

Part 2 Supplement: Testimony Information offered by Architect E. Tom Pyle, Jr.

Honorable Representative Steve Brunk, Chair, House Federal and State Affairs Committee and Committee Members:

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I, E. Tom Pyle Jr., an Architect who has had to pay and continue to pay since 1999 for the BATTLE against what definitely appears to be a corrupt KSBTP and their Board Attorney since 1977, Mark Bennett Jr., who have relentlessly continued to charge me with practicing engineering without a license in violation of Statute 74-7026. **Discipline of licensees or holders of certificates of authorization: suspension or revocation of licenses or certificates of authorization: grounds: reinstatement of license or certificate of authorization, fees.** (a) The board shall have the power to limit, condition, reprimand or otherwise discipline, suspend or revoke the license of any person who has engaged in any of the following conduct: ... (2) any gross negligence, incompetency, misconduct or **wanton disregard for the rights of others in the practice of any technical profession**; who the **KSBTP themselves have** now been proven to **continuously disregard the Board's chastisement by the Supreme Court** of the State of Kansas Schmidt Case of 2001 and the KSBTP's failure to follow and protect those Rights and Privileges the chastisement in support of the Schmidt Case instructed them to follow have once again by the Conclusions of Law, Reasons Expressed, Remand not Necessary, and Entry of Judgment by the Seventh District Court Pyle Case of 2013 been proven by the Judge's own reasoning showing statute revision after statute revision recommended to you Legislators by the KSBTP that successfully passed and became law having tried to take away the very Rights and Privileges the Board and Board attorney are charged to protect in regard to **both engineer and architect rights and privileges defined as well as saved. This case Conclusions of Law as Judge Theis has revealed shows that instead of working to protect the rights of others in the practice of any technical profession, this Board has systematically recommended statute revisions that take away several historical rights of Technical Professionals in a manner that restricts competition from those who have the education, training, and experience as well as past historical license privilege, but now due to KSBTP recommended changes to the Legislators which became law, no longer allow.**

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Regardless of Professional Education and Experience an actual License now is required in order to perform a particular exclusive profession. My question now is, 'How can I lose the ability to practice as I always have due to an engineer weighted KSBTP voting to take as the recommendation of the KSBTP to the Legislature a position that takes my original license definitions and make them **ONLY the Engineer's own definition? See #1.8.e. How is that ETHICAL? How is that JUSTICE? How is that not a "wanton disregard for the rights of others in the practice of any technical profession"?**

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Obviously, you do NOT accept such voting by engineers as ethical NOR such voting by architects in the employ of multi-technical profession firms who have voted for these changes as ethical? I think we have seen the "WHY THE CHANGES." Please join our October, 2014 request to the Attorney General's Office to pursue Stuart Owsley's formal charges by sending a request from each of you Representatives individually to warn other State Boards that the Legislature has no time to waste by Boards whose members seek financial gain by recommending legislation against historical rights and privileges of any profession by changing definitions and education requirements of one group over another and refusing to follow Court approved historical policy statutes.

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According to information furnished by architect, Lawrence Goldblatt, such acts as above described violate the United States Supreme Court ruling in Case No. 13-534, decided February 25th, 2015. If true then many of the changes to the Kansas Technical Professions' law made effective July 1, 2014 as SB 349 recommended by the KSBTP is a restraint of trade who most probably has been invalid from the effective date. That still leaves those statutes referenced by Judge Theis in the Pyle Case No. 12C97 and the removal of 'architectural engineering' from the definition of 'architect' in violation of restraint of trade. HB2224 to the rescue which just so happens restores these previously lost rights to all the Technical Professionals bringing back "Bright Integration" from the depths of "Bright Segregation" of Legislative Act SB 349.

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#1.7.b. "NCARB Architecture as it Differs From Engineering" 08.2004 on page 3 states "On the basis of this study, NCARB has concluded that a registered architect should be involved in the design of all buildings intended for human occupancy and habitation, and that a registered architect is the only design professional prepared to coordinate all the other disciplines required for the project. The practicing architects and engineers interviewed in Appendix B have agreed with this general conclusion." On page 4 NCARB states **"The B. Arch and M. Arch curricula include technical courses that cover engineering disciplines related to the profession of architecture, e.g., civil, structural, electrical, and mechanical."** On page 6 NCARB states **"Future architects are tested in technical subjects including structural technology, electrical and mechanical systems, and acoustics.** Only in the Fundamentals Engineering exam, 8 hours of 200 questions, administered in the last year of college, is the future engineer tested in broad engineering subjects. The Principles and Practice of Engineering exams, 8 hours of 80 questions, are confined to testing a specific field in which the engineer will practice. Thus, for example, **a future mechanical engineer is not tested on his or her knowledge of structural engineering problems.** The testing of engineers in these areas may be limited to the Fundamentals of Engineering exam, depending on their disciplines and their choice of Principles and Practices of Engineering exam(s). The act of taking a Principles and Practice exam does not guarantee that professional engineers have demonstrated knowledge of how their discipline relates to buildings for human occupancy."

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VAST MAJORITY OF KANSAS ARCHITECTS HAVE PASSED THIS or similar older tests:
On pages 18 & 19 NCARB in their outline of **Architects NCARB EXAMINATIONS** show a 14 hour test that **out of 590 exam questions** 85 are GENERAL STRUCTURES, 75 are LATERAL FORCES, 105 are MECHANICAL & ELECTRICAL SYSTEMS, and 105 are on BUILDING DESIGN/MATERIALS & METHODS for **a total engineering type questions of 370 out of 590 questions or 63% are engineering type questions.** In addition Appendix D also shows in the architects Graphics Divisions tests that out of additional 13.25 hours of testing recommended times for the Site Planning Division 3.0 hours Vignettes for Site Design = 1 hour, Site Analysis = 30 minutes, Site Grading = 30 minutes for a Total of 2 hours or 67% architectural engineering type work; the Building Planning Division 5.0 hours Vignettes for Interior Layout = 1 hour and Schematic Design = 4 hours my estimated architectural engineering time is 2 hours or 40%; and the Building Technology 5.25 hours Vignettes Building Section = 1 hour, Structural Layout = 45 minutes, Accessibility/Ramp = 45 minutes, Mechanical and Electrical Plan = 1 hour, Stair Design = 1 hour, and Roof Plan = 45 minutes my estimated architectural engineering time is 3.0 hours or 57%. **Out of the Total Graphics Division Testing 13.25 hours my estimated architectural engineering is 7 hours or 53%. Architects have more questions on engineering than engineers.**

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I believe you agree that architects should be allowed to continue practicing ARCHITECTURAL ENGINEERING as it relates to their building design with only the same restraint that engineers have of only self-restraint based upon their personal evaluation of their own competence.

Thank you,

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NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
NCARB Certificate No. 16,438 March 14, 1975;
Kansas Architect License No. A-1879 Feb. 15, 1975; Architectural Corporation #A-151 Feb. 25, 1993
Licensed Architect- State of Oklahoma #1526 May 11, 1976; Architectural Corporation #CA239
Licensed Architect- State of Washington #3108 April 13, 1977;
Licensed Architect- State of Colorado #C-1596 April 15, 1977;
Registered Architect- State of Missouri #A-3561 Nov. 1, 1990; Architectural Corp. #RC-822 Feb. 28, 1996
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