

Arkansas State Board of Architects
AMENDED ADOPTED CHANGES TO RULES AND REGULATIONS
Effective June 1, 2005

SECTION I
SCOPE; DEFINITIONS

D. TERMS DEFINED HEREIN

“Emeritus Architect”

A registrant who has retired from the active practice of architecture who is 65 years of age or older. At the discretion of the Board, a registrant of any age who has become incapacitated may be granted emeritus status. An emeritus architect may use the title “architect” but may not practice architecture as defined in Arkansas Code Annotated §17-15-102(5)(A)(i).

“Responsible Control”

That amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the control of such submissions throughout their preparation.

“Technical Submissions”

Designs, drawings, specifications, studies, and other technical reports prepared in the course of practicing architecture.

SECTION III
APPLICATION FOR REGISTRATION

D. REGISTRATION STANDARDS

1. To be granted registration, an applicant must
 - a. Be of good moral character, as verified by employers and registered architects.
 - b. After January 1, 1985, hold a professional degree in architecture from a degree program that has been accredited by NAAB not later than two years after termination of enrollment or successfully complete the Broadly Experienced Architect (BEA) process with NCARB and awarded an NCARB Certificate; if prior to January 1, 1985, the applicant must have 12.5 years of combined education and experience until January 1, 1985.
 - c. Have satisfied the IDP requirements in accordance with current NCARB standards. IDP requirements are waived for applicants who have received NCARB certification prior to July 1984 or have been NCARB certified and actively practiced architecture for three years or more.
 - d. Have passed the Examination.
 - e. Completed an affidavit supplied by the Board attesting to have read and understood the Arkansas Architectural Act and Rules and Regulations.
 - f. Successfully passed the jurisprudence test on the Arkansas Architectural Act and Rules and Regulations of the Board.
2. In evaluating records, the Board shall apply the current education and training standards, except that an applicant who qualified under the standards current at the time of his/her application shall be evaluated by those standards.
3. In evaluating records, the Board may, prior to granting a registration, require substantiation of the quality and character of the applicant’s experience, notwithstanding the fact that the applicant has complied with the technical registration requirements set forth above.

SECTION IV
CONTINUING EDUCATION

D. REQUIREMENTS

1. Each Arkansas registered architect shall complete a minimum of twelve (12) continuing education hours each fiscal year, beginning August 1, 1997. One continuing education hour (CEH) shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for meals, breaks, or business/administration matters related to courses of study.

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E. ACCEPTANCE OF CONTINUING EDUCATION HOURS

1. Continuing education credits shall be measured in CEH and shall be computed as follows:
 - a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one CEH for each hour of attendance.
 - b. Successfully completing tutorials, short courses, correspondence courses, televised or videotaped courses, monographs and other self-study courses shall constitute the CEH recommended by the program sponsor.
 - c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two (2) CEH for each contact hour spent in the actual first time presentation. Teaching credit shall be valid for teaching a seminar or course in its initial presentation only. **TEACHING CREDIT SHALL NOT APPLY TO FULL-TIME FACULTY AT A COLLEGE, UNIVERSITY, OR OTHER EDUCATIONAL INSTITUTION.**
 - d. Successfully completing one or more college or university semester or quarter hours in architectural subjects shall satisfy the continuing education hours for the year in which the course was completed.
2. Any structured program in health, safety, and welfare contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the American Institute of Architects as a professional registry, and contact hours listed in structured health, safety, and welfare in the American Institute of Architects Continuing Education Services (AIA/CES) Transcript of Continuing Education Activities will be accepted by the board for both resident and non-resident architects. The ~~R~~ registrant shall provide individual participant documentation from a person other than the participant for the record keeping and reporting.
3. Each registrant at renewal of registration time shall submit an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding period of one fiscal year ending July 31. No carry-over of continuing education hours from previous year is permitted. Affidavits with an accompanying report concerning registrant's methods of completion of requirements shall be submitted on a form provided by the Committee.
4. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.

G. NONCOMPLIANCE AND SANCTIONS

Failure to fulfill the continuing education requirements, or file the annual report, properly completed and signed, by July 31 shall result in a penalty of two hundred fifty dollars (\$250.00) per month for a maximum of one thousand dollars (\$1,000) each year in addition to the renewal fee and late payment fees. At the discretion of the Board, a temporary renewal of license may be issued for up to ninety (90) days. Documentation of completion of continuing education credits shall be submitted to the Board within the ninety (90) day period. Failure to comply with the Continuing Education requirements may result in revocation of your license.

SECTION VII REGISTRATION

B. DURATION

Certificates of registration shall expire on July 31 of each year and shall become invalid on August 1 unless renewed. All renewals must be either received in the Board office by the close of business on July 31 or postmarked by July 31. Renewal may be effected at any time during the month of July by payment of the renewal fee as provided in SECTION VII, C. Only renewal forms which contain the completed renewal application, continuing education report form demonstrating compliance with continuing education requirements and the required renewal fees will be processed.

C. RENEWAL

1. Certificates of registration for individuals and corporations which have expired or have been revoked due to non-payment of the annual renewal fee, may be reinstated through the payment of the renewal fee in effect at the time plus a penalty of fifty dollars (\$50.00) per month for the first three (3) months the certificates have expired or have been revoked. Thereafter, an additional penalty of one hundred dollars (\$100.00) for the balance of one (1) year for a maximum penalty of two hundred fifty dollars (\$250.00).

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2. A registrant who does not properly renew their license may not practice architecture after the expiration of the license. A registrant who continues to practice on an expired license will be subject to disciplinary sanctions as the Board deems appropriate.

SECTION VIII ORGANIZATIONAL PRACTICE

A. PERMISSION TO PRACTICE ARCHITECTURE IN CORPORATE OR PARTNERSHIP FORM

3.
 - a. It shall be unlawful to practice architecture in an office not under the day to day supervision of a registered architect.
 - b. It shall be unlawful for an architect to falsely represent himself as being in responsible control of architectural work or to permit his seal or facsimile thereof, to be used by another for any purpose.
 - c. A firm engaged in the practice of architecture in Arkansas must employ one (1) or more persons registered to practice architecture in Arkansas who is in full authority and responsible control of the firm's architectural practice. Persons in full authority and responsible control shall mean regularly employed persons in that office in an unrestricted, unchecked, and unqualified control of, and legally accountable for the actions of such architectural practice.
 - d. Any office maintained for the preparation of drawings, specifications, reports, and other professional work shall have in that office an architect duly registered with this Board, in full authority and responsible control, having direct knowledge and responsible control of such work.
 - g. Each firm shall provide and maintain the current mailing address and physical address of its main office and each office located in Arkansas.
 - h. If any change occurs in any of the information provided to the Board pursuant to SECTION VIII, A., 2., a., b., and 3.g during the period for which certificate of authorization is granted, such change shall be reported to the board within thirty (30) days after the effective date of such change.

SECTION IX RULES OF PROFESSIONAL CONDUCT

D. PROFESSIONAL CONDUCT

1. Except as provided under Section VII D(e), an Architect shall not sign or seal contract documents unless the documents were prepared by the architect or under the architect's supervisory control; provided, however, that in the case of portions of such contract documents prepared under the direct supervision of another registered architect employed by the first architect (or his or her firm), the architect may sign and seal those portions of the contract documents if the architect has reviewed such portions and has coordinated their preparation.
2. An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the registered architect is interested.
3. An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
4. Any office offering architectural services shall have an architect resident and regularly employed in that office.
5. An architect may sign and seal technical submissions only if the technical submissions were
 - a. Prepared by the architect; or
 - b. Prepared by persons under the architect's responsible control; or
 - c. Prepared by another registered architect in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions.
6. If in the course of his/her work on a project, an architect becomes aware of a decision taken by his/her employer or client, against the architect's advice, which violates applicable state or local building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall
 - a. Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or local building laws and regulations,
 - b. Refuse to consent to the decision, and

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- c. In circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, said architect may terminate his/her services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

E. AMENDMENTS

1. If, following a hearing held in accordance with the Arkansas Administrative Procedures Act, a registrant is found guilty of fraud, deceit, gross negligence, incompetence, misconduct or careless practice or is found to be in violation of any provisions found in Section IX A through F, the Board may revoke the license, suspend the license, decline to renew the license of the registrant, issue the registrant a reprimand which will become a part of the registrant's permanent record, levy a civil penalty and any other reasonable action deemed appropriate by the Board of Architects.
2. The Rules and Regulations may be amended in accordance with the Arkansas Administrative Procedures Act.
3. All former Rules and Regulations of the State Board of Architects pertaining to procedure, conduct and practice are hereby repealed.

F. ADMINISTRATION OF CONSTRUCTION CONTRACTS

1. If, under Arkansas law, an Architect must prepare or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, construction observation for the project shall be conducted by an Architect or by a person working under the Supervision and Control of an Architect. For purposes of this Subchapter, "construction observation" means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including the following services:
 - a. Visiting the construction site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued;
 - b. Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
 - c. Notifying an Owner and the Building Official of any code violations; changes which affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions which he/she identifies as constituting a hazard to the public, which he/she observes in the course of performing his/her duties.
2. The Owner of any real property, who allows a Project to be constructed on such real property and the construction requires the services of an architect, shall be engaged in the practice of architecture unless such Owner shall have employed or shall have caused others to have employed a registered architect to furnish Construction Contract Administration services with respect to such Project.