

# BUILDING BLOCKS

**DESIGNPRO**  
**INSURANCE GROUP**  
*A Wichert Insurance Agency*

## RECORD RETENTION IN OHIO

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There are two typical questions that come up on a regular basis for design professionals regarding record retention. The following questions apply to both paper copies or electronic media, as most design professionals keep both, fearing their electronic files may erode over time.

### 1.) What should I keep, and what to discard?

One approach is the AIA Trust recommendation of keeping your Project Record Files, with some modifications. A typical Project Record File can include:

Owner-Architect and/or Owner-Engineer Agreement (and all amendments), copies of all Conditions of the Contract for Construction, all Architect-Consultant and/or Engineer-Consultant Agreements (and all amendments), Owner-

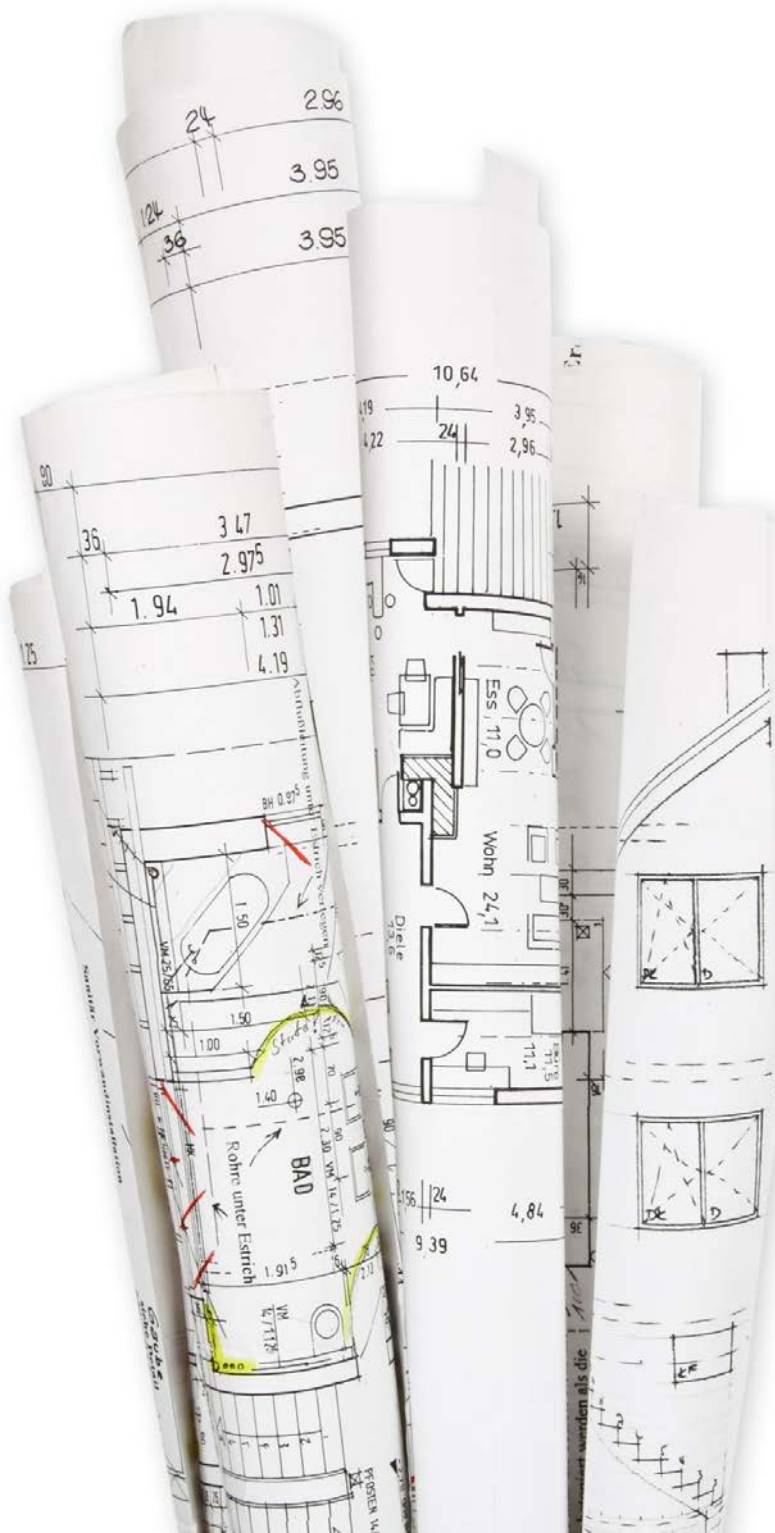
### A LOOK AT THIS ISSUE:

RECORD RETENTION IN OHIO

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General Contractor Agreement or Multiple Prime Contractors Agreements (and all amendments), Project Team Directory, Project Schedule(s), a code research study, calculations on certain elements of the project, Certificate(s) of Substantial Complete, Change Orders, Final Application and Certificate for Payment, Project Cost Summary and any estimates, Project Closeout Checklist, Record-Set of Drawings and Specifications, shop drawing log, and list of all project issues and copies of your insurance policies at the time the project had any issues or claims made.

## 2.) How long should I keep my project records?

The general recommendation is at least 15 years from the date of Substantial Completion of each project. The reasoning is that there is a Statute of Repose in Ohio that has a 10-year window that design professionals can be sued within, which can be extended for another 2 years. Add another 3 years as a safety factor = 15 years total. Your best defense in a dispute or claim is your records because they are the most reliable pieces of evidence. And in reality, using your professional judgment, you may want to keep a few of your most important documents beyond 15 years.

Up for interpretation is whether the Ohio Statute of Repose applies only to third parties (not your clients). Therefore, in your Owner agreement, it is wise to negotiate a 10-year window of claims that can be made by your clients, such as the AIA B101 (2017) Article 8.1.1. Thus the Ohio Statute of Repose and a contract clause such as Article 8.1.1 would work together, like a “horse and carriage.”

The next issue of “Building Blocks” will be a discussion project-site photographic documentation, related to the discussion of record retention.

The above comments are based upon DesignPro Insurance Group’s experience with Risk Management Loss Prevention activities, and should not be construed to represent a determination of legal issues, but are offered for general guidance with respect to your own risk management and loss prevention. The above comments do not replace your need for you to rely on your counsel for advice and a legal review since every project and circumstance differs from every other set of facts.

# THE FINISHED PROJECT

PICTURES AND STORIES OF OUR CUSTOMER'S PROJECTS

Do you have a completed project that proved to be challenging, exciting, unique, or has a special story behind it? If so, now is your time to share your story!

If you would like your project highlighted in our newsletter, please submit a brief summary and several photos to:

[brad.designproins@wichert.com](mailto:brad.designproins@wichert.com)



FUN

FACT:

## Frank Lloyd Wright's Son Invented Lincoln Logs

Not all Lloyd Wright designs can be attributed to Frank. Lincoln Logs were the brainchild of John Lloyd Wright, son of the legendary architect. An architect in his own right, John was inspired by the interlocking beams of the foundation below Lloyd Wright Senior's Imperial Hotel in Tokyo.



## MEET OUR PEOPLE:



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