RESOLUTION 2020-C

TITLE: Amendment and Restatement of the *NCARB Legislative Guidelines and Model Law/Model Regulations*

SUBMITTED BY: Council Board of Directors

WHEREAS, the Council Board of Directors has charged the Model Law Task Force with reviewing and updating the *NCARB Legislative Guidelines and Model Law/Model Regulations*; and

WHEREAS, the Model Law Task Force of the Council has recommended after careful consideration over four years of work that it is advisable to amend and restate the *NCARB Legislative Guidelines and Model Law/Model Regulations* to modernize and update the document to make it more relevant for today's practice, make it easier to use, and to ensure it is consistent with the uniform programs and national models for architectural licensure; and

WHEREAS, this updated language does not make substantive changes to NCARB model programs or standards, but clarifies NCARB policy and fills in gaps from the current document to further promote reasonable regulation of the architectural profession and mobility; and

WHEREAS, the *Legislative Guidelines and Model Law/Model Regulations* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the *NCARB Legislative Guidelines and Model Law/Model Regulations* are hereby amended and restated in the form attached hereto in Appendix A; and

FURTHER RESOLVED, that the document be renamed "NCARB Model Law and Regulations"; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2020.

FINANCIAL IMPACT:

- No financial impact.

SPONSORS' STATEMENT OF SUPPORT:
The Model Law Task Force was formed by NCARB President Kristine Harding and the Board of Directors in fall 2016 to undertake a holistic review of the Council's existing *NCARB Legislative*

Guidelines and Model Law and Regulations. The goal has been to modernize and update this document to make it easier to use, more relevant for today's practice of architecture and regulation, and to ensure it is consistent with the updated uniform programs and national models for architectural licensure that have been developed by our Member Boards since the document was initially drafted decades ago.

The *NCARB Model Law and Regulations* is a resource for the Member Boards, which will each decide whether to adopt some or all of the updated provisions within their jurisdictions. The document will serve as an updated national model and enhanced resource for jurisdictions to adapt and adopt, at their choosing, as they update their practice acts and regulatory framework in the years ahead.

- A vote in favor of this resolution represents support for the proposed national NCARB policy and an aspirational goal for the regulation of the practice of architecture.
- Approval of this resolution does not require Member Boards laws and regulations to be identical to these provisions.
- Approval of this resolution by the membership would not change the path to licensure in any jurisdiction.

WHAT ARE MODEL LAW AND REGULATIONS?

The *NCARB Model Law and Regulations* is designed to follow best practices and includes three elements:

- Model Law—Provides a broad framework of the various authorities an architectural licensing board should be granted by its jurisdictional legislature through statutory language.
- Model Regulations—Offers detailed language outlining rules for implementation of the authority and responsibilities granted to the board.
- Commentary—Explains the intent of the of the model laws and/or regulations and notes areas of personalization for jurisdictions. (This information was previously included in the Legislative Guidelines section.)

Because the *NCARB Model Law and Regulations* recognizes each jurisdiction's constitutional authority to determine the appropriate level of protection for its citizens, not all areas will be—or are expected to be—adopted by all U.S. architectural licensing boards. Instead, the document is designed to be a resource that provides a national model that assists boards in navigating challenging areas of architectural regulation that is easily adapted to fit the diverse needs of NCARB's individual members.

TASK FORCE APPROACH

Over the last four years, the Task Force has been chaired by Dennis Ward and has included a diverse team of Member Board Members, Member Board Executives, public members, NCARB Board of Directors, attorneys, and representatives from all six NCARB regions. This effort included an exhaustive review of the current statutory and regulatory framework in place across

the country and best practices among other national regulatory associations. Their work has also been greatly informed by regular interactions with NCARB's legal counsel.

The 20 participants on this Task Force over the years have approached this ambitious task with dedication and a purposeful philosophy of being aspirational—focusing not on simply adopting language that is similar to current statutes and regulations or that every jurisdiction would immediately be able to agree on, but rather always with a focus on what makes the most sense for effectively protecting public health, safety, and welfare. A related overarching goal has been to develop a clear, concise, and approachable model that is well-organized and written in plain language that legislators, licensing boards, architects, and members of the public can easily understand.

MODERNIZATION

While the overall intent of the model language has not changed, the Task Force decided early on to significantly refresh and restructure the document, starting with a broad framework of the authorities a state/territorial legislature should provide an architectural licensing board in statutory language, and then placing the more detailed implementation of that authority in model regulations that empower each board to execute its responsibilities to protect its citizens.

This approach led to some significant enhancements, such as consolidating all relevant licensing information into one article in the *Model Law*, organized in the logical progression a candidate follows on the path to licensure. The document has also been re-numbered to align the law and regulations so that users can easily see how the two correspond. This structure is similar to best practices in many jurisdictions' architecture acts.

Another improvement has been in the definition of the practice of architecture, which builds upon the definition in the existing *Model Law*, but with additional emphasis on the activities relevant to architecture. Philosophically, the Task Force is recommending an approach that defines and includes elements that are central to architecture, rather than attempting to prescribe what is <u>not</u> architecture in an architectural practice act.

The Task Force discovered a gap in the existing model language around best practices for board composition and has included provisions related to that issue in the *Model Law*. The Task Force also addressed gaps in the existing model language around best practices for both single and multi-profession board composition and developed an approach to the concept of firm registration.

The Legislative Guidelines section of the document was refreshed and has become commentary throughout the document. This will allow users to understand the rationale and/or provide examples next to the areas of the law or regulations and eliminate the need to flip back and forth.

BENEFITS OF A REFRESHED MODEL

The updated *NCARB Model Law and Regulations* will serve multiple purposes. The revitalized model will better empower Member Boards to protect the public going forward. This document will serve as a guide to help boards navigate the challenging areas of regulating the profession and give them the confidence that they are using language developed by a diverse set of volunteer subject matter experts with the current state of architectural practice in mind. This updated document will also better support consistent licensing and regulating standards that reflect the realities of contemporary practice and regulation and are broad enough to be adapted to meet the needs of 55 architect licensing boards.

Finally, the new *NCARB Model Law and Regulations* will serve as an additional tool to educate policymakers about the importance of reasonable regulation that protects the public. The revised model acknowledges each jurisdiction's constitutional authority to determine the appropriate level of protection for its citizens, while reinforcing the value of having access to a national model, and it addresses state-based differences in licensing while emphasizing licensing portability provisions. By recommending model language that goes further in our efforts to facilitate licensure and mobility, implementation of the revised *NCARB Model Law and Regulations* benefits consumers, professionals, and the public by increasing competition, choice, and access to services.

ADVOCATES:

- Model Law Task Force
  - Chair: Dennis Ward, FAIA, NCARB; Former South Carolina Member Board Member
  - Pasqual Gutierrez, AIA; California Member Board Member
  - Julie Hildebrand, Texas Member Board Executive
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  - Jeanne Jackson, FAIA, NCARB, LEED AP; Former Utah Member Board Member
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- Amy Kobe, Hon. AIA; Former Ohio Member Board Executive
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- David Prengaman, AIA, NCARB, Former Rhode Island Member Board Member
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- Doug Steidl, FAIA; Ohio Member Board Member

RESOURCES:

- **Appendix A: Reviewed NCARB Model Law and Regulations**
- Side by side comparison of revised of Model Law and Model Regulations (Coming Soon)
- **Model Law Task Force: MBE Community Webinar**
- **Video: Model Law Task Force**
- **2018 Legislative Guidelines and Model Law/Model Regulations**

Appendix A: Proposed Changes to the *NCARB Legislative Guidelines and Model Law/Model Regulations*

Note: The *NCARB Legislative Guidelines and Model Law/Model Regulations* document was significantly re-organized, so this appendix is presented without mark ups. The Model Law Task Force is continuing to consider Member Board feedback and prepare additional resources and commentary prior to a final resolution being presented to the NCARB Board of Directors in April.

NCARB Model Law and Regulations

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This document was last updated in July 2020. The Model Law and Model Regulations portions of this document may only be changed by an absolute majority vote of the NCARB Member Boards.

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Introduction

First developed in 1970, the *NCARB Model Law and Regulations* serves as a guide containing draft statutory and regulatory language for use by NCARB's Member Boards as they carry out their mission to protect the public by regulating the practice of architecture.

When originally adopted, the document was designed to provide guidelines for legislation in areas agreed upon by NCARB's membership as ideal uniform standards for each U.S. jurisdiction. Over time, the guidelines were modified in a piecemeal fashion to address additional areas and provide updated draft language at the request of its members.

In 2016, NCARB began a holistic review and refresh of the existing *NCARB Model Law and Regulations*, for the purposes of modernizing the document and providing a more relevant, useful tool for its members. The current version serves as a national model for architectural regulation and offers a resource for jurisdictions to adapt and adopt as they update their practice acts and regulatory framework.

The *NCARB Model Law and Regulations* is designed to follow best practices and includes three elements:

- Model Law—Provides a broad framework of the various authorities an architectural licensing board should be granted by its jurisdictional legislature through statutory language.
- Model Regulations—Offers detailed language outlining rules for implementation of the authority and responsibilities granted to the board.
- Commentary—Explains the intent of the of the model laws and/or regulations and notes areas of personalization for jurisdictions.

The document reflects language and model programs that will most effectively protect the public health, safety, and welfare related to the contemporary practice of architecture, while also providing uniform standards that encourage professional mobility.

Because the *NCARB Model Law and Regulations* recognizes each jurisdiction's constitutional authority to determine the appropriate level of protection for its citizens, not all areas will be—or are expected to be—adopted by all U.S. architectural licensing boards. Instead, the document is designed to be a resource that provides a national model that assists boards in navigating challenging areas of architectural regulation, offers consistent licensing and regulatory standards, is easily adapted to fit the diverse needs of NCARB's individual members, and will serve as the foundation for future enhancements to the reasonable regulation of the profession.

Model Law

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Article I – Title, Purpose, and Definitions

Section 101. Title of Act

This (Jurisdiction) Architecture Practice Act shall also be known as the "Act."

Section 102. Legislative Declaration of Purpose

The Practice of Architecture in the Jurisdiction of (Jurisdiction) is declared a professional practice affecting the public health, safety, and welfare and is subject to regulation and control in the public interest. It is a matter of public interest and concern that the Practice of Architecture, as defined under this Act, merits and receives the confidence of the public and that the Practice of Architecture be limited to those Persons determined by the Board to be qualified under this Act. This Act shall be liberally construed to carry out these objectives and purposes.

It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the licensure and regulation of Persons, whether within or outside of (Jurisdiction), who engage in the Practice of Architecture within (Jurisdiction). In furtherance of this purpose, this Act creates the (Jurisdiction) Board of Architecture whose members, functions, and procedures shall be established in accordance with the provisions of this Act. The regulatory structure calls for Architects and public members to serve on the Board, and this Act recognizes the need for professional expertise provided by Architects serving the public interest.

Section 103. Definitions

The following words as used in this Act, unless the context otherwise requires, shall have the following meanings[1]:

[1] To avoid confusion, *NCARB Model Law and Model Regulations* does not further define terms that are commonly understood or would otherwise be covered by overarching laws. This includes "adjudicatory proceeding," "client," "conviction," "felony," "reciprocity," "revoke," and "standard of care." These terms are likely already defined in another part of a Jurisdiction's laws, such as the state administrative procedures acts.

1) **Applicant** – An individual who seeks a License in accordance with the process set forth by the Board.
2) **Approved Educational Program** – An educational program for architecture that is accepted by the Board.
3) **Approved Experience Program** — An experience program for architecture that is accepted by the Board.
4) **Approved Examination** — An examination for architecture that is accepted by the Board.
5) **Architect** — An individual currently licensed by the Board who has successfully completed the education, experience, and examination requirements as defined by (Jurisdiction), who demonstrates Competence to engage in the Practice of Architecture under this Act.
6) **Board** — The (Board Name) established by this Act.
7) **Building**[2] – An open or enclosed structure that has as its principal purpose human occupancy or habitation.
8) **Competence** – The knowledge, experience, and skill required by an Architect for the Practice of Architecture in accordance with the accepted standard of care.
9) **Firm** – Any legally formed business entity registered with the Board through which architectural services are provided.
10) **Good Standing** – An unrestricted License granted by the Board to engage in the Practice of Architecture.
11) **Jurisdiction** – Any state, commonwealth, the District of Columbia, or other insular territory of the United States.
12) **License** – Approval granted by the Board to an individual to engage in the Practice of Architecture.
13) **NCARB** – The National Council of Architectural Registration Boards.
14) **Person** – Any individual, Firm, partnership, association, joint venture, cooperative, corporation, or other group or combination acting in concert.

[2] Providing a broad definition of the term "Building" allows each Jurisdiction the flexibility to provide more specificity as it relates to different Building types within their regulations.

15) **Practice of Architecture**[3] – The art and science of designing, in whole or in part, the exterior and interior of Buildings and the site around them, in a manner that protects the public health, safety, and welfare. The Practice of Architecture includes providing or offering to provide planning services; developing concepts; preparing documents that define form and function; coordinating consultants; and construction administration.

    A. *Planning services* include, but are not limited to, programming and planning.

    B. *Developing concepts* includes, but is not limited to, preliminary studies, pre-design, investigations, and evaluations.

    C. *Preparing documents that define form and function* includes, but is not limited to, drawings and Technical Submissions, including incorporation of the requirements of the authorities having jurisdiction.

    D. *Coordinating consultants* includes, but is not limited to, the coordination of any elements of Technical Submissions prepared by others.

    E. *Construction administration* includes, but is not limited to, evaluation of construction to determine that the work is proceeding in accordance with the contract documents.[4]

16) **Responsible Charge** – The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care.

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[3] NCARB acknowledges jurisdictional statutes will continue to exempt various activities of other design professionals from the purview of this statute, to the extent their work incidentally involves elements of the Practice of Architecture. In a similar way, Architects may perform elements of the practice of engineering incidental to their work. NCARB is committed to partnering with the national regulatory associations of other design professions to further define the concept of incidental practice.

[4] NCARB recognizes there are Construction Administration activities that are not the Practice of Architecture. These include activities that do not interpret or revise the Architect's sealed and signed Technical Submissions. Examples include, but are not limited to:

- Administration, review, and oversight of construction-related activities, such as those responsibilities defined in the contracts between contractor and owner
- Contractor pay applications
- Change order costs
- Schedule adherence
- Site access requirements
- Site safety

17) **Technical Submissions** - The documents necessary to demonstrate compliance with applicable regulatory requirements and/or to fabricate or construct a project including, but not limited to, drawings, digital models, specifications, performance criteria, and installation requirements.

Section 104. Activities and Individuals Excluded from the Practice of Architecture

The following activities shall not be deemed to be the Practice of Architecture nor shall the following require a License under this Act:

1) Activities performed in connection with any of the following:
    A. Detached single- or two-family residential dwelling Buildings.
    B. Agricultural structures intended solely for the storage of equipment, horticulture products or livestock, and not used by the public.
    C. Fabrication drawings, installation drawings, component specifications, or operation and maintenance manuals of individual components of a Building incidental to the Architect's design of the entire project that describe or illustrate the use of such components.
    D. Alterations or renovations that do not affect structural or life safety aspects of a Building.
2) Any individual who possesses a valid NCARB Certificate seeking an architectural commission in the Jurisdiction performing either of the following:[5]
    A. Offering to provide services involved in the Practice of Architecture; or
    B. Participating in an architectural design competition for a project, which does not include acting as the Architect for a project.
3) Any individual licensed to engage in the Practice of Architecture in another Jurisdiction rendering voluntary services in the event of a declared emergency.

[5] This provision allows out-of-state Architects with an NCARB Certificate who are not yet licensed in the Jurisdiction to seek a commission—a practice sometimes referred to as "fishing without a license." The requirements under this Act still apply to the Architect, who must obtain a License before beginning any project. Boards permitting this activity by individuals with an NCARB Certificate can be confident the Architect is competent and in Good Standing, while also facilitating greater professional mobility and consumer choice.

4) Any individual licensed to engage in the Practice of Architecture in another Jurisdiction while performing duties as a federal government employee or as a part of their military service.
5) Any individual who is unlicensed in (Jurisdiction) and is performing services on a project under the supervision of an Architect, as long as the Architect serves as the Architect in Responsible Charge of the project.

Article II – Board of Architecture

Section 201. Delegation of Authority

The responsibility to enforce the provisions of this Act is hereby delegated to the Board by (Jurisdiction). The Board shall have all of the duties, powers, and authority specifically granted by, or otherwise necessary to enforce this Act, as well as such other duties, powers, and authority as it may be granted from time to time by law.

Section 202. Board Composition

[The Board may be composed pursuant to either of the following options:]

[Architect Profession Board Option]
The Board shall consist of (Number) members appointed under Section 204 of this Act, at least (Number) of whom shall be a representative(s) of the public, and the remainder of whom shall be Architects who possess the qualifications specified in Section 203 of this Act. It is the intent of this Act for Board composition to consist of the expertise necessary for the effective and efficient regulation of the Practice of Architecture.

[Or]

[Multiple Profession Board Option] The Board shall consist of (Number) members appointed under Section 204 of this Act who possess the qualifications specified in Section 203 of this Act and comprise the following:

A. (Number) public members as described in Section 203(2);
B. (Number) Architects as described in Section 203(1); and
C. (Number) (Profession) members as defined in (citation to relevant practice act referencing residence, licensed in Good Standing, licensed for a specified period of time).

Section 203. Qualifications for Board Membership

1) Each Architect Board member shall at all times:
    A. Be a resident of (Jurisdiction);
    B. Be an Architect in Good Standing;
    C. Maintain in Good Standing any other active professional license issued by a licensing authority in this or any other Jurisdiction; and
    D. Have had at least five (5) years of practice as an Architect.
2) Each public member of the Board shall at all times:
    A. Be a resident of (Jurisdiction);
    B. Maintain in Good Standing any active professional license issued by a licensing authority in this or any other Jurisdiction; and
    C. Not be, nor shall ever have been, (i) an Architect or the spouse of a current or former Architect; or (ii) an individual who has had any material financial interest in the provision of architecture services or who is currently engaged in any activity directly related to the Practice of Architecture.
3) Each Board member shall at all times maintain eligibility to serve on the Board by avoiding relationships that would interfere with the Board's mission of public protection.
4) Each Board member shall not be an officer or hold any leadership position in a Jurisdiction's professional association or national professional association serving Architects for the term of such Board member's appointment to the Board.
5) Each Board member shall complete training of a duration and covering content approved by the (Jurisdiction). Such coursework or training shall address relevant regulatory procedures.

Section 204. Board Member Appointment and Oversight

In accordance with the principle of separation of powers and to provide for sufficient oversight by the respective branches of government, the governor or governor's designee shall appoint the Board members in accordance with the provisions of this Act and the (Jurisdiction) constitution.

Section 205. Terms

1) Except as provided in subsection (2) of this Section 205, Board members shall be appointed for a term of (Number) years, except Board members who are appointed to fill vacancies that occur prior to the expiration of a former member's full term shall serve the remaining portion of such unexpired term.
2) The Board members' terms shall be staggered so that the terms of no more than half of the members shall expire in any year. Each member shall serve until a qualified successor is appointed, unless such member cannot serve by reason of such member's resignation or removal from the Board.
3) A Board member may serve for up to (Number) consecutive full terms. The completion of the remaining portion of an unexpired term shall not constitute a full term for purposes of this Section 205.[6]

Section 206. Board Member Vacancies

Any vacancy that occurs in the Board membership for any reason, including expiration of a term, removal, resignation, death, disability, or disqualification, shall be filled as prescribed in Section 204 of this Act in a timely manner so that the Board may fulfill its duties as charged.

[6] This document includes a limit on consecutive full terms for professional and public Board members. The benefits of this provision include allowing a greater number of individuals to serve on the Board and allowing for diverse perspectives and viewpoints when making decisions that influence public health, safety, and welfare. Adding new Board members also allows the governor or governor's designee to evaluate the type of skillsets the Board requires at the time of appointment, resulting in an efficient and well-rounded Board. Term limits also encourage Board members to purposefully focus on their roles and responsibilities without the potential for burnout over time and reduces the likelihood of complacency or abuse of office. Consequences of this approach that would need to be mitigated include the potential loss of Board members with prior knowledge of disciplinary action who can ensure fair and consistent application of the laws and regulations, the loss of institutional memory, the loss of decision-making history, and consistency in NCARB policy and operations, as Board members are the primary source of volunteers and leadership for NCARB.

Section 207. Removal of Board Member

The governor or governor's designee shall have the authority to remove a Board member with or without cause. The Board may recommend a Board member's removal to the governor or governor's designee upon an affirmative vote of a majority of members otherwise eligible to vote upon one or more of the following grounds:

1) The refusal or inability for any reason of a Board member to perform the duties required of a Board member in an efficient, responsible, and professional manner;
2) The misuse of a Board member's position to obtain, or attempt to obtain, any financial or material gain, or any advantage personally or for another, through such office;
3) A final adjudication by a recognized body, including any court, that there has been a violation of the laws governing the Practice of Architecture by a Board member; or
4) Conviction of a felony or misdemeanor other than a minor traffic offense.

Section 208. Organization of the Board

1) The Board shall elect from its members a chairperson, vice-chairperson, and such other officers, as it deems appropriate and necessary to conduct its business. The Chairperson shall preside at all meetings of the Board and shall perform those duties customarily associated with the position and such other duties assigned from time to time by the Board. The Chairperson may establish Board committees as appropriate and necessary for the furtherance of Board business and may designate or remove Board members as committee members.
2) And ending upon the election of the officer's successor or removal, with or without cause, by the affirmative vote of a majority of Board members otherwise eligible to vote.

Section 209. Executive Director

1) Under the oversight of the Board, the Executive Director shall be responsible for the proper performance of the Board's duties.
2) The Board may delegate authority to the Executive Director as necessary to properly fulfill the Board's duties.

Section 210. Meetings of the Board

The Board shall hold regular meetings to transact business in compliance with all applicable (Jurisdiction) laws.

Section 211. Powers and Duties of the Board

1) The following powers and duties are delegated to the Board by (Jurisdiction):
    A. Promulgation of Regulations. The Board is authorized to make, adopt, amend, and repeal such regulations as may be deemed necessary by the Board from time to time for the proper administration and enforcement of this Act. Such regulations shall be promulgated in accordance with the requirements of the (Jurisdiction) Administrative Procedures Act.
    B. Licensure. The Board is authorized to issue Licenses to engage in the Practice of Architecture as further described in Article III – Licensing.
    C. Firm Practice. The Board is authorized to regulate Firms as further described in Article III – Licensing.
    D. Enforcement. The Board is authorized to enforce all the provisions of this Act and any regulations duly promulgated hereunder, including, but not limited to, discipline as further described in Article V – Discipline. The Board has jurisdiction over Architects, and all other Persons, whether or not licensed by the Board, who are engaged in the Practice of Architecture or other conduct regulated by this Act.
    E. Fees for Services. In addition to the fees specifically authorized under this Act, the Board is authorized to assess reasonable fees for licensure and other services rendered to carry out its duties and responsibilities as required or authorized under this Act or regulations duly promulgated hereunder.
    F. Expenditure of Funds. The Board is authorized to receive and expend funds from parties other than (Jurisdiction) in addition to its (Annual/Biennial) appropriation.
    G. Board Reporting. The Board from time to time shall issue a report outlining the activities of the Board, including reference to the effectiveness and efficiencies of the Board.

H. Other Powers and Duties of the Board. The Board shall have such other powers and duties as may be necessary to carry out the purposes of or enforce any provision of this Act or any regulations duly promulgated hereunder.

2) The powers and duties set forth in this Section 211 shall be in addition to any other powers and duties delegated to the Board under the provisions of this Act.

Article III – Licensing

Section 301. Initial License Qualifications

1) To obtain an initial License in (Jurisdiction), an Applicant shall satisfy the following requirements:
    A. Provide documentation satisfactory to the Board that the Applicant:
        i. Successfully completed an Approved Education Program;
        ii. Successfully completed an Approved Experience Program;
        iii. Successfully completed an Approved Examination; and
    B. Submit to the Board a completed application and pay the required fee.
    C. Provide to the Board a Social Security number, federal employer identification number, individual taxpayer identification number, or an affidavit attesting that the Applicant has no such number, for the Board to establish the Applicant's identity. Any such information provided to the Board shall be released by the Board to identify Applicants, including verifying an Applicant's identity with the examination entity, and as may be required by law.
2) A License shall be effective upon approval of the Board.

Section 302. Reciprocal License Qualifications[7]

1) To obtain a reciprocal License in (Jurisdiction), an Applicant shall satisfy the following requirements:
    A. Provide documentation satisfactory to the Board that such Applicant:
        i. Holds a current and valid License issued by another Jurisdiction or a licensing authority recognized by the Board; and
        ii. Holds a current NCARB Certificate.
    B. Submit to the Board a completed application and pay the required fee.

[7] The granting of a reciprocal License facilitates portability (or mobility) of an Architect's License from Jurisdiction to Jurisdiction. This concept is currently referred to in some existing statutes as comity, endorsement, mutual recognition, or out-of-state transfer, among other terms. This document recommends the term "reciprocity" be used uniformly to describe a more consistent process for facilitating licensure portability.

C. Provide to the Board a Social Security number, federal employer identification number, individual taxpayer identification number, or an affidavit attesting that the Applicant has no such number, for the Board to establish the Applicant's identity. Any such information provided to the Board shall be released by the Board to identify Applicants, including verifying an Applicant's identity with the examination entity, and as may be required by law.

2) A License shall be effective upon approval of the Board.

Section 303. Firm Registration

To perform architectural services in a Jurisdiction as a Firm, a legally formed business entity must first meet any regulatory requirements set forth by the Board.

Section 304. Continuing Education

The Board shall by regulation establish procedures and requirements for continuing education after an Architect obtains a License to demonstrate continuing Competence in the Practice of Architecture for the protection of the public. Such requirements shall include a description of acceptable activities and appropriate documentation required for License renewal.

Section 305. Requirements for License Renewal

1) An Architect shall demonstrate completion of continuing education set forth by the Board in regulations. The Board may decline to renew an Architect's License if the Architect's continuing education activities do not meet the standards set forth in the Board's regulations.
2) Each Architect shall submit to the Board a completed application and pay the required fee.
3) A License shall be effective upon approval of the Board.

Section 306. Expired License

An Architect's failure to renew a License by the designated renewal date shall result in the expiration of the Architect's License.

Section 307. Inactive License

The Board shall by regulation set forth the requirements and procedures for an Architect in Good Standing to place a License on inactive status and the requirements and procedures to activate an Inactive License. While their License is on inactive status, the Architect shall not engage in the Practice of Architecture in (Jurisdiction) or use the title "Architect" and shall be exempt from License renewal requirements.

Section 308. Architect Emeritus

The Board shall by regulation establish the requirements for the title of "Architect emeritus," which is an honorary title granted by the Board to a previously licensed Architect who has retired in Good Standing from the active Practice of Architecture.

Section 309. Reinstatement of License Following Disciplinary Action

The Board shall by regulation set forth procedures and requirements for the reinstatement of an Architect's License.

Section 310. *Prima Facie* Evidence of License

A certified copy of an Architect's License record shall be maintained by the Board and shall be accepted as *prima facie* evidence that the individual is legally licensed as an Architect for the period for which it is issued and of all other facts included in the record.

Section 311. Source of Data

The Board may use documentation and verified data stored by NCARB in the same way that it may use data stored by the Board to establish an Applicant's qualifications for a License. Notwithstanding any other provision of law to the contrary, the Board shall share such information with NCARB as may be

reasonably requested from time to time, provided that NCARB agrees to maintain the confidentiality of such information.

Article IV – Practice Requirements

Section 401. Seal[8]

1) Every Architect shall have a seal of an image authorized by the Board. The seal may be electronic. It is the responsibility of the Architect to provide adequate security over the use of the Architect's seal.
2) All Technical Submissions prepared under the Responsible Charge of the Architect required by public authorities having jurisdiction for Building permits or regulatory approvals shall be sealed and signed by the Architect. By sealing a Technical Submission, the Architect represents that the Architect was in Responsible Charge over the content of such Technical Submissions during its preparation and has applied the required professional standard of care.
3) The public authorities having jurisdiction and charged with the administration and enforcement of adopted codes shall accept or approve Technical Submissions involving the Practice of Architecture only if the Technical Submissions have been sealed as required by this Act. A Building permit issued for a Technical Submission that does not conform with the requirements of this Act shall be invalid.

Section 402. Unlawful Practice

1) Except as otherwise provided under this Act, it shall be unlawful for any individual to engage in the Practice of Architecture unless duly licensed as an Architect under the applicable provisions of this Act.

[8] Design of the built environment is regulated by applicable Building codes and statutes. Architects seal Technical Submissions to certify applicable codes have been appropriately addressed. The seal also represents that the Architect is in Responsible Charge of the design, is familiar with all aspects of the document preparation, and the submission is complete for construction. The public authorities in charge of issuing Building permits or granting regulatory approvals are responsible for determining that the construction documents adequately describe a Building project that, when completed, will meet the applicable codes. It is not unusual for such authorities to make comments that will result in corrections or discussions with the Architect. It is NCARB's expectation that these authorities do not issue a Building permit to construct until all comments have been appropriately addressed and the amended documents have been sealed and signed.

2) Except as set forth in Article III, no individual shall engage in the Practice of Architecture[9] in (Jurisdiction) or use the title "Architect" or any modification or derivative in its name or description of its business activity in a manner that indicates or implies that it engages in the Practice of Architecture or offers to engage in the Practice of Architecture in the Jurisdiction.

Section 403. Record Keeping

An Architect shall maintain documentation of Technical Submissions for at least five (5) years and make records available to the Board upon request. Records must be adequate to demonstrate the Architect's Responsible Charge over the Technical Submissions, whether prepared entirely by the Architect or by integrating the work of others.

[9] The Practice of Architecture includes services in connection with the design and construction, enlargement, or alteration of a Building or group of Buildings and the space within Buildings known as "interior architecture."

Article V – Discipline

Section 501. Enforcement Authority and Grounds for Discipline

1) The Board shall be charged with the enforcement of this Act and the regulations adopted hereunder. Persons, whether or not licensed or registered by the Board, who engage in conduct in violation of this Act or the regulations adopted hereunder, are subject to the Board's authority. Persons licensed or registered by the Board cannot divest the Board of its authority by changing their licensure or registration status or relinquishing their License or registration.
2) Conduct in violation of this Act or the regulations adopted hereunder includes, but is not limited to:
   A. A conviction for or other official determination of a violation of any law, rule, or regulation of (Jurisdiction), any other Jurisdiction, or the federal government, pertaining to any aspect of the Practice of Architecture;
   B. Unprofessional conduct relating to the Practice of Architecture;
   C. Failure to conform to the accepted minimum standard of care;
   D. Financial misconduct such as improper or fraudulent billing practices;
   E. Incapacity or impairment, for whatever reason, that prevents an Architect from engaging in the Practice of Architecture consistent with the accepted minimum standard of care;
   F. Conviction of a felony;
   G. Engaging, or aiding and abetting any Person with engaging, in the Practice of Architecture without being licensed or registered pursuant to this Act;
   H. Falsely using the title of "Architect" or any derivative thereof;
   I. A conviction or other official determination of engaging in the Practice of Architecture in another Jurisdiction without being duly licensed in that Jurisdiction;
   J. Attempting to use or using the License or seal of another Architect as their own;
   K. Having had any license to engage in the Practice of Architecture subjected to disciplinary action by a licensing authority recognized by the Board, if the basis of such disciplinary action would have resulted in a violation in (Jurisdiction);[10]

[10] This provision is not intended to be used to impose additional discipline or civil penalties for minor or administrative infractions that have been resolved in the relevant Jurisdiction. Jurisdictions should rely upon this

L. Failure to comply with policies and procedures related to the examination and Approved Experience Program required by the Board for an initial License;

M. Having been sanctioned by the NCARB Board of Directors;

N. Failure to report to the Board any information as required under Article VI – Reporting of Complaints of this Act;

O. Failure to disclose a fact or misrepresentation of a fact to the Board;

P. Failure to cooperate with the Board in an investigation pending against any Person;

Q. Failure to comply with any stipulation or agreement of any Board disciplinary action; or

R. Any other grounds as provided by the Board in regulation.

Section 502. Disciplinary Procedures

1) The Board shall by regulation set forth procedures for discipline pursuant to the (Jurisdiction) Administrative Procedures Act, including, but not limited to, the right to a hearing and judicial review.

2) The Board acting by itself or through a designee may administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda, or other information necessary to enforce this Act.

Section 503. Disciplinary and Other Enforcement Actions

1) For conduct violating any provision of this Act or the regulations adopted hereunder, the Board may refuse to issue, renew, or reinstate, or may suspend, revoke, reprimand, restrict or otherwise limit the License or registration of any Person, whether or not currently licensed, pursuant to the (Jurisdiction) Administrative Procedure Act. The Board in addition to other enforcement actions may impose civil penalties, including recovery of costs, for violations of this Act and the regulations adopted hereunder.

Jurisdictions should rely on this provision only if the Board determines additional disciplinary action intended to limit the public's exposure to the Architect's practice is required for actions such as a refusal to renew, revocation or suspension of licensure, or a restriction or limitation on practice.

2) The Board or, upon the request of the Board, the Attorney General, or the appropriate District Attorney, shall file an action to enjoin or restrain a Person, whether or not licensed or registered, from violating any provision of this Act or the regulations adopted hereunder, including injunctive relief, in the court with appropriate jurisdiction.
3) If any Person refuses to comply with any decision or order of the Board, then the Board or, upon the request of the Board, the Attorney General, or the appropriate District Attorney, shall file an action for the enforcement of such decision or order, including injunctive relief, in the court with appropriate jurisdiction. After due hearing, the court shall order the enforcement of such decision or order, or any part thereof, if legally and properly made by the Board and, where appropriate, injunctive relief.

Article VI – Reporting of Complaints

Section 601. Complaints

The Board shall establish comprehensive procedures for reporting and receiving complaints of a possible violation of this Act.

Section 602. Duty to Report Misconduct

Any Architect, Applicant, or Firm who has knowledge of any conduct by any Person that may constitute grounds for disciplinary action under any provision of this Act or any regulation duly promulgated hereunder shall report such conduct to the Board. An Architect, Applicant, or Firm who violates this Act or any regulation promulgated hereunder is required to self-report such violation to the Board.

Article VII – Other

Section 701. Severability

If any provision of this Act is declared unconstitutional or illegal, or the applicability of this Act to any Person or circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the remaining provisions of this Act and the application of this Act to other Persons and circumstances, shall not be affected, and shall remain in full force and effect, without the invalid provision or application.

Section 702. Effective Date

This Act shall be in full force and effect on (Date).

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R101 (Model Law Section 101. Title of Act)

[Reserved]

R102 Legislative Declaration of Purpose

These regulations are adopted by [Board Name] under the authority of [Act], establishing the Board and conferring upon it responsibility for licensing of Architects and the regulation of the Practice of Architecture, and in conformity with other applicable jurisdictional acts.

R103 Definitions

Terms defined in [Act] have the same meanings when used in these regulations. As used in these regulations, the following terms have the following meanings:

1) **Continuing Education Hour (CEH)** – One continuous instructional hour (50 to 60 minutes of contact) spent in Structured Educational Activities intended to increase or update the Architect's knowledge and Competence in Health, Safety, and Welfare Subjects. If the provider of the Structured Educational Activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the Architect's time for Continuing Education Hour purposes irrespective of actual time spent on the activity.
2) **Health, Safety, and Welfare Subjects** – Technical and professional subjects related to the Practice of Architecture that the Board deems appropriate to safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of Buildings and the built environment.
   A. Practice Management: This category focuses on areas related to the management of architectural practice and the details of running a business.
   B. Project Management: This category focuses on areas related to the management of architectural projects through execution.
   C. Programming & Analysis: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

D. Project Planning & Design: This category focuses on areas related to the preliminary design of sites and Buildings.

E. Project Development & Documentation: This category focuses on areas related to the integration and documentation of Building systems, material selection, and material assemblies into a project.

F. Construction & Evaluation: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

3) **Prototypical Building** – Any Building or any space within a Building intended to be constructed in multiple locations for a client and that conveys a standard design.

4) **Structured Educational Activities** – Educational activities in which at least 75 percent of an activity's content and instructional time must be devoted to Health, Safety, and Welfare Subjects related to the Practice of Architecture, including courses of study or other activities under the areas identified as Health, Safety, and Welfare Subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

R104 (Model Law Section 104. Activities and Individuals Excluded from the Practice of Architecture)

[Reserved]

R201 (Model Law Section 201. Delegation of Authority)

[Reserved]

R202 (Model Law Section 202. Board Composition)

[Reserved]

R203 (Model Law Section 203. Qualifications for Board Membership)

[Reserved]

R204 (Model Law Section 204. Board Member Appointment and Oversight)

[Reserved][11]

R205 (Model Law Section 205. Terms)

[Reserved]

R206 (Model Law Section 206. Board Member Vacancies)

[Reserved]

R207 (Model Law Section 207. Removal of Board Member)

[Reserved]

R208 Organization of the Board

A Board member shall serve a term of (Number) year(s) as an officer, commencing with the day of the officer's election and ending upon the election of the officer's successor. An officer shall serve no more than (Number) consecutive (Number)-year terms in each office to which they are elected.

[11] Commentary: Most Jurisdictions have a process by which Board member appointments are conducted. In many cases that is through a governor's appointment office. Boards should take care to ensure that any rule addressing appointment complies with the process identified at the Jurisdictional level. Some Boards have Board members who represent specific geographical regions within their Jurisdiction. Specific details related to identification, selection, or election of candidates for those positions should be described here.

R209 Executive Director

The Executive Director[12] is responsible for the day-to-day operations of the Board office and is the Person who shall be served in judicial proceedings against the Board. The Board delegates to the Executive Director certain responsibilities to properly fulfill the Board's duties, which may include, but are not limited to, the following:

1) Review and prepare applications for Board approval;
2) Oversight of investigations of complaints and present proposed adjudication for Board action;
3) Draft new rules and amendments to rules for Board proposal and adoption;
4) Develop the budget for Board approval;
5) Collect fees and monitor expenditures of funds;
6) Contract for required business services;
7) Report key operations performance measures to the Board;
8) Engage the Board in planning and implement the strategic plan;
9) Oversees and evaluates all staff;
10) Facilitate communications to and among Board members and make arrangements for Board meetings;
11) Serve as an agent of the Board when communicating with other jurisdictional agencies and the public;
12) Issue meeting minutes, reports, and notices required of the Board; and
13) Any other duties the Board may assign from time to time.

R210 Meetings of the Board

All aspects of any meeting of the Board shall comply with all requirements prescribed by (Jurisdiction) law, including the (Jurisdiction) Administrative Procedure Act and Open Meetings Act, and any regulations promulgated thereunder.

[12] There are different types of Board structure that impact the responsibilities of an Executive Director. Member Boards should review this section and modify to ensure the responsibilities are appropriately documented for the Board's model.

1) Frequency. The Board shall meet at least every calendar quarter (i.e., every three months). The Board shall meet at such additional times as may be called by the Chairperson of the Board or by two-thirds (2/3) vote of the members of the Board. Meetings should be scheduled to timely address the issues to be voted on at the NCARB Regional and Annual Business Meetings, including to discuss regional and Board of Directors elections, review proposed resolutions, and determine Board delegates to the meeting.
2) Location. The Board shall meet at such locations as it may from time to time determine. The location for each meeting shall be determined prior to giving notice of any such meeting and shall not be changed after such notice is given without adequate prior notice.
3) Remote Participation. The Board, consistent with (Jurisdiction) law and any regulations promulgated thereunder, may allow Board members not present at the meeting location to participate by means of conference telephone or by means of communication by which all Persons in the meeting are able to hear one another and otherwise fully participate in the meeting. Such participation shall constitute presence in person at the meeting.
4) Notice. Notice of all Board meetings shall be given in the manner and pursuant to all requirements prescribed by the (Jurisdiction) Administrative Procedure Act.
5) Quorum. A majority of Board members as constituted by statute shall constitute a quorum for the convening and conduct of a Board meeting and, except where a greater number is required under statute or the Act or by any regulation of the Board, all actions of the Board shall be by a majority of the members present at a meeting at which quorum is present.
6) Record of Board Meetings. A record of all Board meetings shall be maintained in accordance with the (Jurisdiction) Open Meetings Acts.
7) Per Diem or Expense Reimbursement. Each Board member shall be given a daily allowance and itemized reimbursement in compliance with (Jurisdiction) law for expenses related to Board meetings and other Board related business, including attending NCARB regional and national meetings.
8) Minutes. Official minutes of Board meetings shall be prepared and approved at the next regular meeting.
9) Conduct of Meetings. Unless required otherwise, by law or by these regulations, Robert's Rules of Order shall be used to conduct Board meetings.

10) Official Records.[13] Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the Board offices accurate and current records. Such records may be kept in paper or electronic format and may include, but are not limited to:
    A. Minutes of all Board meetings;
    B. The name and registration number of all Persons to whom Licenses or registrations are issued, the last known address of all such Architects and Firms;
    C. Documentation supporting/attesting to the Architect's or Firm's qualifications; and
    D. Alleged violations and investigatory documentation related to disciplinary actions.

R211 Powers and Duties Delegated to the Board

In addition to the powers and duties in Section 211, the Board shall perform its duties and transact its business, including, but not limited to:

1) Review and approve applications;
2) Review complaints and adjudicate enforcement cases brought under the Act and these regulations;
3) Make, adopt, amend, and repeal regulations;
4) Monitor the budget and operations via key performance measures;
5) Strategically plan the focus and initiatives of the Board;
6) Review and comment on NCARB resolutions for the jurisdictional submittal process consistent with *NCARB Bylaws*;
7) Discuss business matters and authorize the Board's voting delegate to represent the Board's interest at the NCARB Regional and Annual Business Meetings;
8) Review and respond to requests to assist the (Jurisdiction's) legislative and executive branch processes;
9) Review and respond to other matters as they arise; and

[13] If an existing retention schedule for such records does not exist through other jurisdictional law, the Board shall establish an appropriate retention schedule for each record. Recommendations for retention are as follows:
A. Minutes: Into perpetuity.
B. Name, License or registration number, and address of licensees (individual and Firm): Into perpetuity.
C. Documentation supporting licensee qualifications: Until death of licensee.
D. Investigatory/disciplinary documentation: Until death of licensee.

10) Make available for public access the names of all licensed and registered Persons.

R212 National Council of Architectural Registration Boards

1) The Board shall maintain membership in NCARB and its Regional Conferences and pay the necessary costs thereof.
2) The Board must keep up-to-date information on the experience and examination programs and recommended policies adopted by NCARB.
3) The Board shall participate in NCARB discussions related to establishing uniform standards of architectural registration throughout the United States and its territories.
4) The Board shall develop policies for Board member participation in NCARB committees, leadership, or other volunteer opportunities.

R301.0 Initial License Qualifications

1) To obtain an initial License other than pursuant to R301.4, an Applicant must meet the requirements set forth in R301.0 – R301.3.
2) In evaluating qualifications, the Board may, prior to reaching its decision, require the Applicant to substantiate the Applicant's qualifications.

R301.1 Education

1) An Applicant shall complete an Approved Educational Program, or its equivalent as described herein, to obtain an initial License.
2) An Approved Educational Program is a degree accredited by the National Architectural Accrediting Board (NAAB) or education deemed equivalent by the Board to the *NCARB Education Standard* pursuant to R301.1(2)(B). At a minimum, the criteria for determining such compliance with the education requirements shall include:
    A. An original, certified transcript from an Approved Educational Program transmitted through NCARB; or
    B. As an alternative to satisfying the Approved Educational Program requirement, the Board may consider (i) any other architectural curriculum that has not been accredited by NAAB, but that has been evaluated and found to be an equivalent standard based on the NCARB Alternatives to Education Requirement as identified in the *NCARB Certification Guidelines*, the most recent version being incorporated herein by reference; or (ii) demonstration of successful completion of an Education Evaluation Services for Architects (EESA) review. The Board may also consider an Applicant's combination of education and experience that has been evaluated and found to be equivalent to the *NCARB Education Standard*, the most recent version being incorporated herein by reference.
3) Other experience may be substituted for the licensure requirements set forth in [Education] only insofar as the Board considers it to be equivalent to or better than such requirements. The Applicant must provide to the Board clear and convincing evidence the equivalency or better of such other experience.

R301.2 Experience

An Applicant shall successfully complete the Approved Experience Program to obtain an initial License. An Approved Experience Program means the Architectural Experience Program (AXP) administered by NCARB.

R301.3 Examination

1) An Applicant shall pass the Approved Examination in accordance with the NCARB standards current at the time the Applicant took the Approved Examination to obtain an initial License. An Approved Examination means the Architect Registration Examination (ARE) administered by NCARB.
2) To qualify for the Approved Examination, an Applicant shall present satisfactory evidence to the Board of one of the following:
    A. An architecture degree from an Approved Educational Program; or
    B. Active enrollment in a NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within an Approved Educational Program.
3) The Board shall accept the ARE results as determined by NCARB.
4) Any violation or alleged violation of NCARB's guidelines or policies by an Applicant, including an Applicant's confidentiality agreements with respect to the examination, will be investigated and acted upon by NCARB. NCARB will report disciplinary actions taken based on such violation to the Board for possible disciplinary action under R501.
5) The Board may allow an Applicant to review a failed examination result in accordance with NCARB standards and procedures.
    A. The Board shall work with NCARB staff to determine the time and place for each review of a failed examination.
    B. A Board staff member shall be present during an Applicant's review of the Applicant's failed examination.
    C. The Board shall accept NCARB's final determination on all examination score result review and challenges.

R301.4 Initial License Standards – Military Personnel

1) To obtain a License other than pursuant to R301.0 – R301.3, an Applicant who is military personnel shall meet the requirements set forth in this section R301.5.
    A. In evaluating qualifications, the Board may, prior to reaching its decision, require the Applicant to substantiate the Applicant's qualifications.
    B. Other experience may be substituted for the initial License requirements set forth in [Education military] insofar as the Board considers it to be at least equivalent to or more comprehensive than such requirements. The Applicant must show by clear and convincing evidence the equivalency or better of such other experience.
2) An Applicant shall be of good character as verified to the Board by an Applicant's employers or by honorable discharge evidenced by a copy of military discharge document (DD 214).
3) An Applicant shall complete an Approved Educational Program.
4) An Applicant shall complete an Approved Experience Program. In lieu of an Approved Experience Program, the Board may accept "professional training while in active duty" as it deems acceptable and in keeping with the experience requirements set forth by the NCARB.
5) An Applicant shall pass an Approved Examination.

R301.5 Qualifications for Practice under Disaster Declaration

Any individual licensed to engage in the Practice of Architecture in another Jurisdiction may provide disaster assessment services[14] within the scope of their License and in response to a disaster declared by the U.S. Federal Government, governor, or other appropriate authority of (Jurisdiction). On written notice to the Board, such services may be provided in (Jurisdiction) without a License for the duration of the incident period, such services may be provided in (Jurisdiction) without a License for the duration of the incident period, defined as the time interval during which disaster-causing incident occurs, as established by the U.S. Department of Homeland Security's Federal Emergency Management Agency in the FEMA-State Agreement and Published in the Federal Register. The individual providing services pursuant to this regulation is bound by (Jurisdiction). The individual providing services pursuant to this

[14] "Disaster assessment services" are limited to evaluation of structural integrity or nonstructural elements affecting life, safety, and habitability. Other architectural services beyond disaster assessment services, including but not limited to design of repairs, demolition plans, construction documents, or construction administration, should only be undertaken by an Architect licensed in the Jurisdiction.

regulation is bound by (Jurisdiction) law. The Board reserves the authority to remove, revoke, rescind, or restrict this disaster-declaration practice privilege of any individual without a hearing by a majority vote of its members.

R301.6 Initial License for Foreign Applicants

To obtain an initial License, a foreign Applicant shall complete the same requirements as identified in R301.0 – R301.3.

R302.0 Reciprocal License Qualifications

Pursuant of Section 302 of the Act, to obtain a reciprocal License in (Jurisdiction), an Applicant must have their NCARB Record transmitted to the Board, file an application with the Board, and pay the applicable fee.

R302.1 Reciprocal License for Foreign Architects

Individuals actively licensed as an Architect by a regulatory authority outside of the United States or Canada, who currently hold an NCARB Certificate obtained through a Mutual Recognition Agreement, Mutual Recognition Arrangement, or Tri-National Agreement shall be eligible for a License.

R303 Firm Registration

Legally formed business entities shall apply to the Board for a certificate of Firm registration and shall provide the information required in Board regulations prior to doing business in (Jurisdiction).

1) Any legally formed business entity, whether organized under the laws of (Jurisdiction) or any other Jurisdiction, may neither offer nor provide architectural services in (Jurisdiction) until such entity has obtained a certificate of Firm registration issued by the Board. A certificate of Firm registration may be issued as of the date it is approved by the Board and shall be valid for two (2) years.
2) The Board may issue a certificate of Firm registration to a legally formed business entity upon receipt of all of the following:
    A. An application prescribed by the Board, which shall designate one or more supervising Architects who shall perform or directly supervise the performance of all architectural

services by said Firm in (Jurisdiction). Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the Architect or under the Architect's direct supervision only when the requirements of this regulation (R303) are fully satisfied. To be designated as a supervising Architect, an Architect must be:

i. Licensed by the Board;
ii. A full-time active employee of the Firm; and
iii. Primary occupation is with the Firm.

B. The applicable fee.

3) If any change occurs in any of the information provided to the Board pursuant to R303(2) during the period for which a certificate of Firm registration is granted, such change must be reported to the Board within 30 days after the effective date of such change.
4) Pursuant to Section 501 of the Act, the Board may revoke or suspend a certificate of Firm registration granted pursuant to R303 if any officer, director, or employee of a registered Firm violates any provision of the Act or these regulations; provided, however, that it shall be an affirmative defense if the Firm demonstrates to the Board that such individual was not acting as an agent of the Firm at the time such violation occurred.

R304 Continuing Education

In addition to all other requirements for License renewal, an Architect must complete Continuing Education Hours each calendar year or be exempt from these Continuing Education requirements as provided below. Failure to comply with these requirements may result in non-renewal of the Architect's License.

1) Continuing Education Hours. 12 Continuing Education Hours must be completed in Health, Safety, and Welfare Subjects acquired in Structured Educational Activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours shall not be credited to a future calendar year.

2) Reporting and Record Keeping. An Architect shall complete and submit forms as required by the Board certifying that the Architect has completed the required Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. Documentation of reported Continuing Education Hours shall be maintained by the Architect for six (6) years from the date of award. If the Board disallows any Continuing Education Hours, the Architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the Continuing Education Hours disallowed or to remedy the disallowance by completing the required number of Continuing Education Hours (but such Continuing Education Hours shall not again be used for the next calendar year). If the Board finds, after proper notice and hearing, that the Architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the Architect may be subject to disciplinary action in accordance with the [Act] and Board regulations.
3) Exemptions. An Architect shall not be subject to these requirements if:
    A. The Architect has been granted emeritus or inactive status by the Board; or
    B. The Architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the Architect may be excused from some or all of these requirements; or
    C. The Architect lists the Architect's occupation as "retired" or "inactive" on the Board approved renewal form and further certifies that the Architect is no longer engaging in the Practice of Architecture.
4) Reinstatement of Retired or Inactive Architects. In the event such a retired or inactive Person elects to return to active practice, they shall request reinstatement of their License by providing the Board with documentation of the completion of twelve (12) Health, Safety, and Welfare Continuing Education Hours within the preceding twelve (12) months before they may resume actively engaging in the Practice of Architecture. Inactive or retired Persons returning to active practice must report CEHs earned prior to the request to reactivate.

R305 Requirements for License Renewal

[Describe terms, including fee with cross-reference to R313, citing applicable statute.]

1) A License shall be renewed every two (2) years.
2) An Architect shall renew the License prior to its renewal date to continue engaging in the Practice of Architecture. It is the responsibility of the Architect to timely renew the License.
3) To renew a License, an Architect shall complete a renewal application prescribed by the Board and pay the renewal fee established in R313 on or before the renewal date.
4) After reviewing the renewal application, the Board may renew the License.

R306 Requirements for Reinstatement of Delinquent and Expired License

1) A License not renewed by its renewal date shall be a "Delinquent License" for a period of up to 120 days after its renewal date until the License is reinstated. A License not renewed after 120 days of its renewal date shall be an "Expired License" until the License is reinstated. An Architect with a Delinquent License or Expired License is prohibited from engaging in the Practice of Architecture in this (Jurisdiction) until such License is reinstated pursuant to this section R306.
2) To resume engaging in the Practice of Architecture, an Architect with a Delinquent License or Expired License shall apply for reinstatement by the Board to resume engaging in the Practice of Architecture. Each Applicant for reinstatement of a Delinquent or Expired License must submit documentation satisfactory to the Board meeting in accordance with the following criteria:
    A. Delinquent License: An Applicant for reinstatement of a Delinquent License shall submit to the Board:
        i. A completed application for License reinstatement prescribed by the Board and payment of applicable fees including a late fee as determined by the Board but not to exceed three times the Board's initial licensure application fee; and
        ii. Documentation of successful completion of all applicable licensure renewal requirements.
    B. Expired License: An Applicant for reinstatement of an Expired License shall satisfy the requirements set forth in this R306 and R301.0 – R301.3 and is subject to the following:
        i. In connection with any application for an Expired License reinstatement, the Board may impose any additional reasonable requirements it deems necessary.

ii. The Board may also consider any relevant extenuating circumstances duly submitted in conjunction with any reinstatement application for an Expired License where the Applicant can demonstrate hardship, so long as the Board maintains its public protection mission in considering any such reinstatement application.

iii. Applicants for reinstatement of an Expired License must also submit evidence to the Board of completing twenty-four (24) Continuing Education Hours in Health, Safety, and Welfare Subjects acquired in Structured Educational Activities within a two (2) year period immediately prior to the reinstatement application.

R307 Reinstatement of Inactive License

[Describe terms, including fee with cross-reference to R313, citing applicable statute.]

1) An Architect may apply for Inactive License status if the Architect satisfies the following criteria:
    A. Holds a License in Good Standing; and
    B. Certifies that they shall not engage in the Practice of Architecture while on inactive status except to identify themself as an inactive licensee.
2) Upon application to the Board, if all requirements are met, the Architect shall be granted Inactive License status.
3) Inactive status licensees are not required to fulfill the continuing education requirement.
4) A License may remain on inactive status indefinitely.
5) In the event a Person with Inactive Licensure status elects to return to active practice in [Jursidiction], they shall submit a current renewal application form, the renewal fee, and documentation of the completion CEHs as per Regulation 304.4 before they may resume actively engaging in the Practice of Architecture.

After reviewing the renewal application, the Board may renew the License.

R308 Architect Emeritus Requirements

6) An Architect may apply for Architect emeritus status if the Architect satisfies the following criteria:
    A. Holds a License in Good Standing;

B. Is retired from the active Practice of Architecture. "Retired" means the Architect no longer engages in the active Practice of Architecture as defined in Section 103 of Article I of the Act; and

C. Was registered for at least ten (10) years in (Jurisdiction) or is 65 years of age or older.

7) An Architect who can provide, to the Board's satisfaction, documentation that the Architect is physically or mentally unable to engage in the Practice of Architecture may also apply for Architect emeritus status.

8) Upon application to the Board, if all requirements are met, the Architect shall be granted Architect emeritus status.

9) An individual granted Architect emeritus status may use the title "Architect emeritus" on any letter, title, sign, card, or device.

10) If an Architect emeritus wishes to engage in the active Practice of Architecture, they shall submit a current renewal application form, the renewal fee, and documentation of completing twelve (12) Health, Safety, and Welfare Continuing Education Hours required by regulation.

R309 Reinstatement of License Following Disciplinary Action

The Board shall have the power under Section 309 of the Act to reinstate a License that has been revoked, suspended, or restricted by the Board, for engaging in conduct in violation of the Act or these regulations. The Board may be petitioned for License reinstatement in writing on the form required by the Board, with payment of the required fee per R313.

R310 (Model Law Section 310. *Prima Facie* Evidence of Licensure)

[Reserved]

R311 Source of Data

Sources of data shared by the Board and NCARB for determination of qualifications for licensure (initial, reciprocity, or renewal) may include, but not be limited to:

- Status of licensure in (Jurisdiction), and
- History or status of complaints or Board(s) investigations, and
- History or status of disciplinary actions taken by Board(s).

R312 Confidentiality

Notwithstanding any other law, an Applicant's Social Security number, federal employer identification number, or individual taxpayer identification number furnished to the Board pursuant to the Act or these regulations shall not be deemed a matter of public record, shall not be open to or made available for public inspection, shall not be used for a purpose inconsistent with the Act or these regulations, and shall be removed from the record in the custody of the Board at such time that such information is no longer necessary for the enforcement of the Act or these regulations. The Board shall maintain records for a period of at least three (3) years after the end of the period of time to which they relate.

R313 Fees

[Insert schedule of fees, with cross-references to statutory language permitting the Board to establish fees [Section 211(1)(e) of the Act], or to any fees set by statute. This list should identify all categories of fees, including those to be established from time to time by the Board.]

R314 Application Appeals

[Task Force is developing references to applicable law providing for administrative or judicial review of the Board's decisions respecting Applicants.]

R401.0 Design and Use of Architect's Seal

1) Pursuant to Section 401 of the Act and subject to R501(C), each Architect must procure a seal, which shall contain the Architect's first and last name, the Architect's License number, and the words "LICENSED ARCHITECT— [NAME OF JURISDICTION]." This seal must comply in all respects, including size and format, with the seal shown below: [INSERT SPECIMEN SEAL IMPRINT.]
2) As required by Section 401 of the Act, the seal must appear on all Technical Submissions prepared under the Responsible Charge of the Architect, including, but not limited to, each drawing sheet and the specifications cover. Such seal and signature may be electronic.

R401.1 Architect Seal

1) An Architect may seal and sign Technical Submissions only if the Technical Submissions were:
    A. Prepared by the Architect;
    B. Prepared by individuals under the Architect's Responsible Charge;
    C. Prepared by another Architect if the sealing and signing Architect has reviewed the other Architect's work and either has coordinated the preparation of the work or has integrated the work into their own Technical Submissions; or
    D. Prepared by another Architect licensed in any Jurisdiction and holding a current and valid NCARB Certificate if the sealing and signing Architect has reviewed the other Architect's work and has integrated the work into their own Technical Submissions.
2) An Architect may include in Technical Submissions and may seal and sign Prototypical Building documents prepared by an Architect licensed in any Jurisdiction. The Architect shall modify the Prototypical Building documents to comply with the requirements of (Jurisdiction).
3) An Architect may also seal and sign drawings, specifications, or other work that is not required to be sealed by this Act.
4) An Architect who has sealed and signed Technical Submissions integrating the work of another Architect into the Architect's own work shall maintain and make available to the Board adequate and complete records demonstrating the nature and extent of the Architect's review of and integration of the other Architect's work into their own Technical Submissions. Following such sealing and signing, these records shall comply with the provisions of Section 403 of Law.

R402 Titles for Individuals and Firms

1) Architects licensed in (Jurisdiction) are authorized to use any form of the word "Architect" or the word "architecture" to describe themselves and to describe services they offer and perform in (Jurisdiction).
2) A Firm licensed in (Jurisdiction) is authorized to use any form of the word "Architect" or the word "architecture" in its name or to describe services it offers or performs in (Jurisdiction).
3) No entity other than those qualified in subsections (1) and (2) of this section may use any form of the word "Architect" or "architecture" in its name or to describe services it offers or performs in (Jurisdiction).[15]

R403 (Model Law Section 403. Record Keeping)

[Reserved]

[15] Jurisdictions may add any additional language related to exceptions to the use of the word “Architect” or the word “architecture."

R501 Enforcement Authority and Grounds for Discipline

The Board may take disciplinary action based upon the grounds for discipline in Section 501 of the Act or one or more of the following grounds:

1) Conduct that violates security of the Architect Registration Examination as cited in NCARB Board Policies, as amended or supplanted, which are incorporated herein by reference, related to the Architect Registration Examination or any other Examination materials.
2) Conduct that violates the *Architectural Experience Program Guidelines* related to the Architectural Experience Program.
3) Conduct that violates the *NCARB Model Rules of Conduct* currently in effect at the time of the putative violation. The *NCARB Model Rules of Conduct*, as amended or supplanted, is incorporated herein by reference.

R502 Disciplinary Procedures

[Insert procedures as identified by the (Jurisdiction) Administrative Procedures Act][16]

R503 Disciplinary and Other Enforcement Actions

[Below is an example a disciplinary matrix of standard enforcement actions for certain violations to provide notice to licensees and to encourage consistent disciplinary actions][17]

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[16] The Board should establish broad procedures for instituting disciplinary actions including but not limited to the following: the right to a hearing, notice of the hearing, right to counsel, informal settlements, procedures to be used during the hearing (evidence, witnesses, dispositions, and subpoenas), final decisions, appeals, and other Board-specific items related to the disciplinary process. Boards are encouraged to publish practice-related disciplinary actions. This provides an additional layer of public protection by making clients and future clients aware of such actions by Architects and anyone fraudulently holding themselves out as an Architect.

[17] Examples of common disciplinary violations that could be assigned a standard penalty and administered by Board staff include:

- Failure to complete the necessary Continuing Education Hours (CEH) at time of License renewal.
  - A fine of $100 per missing CEH.
- Failure to renew an active License within the allotted time period.
  - A fine of $500 for each thirty (30) calendar days beyond the scheduled late period up to a total of six (6) months after the original renewal date. After six (6) months the License is inactive.
- Failure to renew a Firm registration within the allotted time period.
  - A fine of $500 for each thirty (30) calendar days beyond the scheduled late period up to a total of six (6) months after the original renewal date. After six (6) months the Firm registration is revoked.

Violation	Citation	Discipline	Fine or Penalty
Practice of Architecture while License or Firm registration is expired.	305(2) and R305		$
Aiding or abetting any Person with engaging in the Practice of Architecture without being licensed or registered pursuant to the Act.	501(G)		$
Unauthorized use of term “Architect” or “architectural.”	402(2)		$

R601 Complaints

The Board shall establish comprehensive procedures for reporting and receiving complaints of a possible violation of this Act.[18]

R602 NCARB Model Rules of Conduct

Architects shall adhere to the appropriate standards of conduct as outlined in the *NCARB Model Rules of Conduct*, as amended or supplanted, incorporated herein by reference.

[18] Effectively addressing misconduct is a critical function of a Board to ensure public protection. Any regulations related to complaints received and investigations should be consistent with the (Jurisdiction's) Administrative Procedures Act, including, but not limited to, the following: how the agency receives a complaint, initial review of the complaint, the investigation process, dismissal of the complaint, referral for disciplinary action, and any alternative actions.

Boards may structure the investigative process in a variety of different formats, including, but not limited to, an in-house investigator, hired investigator, discipline committee consisting of Board members, or the Jurisdiction's Department of Justice. The process employed by the Board will often reflect the organizational structure of the agency within the Jurisdiction and the resources available. The results of the investigation should be shared with the full Board to make a final determination. Board members involved directly in the investigation should recuse themselves from the full Board deliberations and determinations to avoid conflicts.

Complaints and information collected in the course of an investigation should be protected from public records requests. It is recommended that Boards explore the possibility of obtaining an exemption for this information in its Public Records law.

R701 Severability

If any provision of these regulations is declared unconstitutional or illegal, or the applicability of these regulations to any Person or circumstance is held invalid by a court of competent jurisdiction, the constitutionality or legality of the remaining provisions of these regulations and the application of these regulations to other Persons and circumstances, shall not be affected, and shall remain in full force and effect, without the invalid provision or application.

R702 Effective Date

In accordance with the (Jurisdiction) Administrative Procedures Act, amendments to these regulations should be publicly available.