6 – Repeal references in the Act regarding the Occupational Credential Portability Program

Throughout the Act, there are multiple references for each of the three occupations related to the Occupational Credential Portability Program (Portability Program) which refer readers to the Portability Program’s licensure requirements.

In 2022, Senate Bill 22-116 (SB 116) was passed by the General Assembly, which added engineers, surveyors, and architects to the list of professions exempted from the Portability Program. However, references located within the Act that refer to the Portability Program were not simultaneously removed.

The fifth and fourteenth sunset criteria ask,

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters; and

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

These remaining references in the Act that refer readers to the requirements of the Portability Program conflict with the passage of SB 116 and create potential confusion for readers when reviewing the Act and Portability Program statutes. Additionally, the Board has been complying with SB 116 since it was passed, so this recommendation aligns with current practice. Therefore, the General Assembly should remove

references in the Act regarding the Portability Program to create further statutory clarity and uniformity.

Recommendation 7 – Make technical amendments to the Act.

The Act contains outdated language that should be revised to eliminate obsolete references and to reflect current terminology and administrative practices. Therefore, the Act should be amended to address the following technical issues:

- Amend section 12-120-203(1), C.R.S., to remove, “This Part 2 does not affect any of the following” and revise to state, “Nothing in this part 2 shall be construed to require licensure as a professional engineer for the following”; and
- Amend the Act to make it gender neutral by replacing terms such as “him”, “her”, “he”, and “she” with a gender neutral term.

Administrative Recommendation 1 – The Board should hold stakeholder meetings regarding Title 38, C.R.S., to address any necessary clarifications to rule or statute.

Title 38, Articles 50 through 53, C.R.S., address processes regarding survey plats and monuments records, which relate to a substantial portion of the work performed by professional land surveyors. These statutory provisions are complex, and some may be interpreted in multiple ways. In fact, the Board has developed a unique test for professional land surveyors related to these statutory provisions to ensure that they are performing related tasks with minimal competency.

Throughout the course of this sunset review, stakeholders raised a variety of concerns relating to these Title 38 provisions, including, but not limited to:

- Monuments record and survey plat submission dates;
- The definition of improvement plat;
- Requirements regarding controlling corners; and
- Requirements regarding witness corners.

However, due to the limited scope of the sunset review, these issues were not able to be fully addressed as they are located in statutes outside of the Act. Additionally, stakeholders were unable to come to a consensus regarding what, if any, potential changes to rule or statute would be beneficial within the limited time frame of the sunset review.

The fourteenth sunset criterion asks,

Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

If the Board were to hold stakeholder meetings to address these and other related issues, participation from professional land surveyors and interested members of the public could lead to the development of potential revisions to rule or statute to provide further clarity and ultimately, enhance the public interest. Therefore, The Board should hold stakeholder meetings regarding Title 38 to address any necessary clarifications to rule or statute.

Appendix A – Customer Service Survey

In July 2023, COPRRR staff conducted a survey of all licensed architects, professional engineers, and professional land surveyors. The survey was sent to 49,327 licensees and 592 were returned as undeliverable. The survey received 4,232 responses, which is an 8.58 percent response rate. Survey results may be found below.

What is your relationship to the Board?

Relationship	Percentage
Professional Engineer, Professional Land Surveyor	0.5%
Professional Land Surveyor	7.5%
Architect	24.9%
Professional Engineer	66.9%

Please indicate your years of experience in the profession.

Years of Experience	Percentage
1 to 2 years	1.1%
2 to 5 years	1.8%
5 to 10 years	4.8%
10 to 15 years	6.8%
15 to 20 years	9.1%
20 plus years	76.4%

In the past year, how many times have you interacted with Board staff? Please count all forms of interaction (telephone, e-mail, internet or website, regular mail, in person).

Number of Interactions	Percentage
I have not interacted	65.4%
1 to 2 times	27.1%
2 to 4 times	4.3%
4 to 6 times	1.4%
6 to 8 times	0.5%
8 or more times	1.3%

If you have interacted with the Board's staff, what was your primary purpose in doing so?

Purpose of Interaction	Percentage
Licensing or registration	27.4%
Inspection, audit or examination	0.2%
To file a complaint	0.4%
To learn about the requirements for a profession/occupation	0.9%
To learn about the functions of (insert name of program/agency)	0.03%
To obtain help with an issue	1.3%
Respond to a complaint	0.5%
Respond to a request made to you	0.5%
Participate in a board, committee, commission, taskforce or working group for the agency	0.4%
Comment on or learn about existing/proposed rules or legislation	2%
Continuing education	1.6%
Update my information	3.4%
Questions about the scope of practice	0.3%
Not applicable	61%
Other	0%

Overall please rate the service provided by the Board's staff.

Service Provided	Percentage
Excellent	25.2%
Good	13.8%
Fair	3%
Poor	1.1%
Unacceptable	0.6%
Not Applicable	56.4%

Please rate the usefulness of the Board's website in answering your questions or providing needed information.

Website Usefulness	Percentage
Excellent	25.2%
Good	31.4%
Fair	7.6%
Poor	1.7%
Unacceptable	0.4%
Not Applicable	33.7%

Please rate the usefulness of the Board staff's communications in answering your questions or providing needed information.

Communications Usefulness	Percentage
Excellent	19.8%
Good	14.8%
Fair	3.2%
Poor	1.2%
Unacceptable	0.6%
Not Applicable	60.4%

Regardless of the outcome of your most recent issue, do you feel the Board's staff listened to your concerns?

Listening to Concerns	Percentage
Excellent	17.7%
Good	11.6%
Fair	2.2%
Poor	1.1%
Unacceptable	0.6%
Not Applicable	66.7%

Please rate the timeliness of the Board's staff in responding to your issues.

Response Timeliness	Percentage
Excellent	18.3%
Good	12.3%
Fair	3%
Poor	1.1%
Unacceptable	0.6%
Not Applicable	64.7%

Please provide the number and types of interactions that were required to resolve or address your most recent issue. (Please select all applicable types of interactions used AND the number times for each type OF interaction selected.)

Number of Interactions	Type of Interaction				
	Phone	Website	E-mail	In Person	Regular Mail
0 times	2,600	1,630	2,198	2,771	2,702
1 to 2 times	450	1,330	818	41	129
3 to 4 times	57	207	140	0	0
5 to 6 times	0	56	37	0	0
7 or more times	0	49	34	0	0

Please rate the helpfulness of the Board's staff in resolving your issue or need.

Helpfulness	Percentage
Excellent	20.2%
Good	13.3%
Fair	2.9%
Poor	1.3%
Unacceptable	0.8%
Not Applicable	61.6%

Please rate the professionalism of the Board's staff.

Professionalism	Percentage
Very professional	23.6%
Professional	14.4%
Somewhat professional	2.2%
Not very professional	0.7%
Unprofessional	0.4%
Not applicable	58.8%

Please rate the accuracy of information provided by the Board's staff.

Professionalism	Percentage
Very accurate	22.3%
Accurate	16.9%
Somewhat accurate	1.6%
Not very accurate	0.7%
Inaccurate	0.5%
Not applicable	58.1%

Appendix B – License by Examination, Endorsement, and Renewal by Occupation

The following tables provide the number of new licenses by examination, endorsement, and renewal licenses, as well as the total number of active licenses by occupation type during fiscal years 17-18 through 21-22.

Licensing Information - Architects

Fiscal Year	New/Examination	Endorsement	Renewal	Total
17-18	225	338	7,181	7,622
18-19	157	300	0	8,143
19-20	135	292	7,486	7,980
20-21	139	387	0	8,464
21-22	135	434	7,664	8,255

Licensing Information - Professional Engineers

Fiscal Year	New/Examination	Endorsement	Renewal	Total
17-18	524	1,187	24,424	26,012
18-19	495	1,089	0	27,741
19-20	371	1,104	25,947	27,367
20-21	551	1,099	0	29,183
21-22	599	1,177	27,025	28,821

Licensing Information - Professional Land Surveyors

Fiscal Year	New/Examination	Endorsement	Renewal	Total
17-18	12	26	1,706	1,696
18-19	16	30	0	1,753
19-20	13	35	1,648	1,681
20-21	13	28	0	1,723
21-22	18	18	1,571	1,615

Licensing Information - Engineer Interns

Fiscal Year	New/Examination	Endorsement	Renewal	Total
17-18	998	214	Not applicable	17,454
18-19	868	220	Not applicable	18,026
19-20	618	148	Not applicable	18,388
20-21	678	11	Not applicable	18,748
21-22	619	6	Not applicable	19,040

Licensing Information - Land Surveyor Interns

Fiscal Year	New/Examination	Endorsement	Renewal	Total
17-18	13	1	Not applicable	266
18-19	7	4	Not applicable	259
19-20	17	3	Not applicable	267
20-21	25	2	Not applicable	285
21-22	17	0	Not applicable	291

Appendix C – Complaint Information by Occupation

The following tables list the number of alleged violation types received from complaints for fiscal years 17-18 through 21-22 for all occupation types.

Complaint Information - Architects

Nature of Complaints	17-18	18-19	19-20	20-21	21-22
Practicing Without a License	53	66	73	64	60
Aiding and Abetting Unlicensed Practice	0	0	0	1	0
Standard of Practice	12	20	24	16	25
Outside of the Scope of Practice	0	1	0	0	0
Unprofessional Conduct	6	2	7	4	5
Violation of Order	1	2	2	1	0
Continuing Education Violation	53	38	23	95	17
Failure to Report	2	3	1	1	0
Improper Supervision	0	0	1	0	0
Drug or Alcohol Abuse	2	0	0	0	0
Criminal Conviction	0	0	1	0	0
Physical or Mental Disability	0	0	0	0	0
Total	129	132	132	182	107

Complaint Information - Professional Engineers

Nature of Complaints	17-18	18-19	19-20	20-21	21-22
Practicing Without a License	93	143	126	92	138
Aiding and Abetting Unlicensed Practice	1	2	0	2	0
Standard of Practice	38	71	75	50	58
Outside of the Scope of Practice	1	2	1	0	0
Unprofessional Conduct	14	5	2	9	9
Violation of Order	2	1	0	0	0
Continuing Education Violation	0	0	0	0	0
Failure to Report	4	3	3	0	2
Improper Supervision	0	0	0	0	0
Drug or Alcohol Abuse	0	0	1	1	0
Criminal Conviction	0	2	2	1	1
Physical or Mental Disability	0	0	0	0	0
Total	150	229	210	155	208

Complaint Information - Professional Land Surveyors

Nature of Complaints	17-18	18-19	19-20	20-21	21-22
Practicing Without a License	13	22	14	7	10
Aiding and Abetting Unlicensed Practice	0	0	0	0	0
Standard of Practice	12	30	24	16	15
Outside of the Scope of Practice	0	0	0	0	0
Unprofessional Conduct	1	1	1	1	2
Violation of Order	1	4	1	0	1
Continuing Education Violation	0	0	0	0	0
Failure to Report	0	0	0	0	0
Improper Supervision	0	0	0	0	0
Drug or Alcohol Abuse	0	0	0	0	0
Criminal Conviction	0	0	0	0	0
Physical or Mental Disability	0	0	0	0	0
Total	27	57	40	24	29

Complaint Information - Engineer Interns

Nature of Complaints	17-18	18-19	19-20	20-21	21-22
Practicing Without a License	2	7	19	21	20
Aiding and Abetting Unlicensed Practice	0	0	0	0	0
Standard of Practice	0	1	0	1	0
Outside of the Scope of Practice	0	0	0	0	0
Unprofessional Conduct	1	1	0	1	1
Violation of Order	0	0	0	0	0
Continuing Education Violation	0	0	0	0	0
Failure to Report	0	0	0	0	0
Improper Supervision	0	0	0	0	0
Drug or Alcohol Abuse	0	0	0	0	0
Criminal Conviction	0	0	0	0	0
Physical or Mental Disability	0	0	0	0	0
Total	3	9	19	23	21

Complaint Information - Land Surveyor Interns

Nature of Complaints	17-18	18-19	19-20	20-21	21-22
Practicing Without a License	1	3	7	11	10
Aiding and Abetting Unlicensed Practice	0	0	0	0	0
Standard of Practice	0	0	0	0	0
Outside of the Scope of Practice	0	0	0	0	0
Unprofessional Conduct	0	0	0	0	0
Violation of Order	0	0	0	0	0
Continuing Education Violation	0	0	0	0	0
Failure to Report	0	0	0	0	0
Improper Supervision	0	0	0	0	0
Drug or Alcohol Abuse	0	0	0	0	0
Criminal Conviction	0	0	0	0	0
Physical or Mental Disability	0	0	0	0	0
Total	1	3	7	11	10

Appendix D – Final Agency Actions by Occupation

The following tables summarize disciplinary actions taken by the Board in fiscal years 17-18 through 21-22 for each occupation type.

Final Agency Actions - Architects

	17-18	18-19	19-20	20-21	21-22
Revocation/Surrender/Voluntary Relinquishment	0	4	3	10	9
Suspension	3	1	3	0	1
Probation/Practice Limitation	15	31	39	43	36
Letter of Admonition	8	2	9	7	11
License Denied	0	0	0	0	2
Cease and Desist Orders	0	1	2	1	1
Injunctions	1	1	0	0	1
Final Agency Orders	0	0	0	0	0
Total Disciplinary Actions	27	40	56	61	61
Dismiss	36	59	61	60	50
Dismissed Application	0	0	0	0	19
Letter of Concern	16	4	19	4	16
Total Dismissals	52	63	80	64	85

Final Agency Actions - Professional Engineers

	17-18	18-19	19-20	20-21	21-22
Revocation/Surrender/Voluntary Relinquishment	0	0	1	1	1
Suspension	0	1	0	0	0
Probation/Practice Limitation	12	14	20	6	9
Letter of Admonition	10	7	4	10	10
License Denied	1	0	0	1	0
Cease and Desist Orders	7	14	6	6	8
Injunctions	0	1	0	0	1
Final Agency Orders	0	0	0	1	1
Total Disciplinary Actions	30	37	31	25	30
Dismiss	69	149	158	124	69
Dismissed Application	0	0	0	0	68
Letter of Concern	33	13	34	7	46
Total Dismissals	102	162	192	131	183

Final Agency Actions - Professional Land Surveyors

	17-18	18-19	19-20	20-21	21-22
Revocation/Surrender/Voluntary Relinquishment	2	0	2	1	0
Suspension	0	2	0	0	1
Probation/Practice Limitation	3	4	9	6	3
Letter of Admonition	3	1	1	2	6
License Denied	0	0	0	0	1
Cease and Desist Orders	0	0	0	0	0
Injunctions	0	0	0	0	0
Final Agency Orders	0	0	0	0	0
Total Disciplinary Actions	8	7	12	9	11
Dismiss	9	42	21	11	13
Dismissed Application	0	0	0	0	3
Letter of Concern	7	2	5	1	2
Total Dismissals	16	44	26	12	18

Final Agency Actions - Engineer Interns

	17-18	18-19	19-20	20-21	21-22
Revocation/Surrender/Voluntary Relinquishment	0	0	0	0	0
Suspension	0	0	0	0	0
Probation/Practice Limitation	0	0	1	0	0
Letter of Admonition	0	0	0	0	0
License Denied	0	0	0	0	0
Cease and Desist Orders	0	0	0	1	0
Injunctions	0	0	0	0	0
Final Agency Orders	0	1	0	0	0
Total Disciplinary Actions	0	0	1	1	0
Dismiss	2	7	18	20	10
Dismissed Application	0	0	0	0	7
Letter of Concern	0	0	0	1	0
Total Dismissals	2	7	18	21	17

Final Agency Actions - Land Surveyor Interns

	17-18	18-19	19-20	20-21	21-22
Revocation/Surrender/Voluntary Relinquishment	0	0	0	0	0
Suspension	0	0	0	0	0
Probation/Practice Limitation	0	0	0	0	0
Letter of Admonition	0	0	0	0	0
License Denied	0	0	0	0	0
Cease and Desist Orders	0	0	1	0	0
Injunctions	0	0	0	0	0
Final Agency Orders	0	0	1	0	0
Total Disciplinary Actions	0	0	2	0	0
Dismiss	1	2	5	10	4
Dismissed Application	0	0	0	0	6
Letter of Concern	1	0	0	0	0
Total Dismissals	2	2	5	10	10

Appendix E – Fines Imposed by Occupation

The following tables provide information regarding the number of fines imposed, the total value of fines imposed, and the total dollar amount of fines paid for fiscal years 17-18 through 21-22 for each occupation.

Fines Imposed - Architects

Fiscal Year	Number of Fines Imposed	Total Value of Fines Imposed	Total Value of Fines Paid
17-18	11	\$16,000	\$27,500
18-19	27	\$42,500	\$30,350
19-20	41	\$56,300	\$60,000
20-21	27	\$31,000	\$50,500
21-22	33	\$43,000	\$45,500

Fines Imposed - Professional Engineers

Fiscal Year	Number of Fines Imposed	Total Value of Fines Imposed	Total Value of Fines Paid
17-18	8	\$5,000	\$7,500
18-19	7	\$8,500	\$13,500
19-20	17	\$22,935	\$23,935
20-21	3	\$1,400	\$1,400
21-22	3	\$4,000	\$7,000

Fines Imposed - Professional Land Surveyors

Fiscal Year	Number of Fines Imposed	Total Value of Fines Imposed	Total Value of Fines Paid
17-18	2	\$1,500	\$2,500
18-19	2	\$2,000	\$3,500
19-20	7	\$5,500	\$5,270
20-21	0	0	\$230
21-22	2	\$2,000	\$4,000

Fines Imposed - Engineer Interns

Fiscal Year	Number of Fines Imposed	Total Value of Fines Imposed	Total Value of Fines Paid
17-18	Not applicable	Not applicable	Not applicable
18-19	Not applicable	Not applicable	Not applicable
19-20	1	\$2,500	Not applicable
20-21	Not applicable	Not applicable	Not applicable
21-22	Not applicable	Not applicable	Not applicable

Fines Imposed - Land Surveyor Interns

Fiscal Year	Number of Fines Imposed	Total Value of Fines Imposed	Total Value of Fines Paid
17-18	Not applicable	Not applicable	Not applicable
18-19	Not applicable	Not applicable	Not applicable
19-20	Not applicable	Not applicable	Not applicable
20-21	Not applicable	Not applicable	Not applicable
21-22	Not applicable	Not applicable	Not applicable

Appendix F – Case Processing Time by Occupation

The following tables provide information regarding the average number of days for case processing time during fiscal years 17-18 through 21-22 for each occupation. Each case lifespan is tabulated from the filing of the initial complaint through the final agency action taken.

Average Time to Case Closure - Architects

Fiscal Year	Number of Days
17-18	214
18-19	281
19-20	132
20-21	182
21-22	70

Average Time to Case Closure - Professional Engineers

Fiscal Year	Number of Days
17-18	93
18-19	103
19-20	92
20-21	83
21-22	67

Average Time to Case Closure - Professional Land Surveyors

Fiscal Year	Number of Days
17-18	205
18-19	132
19-20	159
20-21	215
21-22	116

Average Time to Case Closure - Engineer Interns

Fiscal Year	Number of Days
17-18	263
18-19	196
19-20	61
20-21	40
21-22	66

Average Time to Case Closure - Land Surveyor Interns

Fiscal Year	Number of Days
17-18	45
18-19	117
19-20	36
20-21	28
21-22	Not applicable