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Proposed

Administrative Rules and Regulations

May 1, 2013

NOTE ON RULE CHANGES

The most current Arkansas State Board of Architects, Landscape Architects, and Interior Designers (ASBALAID) Rules and Regulations can be found on the ASBALAID website at www.asbalaid.arkansas.gov. The Board adopts rules in accordance with Arkansas's Administrative Procedure Act, which requires public and legislative notice of rulemaking and the submission of all major substantive rules to the Legislature for review and approval.

Arkansas State Board of Architects, Landscape Architects, and Interior Designers
101 East Capitol Avenue, Suite 110
Little Rock, Arkansas 72201-3822
(501) 682-3171
www.asbalaid.arkansas.gov

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Rules and Regulations – Effective TBD

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Rules and Regulations

The Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Registered Interior Designers Title Registration Act and its regulations are being provided as a reference to licensees, candidates, and members of the public in this up-to-date format. All licensees and candidates for licensure should understand the board's statutes and regulations and should be familiar with their provisions. While every effort has been made to ensure the accuracy of this document, it does not have legal effect. Should any difference or error occur, the law will take precedence.

If you have a question regarding the interpretation of these statutes and regulations, please contact the Arkansas State Board of Architects, Landscape Architects, and Interior Designers at 101 East Capitol Avenue, Suite 110, Little Rock, AR, 72201-2822. The board can be reached by telephone at (501) 682-3171, by fax (501) 682-3172, or by email at asbalaid@arkansas.gov.

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1

CHAPTER ONE

2

RULES AND REGULATIONS

3

SECTION I

4

SCOPE AND DEFINITIONS

5

A. Purpose

6 These Rules and Regulations of the Arkansas State Board of Architects,
7 Landscape Architects, and Interior Designers are set forth for the purpose of
8 interpreting and implementing the Arkansas Architectural Act, [Arkansas](#)
9 [Landscape Architectural Practice Act](#), and [Arkansas Interior Designers Title](#)
10 [Registration Act](#), Arkansas Code Annotated 17-15-101, [17-35-101](#), and [17-36-101](#)
11 et seq. ~~This~~~~These Acts~~ ~~acts~~ establishes the ~~Board~~ ~~board~~ and grants it full
12 responsibility for registration of architects, landscape architects, and registered
13 interior designers. ~~They~~ ~~It~~ also provides for the regulation of the practice of
14 architecture, the practice of landscape architecture, and the use of the title
15 "registered interior designer."

16

B. Citation

17 These rules and regulations shall be known, and may be cited, as the Arkansas
18 State Board of Architects, Landscape Architects, and Interior Designers Rules and
19 Regulations.

20

C. Severability

21 If any provision of these regulations or the application thereof to any person or
22 circumstance is invalid, such invalidity shall not affect other provisions or
23 applications of these regulations; they can be given effect without the invalid
24 provision or application. To this end, the provisions of these regulations are
25 declared to be severable.

26

D. Terms Defined by Statute

27 The terms defined in the Arkansas Architectural Act, [Arkansas Landscape](#)
28 [Architectural Practice Act](#), and [Arkansas Interior Designers Title Registration Act](#),
29 Arkansas Code Annotated 17-15-101, [17-35-101](#), and [17-36-101](#) et seq., shall have
30 the same meanings when used in these regulations, unless the context or subject
31 matter clearly requires a different interpretation.

32

E. Terms Defined Herein

33 As used in these regulations, the following terms shall have the following
34 meanings, unless the context or subject matter clearly requires a different
35 interpretation.

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36 **Applicant**

37 An applicant is any individual who has submitted an application for registration
38 to the ~~Board~~board.

39 **Appropriate Design Professional**

40 The appropriate design professional is the individual who is most responsible for
41 the portion of the work that reflects that individual's discipline or area of
42 expertise. Examples of design professionals include architects, civil engineers,
43 structural engineers, mechanical engineers, ~~and~~ electrical engineers, landscape
44 architects, and registered interior designers.

45 **Architect**

46 An architect is any person who is technically and legally qualified to practice
47 architecture.

48 **Architect Registration Examination (ARE®)**

49 ARE® is the current Architect Registration Examination prepared by NCARB.

50 **Broadly Experienced Architect (BEA)**

51 BEA is a broadly experienced architect, as currently defined by NCARB.

52 **Broadly Experienced Foreign Architect (BEFA)**

53 BEFA is ~~the~~a broadly experienced foreign architect, as currently defined by
54 NCARB.

55 **Continuing Education (CE)**

56 Continuing education is learning that enables a registered architect, landscape
57 architect, or registered interior designer to regularly ~~to~~ increase or update
58 knowledge of and competence in technical and professional subjects related to
59 the practice of architecture, landscape architecture, or interior design to
60 safeguard the public's health, safety, and welfare.

61 **Continuing Education Hour (CEH)**

62 A continuing education hour refers to one continuous hour (50 to 60 minutes of
63 contact) spent in structured educational activities intended to increase or
64 update the architect's, landscape architect's, or registered interior designer's
65 knowledge and competence in health, safety, and welfare subjects. If the
66 provider of the structured educational activities prescribes a customary time for
67 completion of such an activity, then such prescribed time shall, unless the ~~Board~~

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68 board finds the prescribed time to be unreasonable, be accepted as the
69 architect's, landscape architect's, or registered interior designer's time for
70 continuing education purposes, irrespective of actual time spent on the activity.

71 **Council for Interior Design Accreditation (CIDA)**

72 CIDA is the Council for Interior Design Accreditation.

73 **Council for Interior Design Qualification (CIDQ)**

74 CIDQ is the Council for Interior Design Qualification.

75 **Council of Landscape Architectural Registration Boards (CLARB)**

76 CLARB is the Council of Landscape Architectural Registration Boards.

77 **Construction Contract Administration**

78 Construction contract administration is the portion of the architect's services that
79 takes place during the construction of a building. Construction contract
80 administration services must include periodic observation of the construction site
81 to determine whether the building is being built in accordance with the
82 construction documents. The appropriate design professional must observe the
83 portion of the work for which he or she is directly responsible.

84 **Education Evaluation Services for Architects (EESA)**

85 ~~The~~ Education Evaluation Services for Architects is a program ~~administered~~
86 administered by Educational Credential Evaluators, Inc., a private organization
87 not affiliated with NCARB or any of its members.

88 **Emeritus Architect**

89 An emeritus architect is a registrant who has retired from the active practice of
90 architecture and who is 65 years of age or older. At the discretion of the
91 ~~Board~~board, however, a registrant of any age who has become incapacitated
92 may be granted emeritus status. An emeritus architect may use the title
93 "architect," but may not practice architecture as defined in Arkansas Code
94 Annotated §17-15-102.

95 **Emeritus Landscape Architect**

96 An emeritus landscape architect is a registrant who has retired from the active
97 practice of architecture and who is 65 years of age or older. At the discretion of
98 the board, however, a registrant of any age who has become incapacitated
99 may be granted emeritus status. An emeritus landscape architect may use the

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100 [title "landscape architect," but may not practice architecture as defined in](#)
101 [Arkansas Code Annotated § 17-36-102.](#)

102 **Architect Examination**

103 [Architect](#) ~~E~~examination refers to the current Architect Registration Examination
104 (ARE®), prepared and administered through NCARB.

105 **Health, Safety, and Welfare Subjects**

106 Health, safety, and welfare subjects are ~~topics~~ related to technical and
107 professional courses that the ~~Board~~ [board](#) deems appropriate to safeguard the
108 public and that are within the following enumerated areas necessary for the
109 proper evaluation, design, construction, and utilization of buildings and the built
110 environment:

- 111 1. Legal: Laws, codes, zoning, regulations, standards, life safety measures,
112 accessibility, ethics, and insurance; protecting the owner or the public
- 113 2. Technical: Surveying, structural, mechanical, electrical, communication,
114 fire protection, controls
- 115 3. Environmental: Energy efficiency, sustainability, natural resources, natural
116 hazards, hazardous materials, waterproofing, insulation
- 117 4. Occupant Comfort: Air quality, lighting, acoustics, ergonomics
- 118 5. Materials and Methods: Building systems, products, finishes, furnishings,
119 equipment
- 120 6. Preservation: Historic, reuse, adaptation
- 121 7. Pre-Design: Land use analysis, programming, site selection, site and soils
122 analysis
- 123 8. Design: Urban planning, master planning, building design, site design,
124 interiors, safety and security measures
- 125 9. Construction Documents: Drawings, specifications, delivery methods
- 126 10. Construction Contract Administration: Contracts, bidding, contract
127 negotiations

128 **Interior Design Continuing Education Council (IDCEC)**

129 [IDCEC is the Interior Design Continuing Education Council.](#)

130 **Intern Development Program (IDP)**

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131 Intern Development Program training requirements for certification are
132 established, from time to time, by NCARB.

133 **Interior Design Examination**

134 Interior design examination refers to the current registration examination,
135 prepared and administered through CIDQ.

136 **Intern Architect**

137 An intern architect is any person who possesses a professional degree in
138 architecture from an NAAB-accredited school and is enrolled in the Intern
139 Development Program (IDP). Use of the title "intern architect" shall not be
140 construed to allow practice of architecture by unregistered individuals.

141 **Landscape Architectural Accreditation Board (LAAB)**

142 LAAB is the Landscape Architectural Accreditation Board.

143 **Landscape Architect**

144 A landscape architect is any person who is technically and legally qualified to
145 practice landscape architecture.

146 **Landscape Architect Examination**

147 Landscape Architect Examination refers to the current Landscape Architect
148 Registration Examination (LARE®), prepared and administered through CLARB.

149 **Landscape Architect Registration Examination (LARE®)**

150 LARE® is the current Landscape Architect Registration Examination prepared by
151 CLARB.

152 **National Architectural Accrediting Board (NAAB)**

153 The NAAB is the National Architectural Accrediting Board.

154 **National Council of Architectural Registration Boards (NCARB)**

155 ~~The~~ NCARB is the National Council of Architectural Registration Boards.

156 **Original Documents**

157 Original documents refer to the version of drawings and/or sets of specifications
158 from which all lawful copies are made.

159 **Practice of Architecture**

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160 The practice of architecture is the provision of, or the offering to provide, the
161 services defined in the Arkansas Architectural Act in connection with the design,
162 construction, enlargement, or alteration of a building or group of buildings
163 and/or the space within and surrounding buildings designed for human
164 occupancy or habitation. These services include planning, providing preliminary
165 studies, designs, drawings, specifications, and other technical submissions. The
166 practice of architecture also includes administrative services during construction.

167 **Principal**

168 A principal is any registered architect in charge of an organization's
169 architectural practice, either alone or in partnership with other registered
170 architects.

171 **Prototype Building**

172 A prototype building is any commercial building or space within a commercial
173 building that is intended to be constructed in multiple locations, has been
174 constructed in multiple locations, or that conveys an owner's intended uniform
175 business program, plan, or image.

176 **Prototypical Building Documents**

177 Prototypical building documents are technical submissions for prototypical
178 buildings that are prepared by, or under the responsible control of, an architect
179 who is registered in any ~~U_nited S_tates~~ jurisdiction and who holds certification
180 issued by NCARB. These documents must identify the architect; the architect's
181 registration number, jurisdiction, or registration; and the architect's NCARB
182 certification number. They also must be marked "Prototypical Design
183 Documents: Not for Construction." Prototypical building documents do not
184 ~~emprise-make up~~ a final comprehensive set of design and construction
185 documents because a prototypical building requires adaptation for local
186 building site conditions, which may require additional design.

187 **Registered Interior Designer**

188 A registered interior designer is any person who is technically and legally
189 qualified to utilize the title "registered interior designer."

190 **Responsible Control**

191 Responsible control is the amount of control over and detailed knowledge of the
192 content of technical submissions during their preparation, which is ordinarily
193 exercised by registered architects who are applying the required professional
194 standard of care. Reviewing or correcting technical submissions after they have
195 been prepared by others does not constitute the exercise of responsible control

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196 because the reviewer has neither control over nor detailed professional
197 knowledge of the content of such submissions throughout their preparation.

198 **Structured Educational Activities**

199 Structured educational activities are those in which at least 75 percent of an
200 activity's content and instructional time is devoted to acceptable health, safety,
201 and welfare subjects related to the practice of architecture, landscape
202 architecture, and interior design. Activities may include courses of study,
203 monographs, or other activities under the areas identified as health, safety, and
204 welfare subjects. The activities must be provided by qualified individuals or
205 organizations, whether delivered by direct contact or ~~distance~~distance-learning
206 methods.

207 **Technical Submissions**

208 Technical submissions are ~~the~~ designs, drawings, specifications, studies, and
209 other technical reports prepared in the course of practicing architecture and
210 landscape architecture. All technical submissions shall be identified by the name
211 and address of the architect, landscape architect, or the architect's firm.

212

SECTION II

213

GENERAL PROVISIONS

214

A. Board Operation

215

1. Board headquarters shall be located in Little Rock, at a location designated by the ~~Board~~board.

216

217

2. Board officers shall be a President, Vice President, and Secretary-Treasurer. Terms of office for officers shall last one (1) year, ~~beginning~~

218

~~January 1 of each year.~~

219

220

3. Board employees shall be the Executive Director, Administrative Assistant/Office Manager, Administrative Analyst, and/or other employees, as deemed necessary by the ~~Board~~board.

221

222

223

4. The fiscal year shall be July 1 through June 30.

224

225

5. Board meetings shall be held at the discretion of the ~~Board~~board, but not less than twice annually. Exact dates shall be determined by the President.

226

227

6. Special meetings may be called by the President or by any two (2) ~~Board~~board members.

228

229

7. All ~~Board~~board meetings shall take place in the State of Arkansas, as directed by the President or by two (2) ~~Board~~board members who call a special meeting.

230

231

232

8. Notice of any meeting shall be sent to each ~~Board~~board ~~Member~~ by the Executive Director or Administrative Assistant/Office Manager at least five (5) days prior to the meeting, unless such notice is waived by all members.

233

234

235

236

9. All of the following records and reports shall be the responsibility of the Secretary-Treasurer, who may delegate actual preparation to staff:

237

238

a. Minutes and official reports

239

b. Registration of applicants, examinations, certifications, and renewals

240

c. Correspondence

241

d. Receipts and disbursements

242

10. All funds collected shall be deposited into the account of the ~~Board~~board by the Secretary-Treasurer, who may delegate these duties to staff.

243

244

11. Fiduciary bonds covering the Secretary-Treasurer, Executive Director, and staff shall be secured as required by the ~~b~~Board or by the State of Arkansas.

245

246

247

12. All ~~Board~~board funds shall be deposited into ~~a~~the Arkansas State Treasury ~~checking~~ or savings account in a financial institution chartered in the State of Arkansas.

248

249

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250 13. Disbursements shall be made only with the signatures of any two of the
251 following, in accordance with the adopted Financial Oversight
252 Procedures: President, Executive Director, Administrative Assistant/Office
253 Manager, or Secretary-Treasurer.

254 **B. Board Seal**

255 The Seal of the ~~Board~~board was designated in 2009. This seal shall be applied to
256 all registrations issued by the ~~Board~~board.



257

258 **C. Public Information**

259 At its office, the ~~Board~~board shall maintain a roster of duly registered architects
260 and business entities showing each registered architect's or entity's business
261 name, registration, certificate, or authorization number, and last-known mailing
262 address. This roster shall be open to public inspection. Furthermore, a roster of all
263 licensed architects shall be published on the ~~Board's~~board's website.

264 **D. Prohibition or Improper Contacts**

- 265 1. Prior to the filing of an application, and after the final ~~Board~~board action
266 on an application, verbal and written communication with individual
267 ~~Board~~board members or any individual members of the ~~Board's~~board's
268 staff shall be freely permitted. However, no member of the ~~Board~~board or
269 its staff is authorized to give any indication of what specific actions the
270 ~~Board~~board may take upon the merits of an application that may be
271 filed. Board members and staff may give general advice about the
272 manner of completing or submitting applications, the procedures to be
273 followed when processing applications, and the nature of the standards
274 applied by the ~~Board~~board in evaluating applications. When an
275 application for registration is pending before the ~~Board~~board, no one shall
276 initiate any written or oral communication with individual ~~Board~~board
277 members concerning the matter; however, inquiries may be made, either
278 orally or in writing, to the Executive Director or the ~~Board~~board staff, or, in
279 writing, to the ~~Board~~board office.
- 280 2. Once a complaint has been filed or an enforcement action has been
281 initiated against any individual or corporation, no person shall contact

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282 any ~~Beardboard~~ member to discuss the circumstances of the case. No
283 one shall initiate any written or oral communication with individual
284 ~~Beardboard~~ members concerning the matter; however, inquiries may be
285 made, orally or in writing, to the Executive Director or ~~Beardboard~~ staff, or,
286 in writing, to the ~~Beardboard~~ office.

287 **E. NCARB**

- 288 1. The ~~Beardboard~~ shall maintain membership in NCARB and shall pay the
289 necessary costs thereof.
- 290 2. The ~~Beardboard~~ shall maintain up-to-date information on the
291 recommended polices adopted from time to time by NCARB.
- 292 3. The ~~Beardboard~~ shall cooperate with NCARB in establishing uniform
293 standards of architectural registration throughout the United States and
294 abroad.

295 **F. CLARB**

- 296 1. The board shall maintain membership in CLARB and pay the necessary
297 costs thereof.
- 298 2. The board shall maintain up-to-date information of the recommended
299 polices adopted from time to time by CLARB.
- 300 3. The board shall cooperate with CLARB in established uniform standards of
301 landscape architectural registration throughout the United States and
302 abroad.

303 **G. CIDQ**

- 304 1. The board shall maintain membership in CIDQ and pay the necessary cost
305 thereof.
- 306 2. The board shall maintain up-to-date information of the recommended
307 polices adopted from time to time by CIDQ.
- 308 3. The board shall cooperate with CIDQ in established uniform standards of
309 interior design registration throughout the United States and abroad.

310

311

SECTION III

312

APPLICATION FOR REGISTRATION

313

A. Submission of Registration

314

Every individual seeking registration shall submit an application to the

315

~~Board~~board, accompanied by a photograph and the filing fee established in

316

~~Arkansas Code Annotated § 17-15-311~~Arkansas Code Annotated 17-15-101, 17-

317

35-101, and 17-36-101 et seq.

318

B. Supplemental Material

319

Material submitted to supplement any previously-filed application must include

320

copies of the originally submitted application and all materials filed with that

321

application.

322

C. Application Fees

323

Every applicant shall include with his or her application a nonrefundable filing

324

fee, determined in accordance with this schedule:

325

1. Application for Examination (ARE®)

326

\$250.00

327

~~2.~~2. Application for Examination (LARE®)

328

\$250.00

329

~~3.~~3. Application for Registration by Examination (CIDQ)

330

\$250.00

331

~~3.~~4. Application for Individual Reciprocal Registration

332

\$250.00

333

~~4.~~5. Application for Certificate of Authorization Registration

334

\$250.00

335

~~5.~~6. Application for Emeritus Status Registration

336

\$20.00

337

338

D. Annual Renewal Fees

339

Every applicant for registration renewal shall include with his or her application a

340

nonrefundable renewal fee, determined in accordance with the schedule set

341

forth as follows:

342

1. Annual Renewal of Individual Registration

344

\$100.00

345

2. Annual Renewal of Certificate of Authorization Registration

346

\$250.00

347

3. Annual Renewal of Emeritus Status Registration

348

~~\$~~\$20.00

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349 **E. Late Fees**

350 Registrations for individuals and corporations ~~that~~ which have expired or have
351 been revoked due to non-payment of the annual renewal fee may be
352 reinstated through the payment of the renewal fee, in effect at the time, plus a
353 penalty of fifty dollars (\$50.00) per month for the first three (3) months in which
354 the registration has been expired or revoked. Thereafter, an additional penalty of
355 one hundred dollars (\$100.00) for the balance of one (1) year, for a maximum
356 penalty of two hundred fifty dollars (\$250.00) per a year, for a maximum of three
357 (3) years, shall be levied in accordance with the schedule set forth below:

358	1. Individual Registration/Certificate of Authorization	
359	(1 Month) Late	\$-50.00
360	2. Individual Registration/Certificate of Authorization	
361	(2 Months) Late	\$100.00
362	3. Individual Registration/Certificate of Authorization	
363	(3 Months) Late	\$150.00
364	4. Individual Registration/Certificate of Authorization	
365	(4–12 Months) Late	\$250.00
366	5. Individual Registration/Certificate of Authorization	
367	(13 Months) Late	\$300.00
368	6. Individual Registration/Certificate of Authorization	
369	(14 Months) Late	\$350.00
370	7. Individual Registration/Certificate of Authorization	
371	(15 Months) Late	\$400.00
372	8. Individual Registration/Certificate of Authorization	
373	(16–24 Months) Late	\$500.00
374	9. Individual Registration/Certificate of Authorization	
375	(25 Months) Late	\$550.00
376	10. Individual Registration/Certificate of Authorization	
377	(26 Months) Late	\$600.00
378	11. Individual Registration/Certificate of Authorization	
379	(27 Months) Late	\$650.00
380	12. Individual Registration/Certificate of Authorization	
381	(28–36 Months) Late	\$750.00

382 **F. Continuing Education Late Fees**

383 Failure to fulfill the continuing education requirements ~~or failure to file the~~
384 ~~required annual continuing education affidavit properly completed by July 31~~
385 shall result in the non-renewal of the individual's registration. A nonrefundable
386 penalty of ~~two hundred fifty dollars (\$250.00) per month, for a maximum of one~~
387 ~~thousand dollars (\$1,000.00) per year, for a period of three (3) years~~ five hundred
388 dollars (\$500) shall be levied in addition to the renewal fee and late fees.
389 ~~determined in accordance with the schedule set forth as follows:~~

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 390 ~~1. Annual Continuing Education Affidavit (1 Month) Late~~
- 391 ~~_____ \$ 250.00~~
- 392 ~~2. Annual Continuing Education Affidavit (2 Months) Late~~
- 393 ~~_____ \$ 500.00~~
- 394 ~~3. Annual Continuing Education Affidavit (3 Months) Late~~
- 395 ~~_____ \$ 750.00~~
- 396 ~~4. Annual Continuing Education Affidavit (4-12 Months) Late~~
- 397 ~~_____ \$1,000.00~~
- 398 ~~5. Annual Continuing Education Affidavit (13 Months) Late~~
- 399 ~~_____ \$1,250.00~~
- 400 ~~6. Annual Continuing Education Affidavit (14 Months) Late~~
- 401 ~~_____ \$1,500.00~~
- 402 ~~7. Annual Continuing Education Affidavit (15 Months) Late~~
- 403 ~~_____ \$1,750.00~~
- 404 ~~8. Annual Continuing Education Affidavit (16-24 Months) Late~~
- 405 ~~_____ \$2,000.00~~
- 406 ~~9. Annual Continuing Education Affidavit (25 Months) Late~~
- 407 ~~_____ \$2,250.00~~
- 408 ~~10. Annual Continuing Education Affidavit (26 Months) Late~~
- 409 ~~_____ \$2,500.00~~
- 410 ~~11. Annual Continuing Education Affidavit (27 Months) Late~~
- 411 ~~_____ \$2,750.00~~
- 412 ~~12. Annual Continuing Education Affidavit (28-36 Months) Late~~
- 413 ~~_____ \$3,000.00~~

414 **G. Miscellaneous Fees**

- 415 1. Replacement or Duplicate Wall Certificate
- 416 \$30.00
- 417 ~~2. ARE[®] Score Transfer Fee~~
- 418 ~~_____ \$50.00~~
- 419 2. Architect Electronic File of Roster
- 420 ~~\$250.00~~ 125.00
- 421 3. Landscape Architect Electronic File of Roster
- 422 \$125.00
- 423 4. Registered Interior Designer Electronic File of Roster
- 424 \$50.00
- 425 5. Returned Check Fee
- 426 \$25.00

427

428

SECTION IV

429

ARCHITECT REGISTRATION STANDARDS

430

A. Initial Registration Standards

431

To be granted registration in any way other than through reciprocity, an applicant must meet the following requirements.

432

433

434

1. An applicant must be of good moral character, as verified by employers and other references.

435

436

2. An applicant must hold a professional degree in architecture from a degree program that has been accredited by NAAB or must have successfully completed the NCARB broadly experienced architect (BEA) or broadly experienced foreign architect (BEFA) process.

437

438

439

3. An applicant must have completed the IDP requirements in accordance with current NCARB standards.

440

441

442

4. An applicant must have passed the ARE® in accordance with current NCARB standards.

443

444

5. An applicant must complete an affidavit supplied by the ~~Beard~~board attesting that he or she has read and understood the Arkansas Architectural Act and Rules and Regulations.

445

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448

When evaluating qualifications, the ~~Beard~~board may require that the applicant substantiate his or her qualifications.

449

450

B. Reciprocal Registration Standards

451

An applicant who holds a current and valid certification issued by NCARB and who submits satisfactory evidence of such certification to the ~~Beard~~board can be registered, providing the applicant meets the following requirements.

452

453

454

1. The applicant holds a valid registration as an architect issued by a registration authority of the United States or Canada and submits satisfactory evidence of such registration to the ~~Beard~~board.

455

456

457

2. An applicant files his or her application in a form prescribed by the ~~Beard~~board and pays the applicable fees established by the ~~Beard~~board.

458

459

460

3. Before registration, the ~~Beard~~board may, at its discretion, require individual applicants to appear before the ~~Beard~~board when an NCARB record does not clearly indicate that the applicant is qualified for registration in Arkansas.

461

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463

464

465 **C. Registration Prohibited**

466 One or more of the following acts shall be sufficient to prevent the applicant
467 from being considered for registration and license:

- 468 1. Practicing architecture without registration in Arkansas or any other state,
469 territory, district, or zone of the United States in violation of a law governing
470 such a practice;
- 471 2. Conviction of a felony;
- 472 3. Submitting a misstatement or misrepresentation of fact in connection with
473 an application for examination, registration, application for reciprocal
474 registration, or any other official communication with the ~~Board~~board;
- 475 4. Committing an act prohibited by a provision of the Arkansas Architectural
476 Act or the Rules and Regulations of this ~~Board~~board in effect at that time.

477 **D. Practice Permitted without Certificate of Registration**

478 1. A non-resident architect who holds an NCARB certificate may offer to
479 practice architecture in Arkansas for an individual project, providing he or
480 she notifies the ~~Board~~board in writing of the following:

- 481 a. That he or she holds an NCARB certificate and is not currently
482 registered in Arkansas but will be present in Arkansas for the purpose of
483 offering to render architectural services for a single project;
- 484 b. That he or she will deliver a copy of the notice referred to above to
485 every person conducting an architectural design competition and
486 promise to apply to the ~~Board~~board within thirty (30) days for
487 registration if selected for the project.

488
489 2. A non-resident architect who holds an NCARB certificate may offer to
490 seek an architectural commission in Arkansas by participating in a single
491 architectural design competition, providing that he or she notifies the
492 ~~Board~~board in writing of the following:

- 493 a. That he or she holds an NCARB certificate and is not currently
494 registered in Arkansas but will be present in Arkansas for the purpose of
495 offering to render architectural services for a single project;
- 496 b. That he or she will deliver a copy of the notice referred to above to
497 every potential client to whom he or she offers to render services; and
- 498 c. That he or she promises to apply to the ~~Board~~board for registration
499 within thirty (30) days if selected for the project.
500

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- 501 3. A non-resident architect may provide uncompensated professional
502 services at the scene of an emergency at the request of a public officer,
503 public safety officer, or municipal or county building inspector acting in an
504 official capacity.

E. Renewal

- 506 1. Certificate of registration shall expire on ~~July 31~~January 31 of each year
507 and shall become invalid on ~~August 1~~February 1, unless renewed.
508 2. All renewals must be either received in the ~~Board~~board office by the close
509 of business on ~~July 31~~January 31 or postmarked by ~~July 31~~January 31.
510 3. Only renewal forms that contain the completed renewal application,
511 annual continuing education affidavit attesting to compliance with
512 continuing education requirements, and the required renewal fees will be
513 processed.
514 4. A registrant who does not properly renew his or her license may not
515 practice architecture after the expiration of the license. A registrant who
516 continues to practice using an expired license will be subject to such
517 disciplinary action as the ~~Board~~board deems appropriate.

F. Emeritus Status Registration

- 518 1. Registrants who are retired from the active practice of architecture who
519 are 65 years of age or older may request emeritus status by filling out the
520 proper application.
521 2. Emeritus status licensees are exempt from continuing education
522 requirements unless the architect reactivates his or her license to active
523 status.
524 3. Registrants who have been on emeritus status for more than one (1) year
525 may be readmitted to active practice upon proper application and
526 completion of twenty-four (24) hours of continuing education. Registrants
527 who have been on emeritus status for one (1) year or less may be
528 readmitted to active practice upon proper application and completion
529 of twelve (12) hours of continuing education.
530 4. An emeritus architect seeking readmission to active practice shall pay all
531 applicable fees, not to exceed the current license fees.
532

G. Reinstatement of Lapsed License

- 533 1. An individual whose license has lapsed for any reason may be reinstated
534 at any time within three (3) years from the date of cancellation of the
535 registration.
536 a. Prior to reinstatement, the individual must demonstrate compliance
537 with the Act and the current Rules and Regulations.
538 b. The applicant must pay all fees that have accrued since the time of
539 cancellation as well as the amount of penalties due.
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Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

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- 549
2. Registrants who hold an NCARB certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.
 3. Registrants without NCARB certification and who were initially registered in Arkansas may re-apply without retaking the ARE®.
 4. The ~~Board~~board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, providing there are no pending charges of violations of this Act.

550

SECTION V

551

LANDSCAPE ARCHITECT REGISTRATION STANDARDS

552

A. Initial Registration Standards

553

To be granted registration in any way other than through reciprocity, an applicant must meet the following requirements.:

554

555

556

1. An applicant must be of good moral character, as verified by employers and other references.

557

558

2. An applicant must hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB.

559

560

3. An applicant must have passed the LARE® in accordance with current CLARB standards.

561

562

4. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Landscape Architectural Practice Act and Rules and Regulations.

563

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566

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

567

568

B. Reciprocal Registration Standards

569

An applicant who holds a current and valid certification issued by CLARB and who submits satisfactory evidence of such certification to the board can be registered, providing the applicant meets the following requirements.

570

571

572

573

1. The applicant holds a valid registration as a landscape architect issued by a registration authority of the United States and submits satisfactory evidence of such registration to the board.

574

575

576

2. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.

577

578

3. Before registration, the board may, at its discretion, require individual applicants to appear before the board when a CLARB record does not clearly indicate that the applicant is qualified for registration in Arkansas.

579

580

581

C. Registration Prohibited

582

One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:

583

584

585

1. Practicing landscape architecture without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;

586

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Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 588 2. Conviction of a felony;
589 3. Submitting a misstatement or misrepresentation of fact in connection with
590 an application for examination, registration, application for reciprocal
591 registration, or any other official communication with the board;
592 4. Committing an act prohibited by a provision of the Arkansas Landscape
593 Architectural Practice Act or the Rules and Regulations of this board in
594 effect at that time.

595 **D. Practice Permitted without Certificate of Registration**

- 596 1. A non-resident architect who holds a CLARB certificate may offer to
597 practice landscape architecture in Arkansas for an individual project,
598 providing he or she notifies the board in writing of the following:
- 599 a. That he or she holds a CLARB certificate and is not currently registered
600 in Arkansas but will be present in Arkansas for the purpose of offering to
601 render landscape architectural services for a single project;
602 b. That he or she will deliver a copy of the notice referred to above to
603 every person conducting a landscape architectural design
604 competition and promise to apply to the board within thirty (30) days
605 for registration if selected for the project.
- 606
- 607 2. A non-resident architect who holds a CLARB certificate may offer to seek
608 a landscape architectural commission in Arkansas by participating in a
609 single architectural design competition, providing that he or she notifies
610 the board in writing of the following:
- 611
- 612 a. That he or she holds a CLARB certificate and is not currently registered
613 in Arkansas but will be present in Arkansas for the purpose of offering to
614 render landscape architectural services for a single project;
615 b. That he or she will deliver a copy of the notice referred to above to
616 every potential client to whom he or she offers to render services; and
617 c. That he or she promises to apply to the board for registration within
618 thirty (30) days if selected for the project.

619 **E. Renewal**

- 620 1. Certificate of registration shall expire on January 31 of each year and shall
621 become invalid on February 1, unless renewed.
- 622 2. All renewals must be either received in the board office by the close of
623 business on January 31 or postmarked by January 31.
- 624 3. Only renewal forms that contain the completed renewal application,
625 annual continuing education affidavit attesting to compliance with
626 continuing education requirements, and the required renewal fees will be
627 processed.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

628 4. A registrant who does not properly renew his or her license may not
629 practice architecture after the expiration of the license. A registrant who
630 continues to practice using an expired license will be subject to such
631 disciplinary action as the board deems appropriate.

632 **F. Emeritus Status Registration**

633 1. Registrants who are retired from the active practice of landscape
634 architecture who are 65 years of age or older may request emeritus status
635 by filling out the proper application.
636 2. Emeritus status licensees are exempt from continuing education
637 requirements unless the architect reactivates his or her license to active
638 status.
639 3. Registrants who have been on emeritus status for more than one (1) year
640 may be readmitted to active practice upon proper application and
641 completion of twenty-four (24) hours of continuing education. Registrants
642 who have been on emeritus status for one (1) year or less may be
643 readmitted to active practice upon proper application and completion
644 of twelve (12) hours of continuing education.
645 4. An emeritus architect seeking readmission to active practice shall pay all
646 applicable fees, not to exceed the current license fees.

647 **G. Reinstatement of Lapsed License**

648 1. An individual whose license has lapsed for any reason may be reinstated
649 at any time within three (3) years from the date of cancellation of the
650 registration.
651 a. Prior to reinstatement, the individual must demonstrate compliance
652 with the Act and the current Rules and Regulations.
653 b. The applicant must pay all fees that have accrued since the time of
654 cancellation as well as the amount of penalties due.
655
656
657 2. Registrants who hold a CLARB certification and have allowed their
658 registrations to lapse for a period of three (3) or more years must reapply
659 through reciprocity.
660 3. Registrants without CLARB certification and who were initially registered in
661 Arkansas may re-apply without retaking the LARE®.
662 4. The board may reissue a certificate of registration to any person whose
663 certificate has lapsed or has been suspended or revoked, providing there
664 are no pending charges of violations of this Act.

665

SECTION VI

666

INTERIOR DESIGNER REGISTRATION STANDARDS

667

A. Initial Registration Standards

668

To be granted registration in any way other than through reciprocity, an applicant must meet the following requirements.

669

670

671

1. An applicant must be of good moral character, as verified by employers and other references.

672

673

2. An applicant must hold a professional degree in interior design from a degree program that has been accredited by the Council for Interior Design Accreditation (CIDA) or degree program with proof of equivalency to the CIDA program.

674

675

676

3. An applicant must have completed the minimum experience requirements as determined by the completed degree program.

677

678

4. An applicant must have passed the CIDQ examination in accordance with current CIDQ standards.

679

680

5. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Registered Interior Designers Title Registration Act and Rules and Regulations.

681

682

683

684

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

685

686

687

B. Reciprocal Registration Standards

688

An applicant who holds a current and valid certification issued by CIDQ and who submits satisfactory evidence of such certification to the board can be registered, providing the applicant meets the following requirements.

689

690

691

1. The applicant holds a valid registration as a registered interior designer issued by a registration authority of the United States and submits satisfactory evidence of such registration to the board.

692

693

694

2. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.

695

696

3. Before registration, the board may, at its discretion, require individual applicants to appear before the board when a CIDQ record or application does not clearly indicate that the applicant is qualified for registration in Arkansas.

697

698

699

700

701 **C. Registration Prohibited**

702 One or more of the following acts shall be sufficient to prevent the applicant
703 from being considered for registration and license:

- 705 1. Utilizing the title "registered interior designer" without registration in
706 Arkansas or any other state, territory, district, or zone of the United States in
707 violation of a law governing such a practice;
- 708 2. Conviction of a felony;
- 709 3. Submitting a misstatement or misrepresentation of fact in connection with
710 an application for examination, registration, application for reciprocal
711 registration, or any other official communication with the board;
- 712 4. Committing an act prohibited by a provision of the Arkansas Registered
713 Interior Designers Title Registration Act or the Rules and Regulations of this
714 board in effect at that time.

715 **D. Renewal**

- 716 1. Certificate of registration shall expire on January 31 of each year and shall
717 become invalid on February 1, unless renewed.
- 718 2. All renewals must be either received in the board office by the close of
719 business on January 31 or postmarked by January 31.
- 720 3. Only renewal forms that contain the completed renewal application,
721 annual continuing education affidavit attesting to compliance with
722 continuing education requirements, and the required renewal fees will be
723 processed.
- 724 4. A registrant who does not properly renew his or her license may not
725 practice architecture after the expiration of the license. A registrant who
726 continues to practice using an expired license will be subject to such
727 disciplinary action as the board deems appropriate.

728 **E. Reinstatement of Lapsed License**

- 729 1. An individual whose license has lapsed for any reason may be reinstated
730 at any time within three (3) years from the date of cancellation of the
731 registration.
 - 732 a. Prior to reinstatement, the individual must demonstrate compliance
733 with the Act and the current Rules and Regulations.
 - 734 b. The applicant must pay all fees that have accrued since the time of
735 cancellation as well as the amount of penalties due.
- 736 2. Registrants who hold a CIDQ certification and have allowed their
737 registrations to lapse for a period of three (3) or more years must reapply
738 through reciprocity.
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Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 741 3. Registrants without CIDQ certification and who were initially registered in
742 Arkansas may re-apply without retaking the CIDQ examination.
743 4. The board may reissue a certificate of registration to any person whose
744 certificate has lapsed or has been suspended or revoked, providing there
745 are no pending charges of violations of this Act.

746

SECTION VII

747

ARCHITECT EXAMINATION

748

A. General

749

1. Applicants for registration by examination must pass the Architect Registration Examination (ARE®).

750

751

2. Any such applicant for registration by examination ~~must be 21 years of age and~~ must have been approved as a candidate for examination by ~~the board~~NCARB.

752

753

754

~~3. All applicants for registration by examination must establish an NCARB Council record and be enrolled in the NCARB Intern Development Program.~~

755

756

757

B. Application

758

The applicant has full, complete, and sole responsibility for furnishing to NCARB all necessary information and paying to NCARB all required fees. ~~The application packet for the examination must contain the following:~~

759

760

761

~~The completed Arkansas application form~~

762

~~1. An NCARB Record documenting the following:~~

763

~~a. A professional degree in architecture from a school or college of architecture accredited by the National Architecture Accrediting Board (NAAB)~~

764

765

766

~~b. Proof of enrollment in the Intern Development Program (IDP)~~

767

~~2. The Board reserves the right to require an applicant to produce substantiation for any part of his or her record. The board may require substantiation of the quality and character of the training prior to admission to the examination.~~

768

769

770

771

C. Conditions for Examination

772

1. ~~The Board~~NCARB will determine the eligibility of each applicant and will forward eligibility information to ~~NCARB~~ASBALAID.

773

774

2. ~~The Board~~NCARB will allow the applicant to take the ARE® at any NCARB-approved test center, whether or not it is located in the State of Arkansas.

775

776

3. ~~The Board~~ASBLAID will accept the ARE® results determined by NCARB, ~~and will report the results to the applicant.~~

777

778

4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, ~~the Board~~NCARB will investigate the allegation and take appropriate action. Without limitation,

779

780

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

781 misbehavior may include violation of NCARB guidelines or polices, or of an
782 applicant's confidentiality agreements with respect to the examination.

783 **D. Fees**

784 ~~Each examination candidate shall pay a two hundred fifty dollar (\$250.00)~~
785 ~~application fee per five year testing period to the Board.~~The examination fees
786 for each division of the ARE® will be established by NCARB and will be paid
787 directly to the test vendor by the candidate.

788 **E. Disabled Examinees**

- 789 1. Requests for modifications to the examination procedure to
790 accommodate physical or other disabilities must be made to the
791 ~~Board~~board in writing.
- 792 2. A physician's report must accompany the request in order to confirm the
793 nature and extent of the disability.
- 794 3. The ~~Board~~board shall send its recommendations for modifications to
795 NCARB for a final determination. NCARB has the final authority with regard
796 to any modifications to the examination.

797 **~~F. Transfer of Scores to and from Other Jurisdictions~~**

- 798 ~~1. At its discretion, the Board may forward the grades achieved by an~~
799 ~~applicant in the various divisions of the ARE® for two purposes: evaluating~~
800 ~~the applicant's eligibility for registration or permitting NCARB to evaluate~~
801 ~~the applicant's eligibility for NCARB certification. These grades may be~~
802 ~~sent to any other state in the union or to the Canadian Architectural~~
803 ~~Registration Board (NCARRB). The Board also may receive applicant~~
804 ~~grades in the various divisions of the ARE® from any board or the NCARB.~~
- 805 ~~2. Any applicant making such a request shall state his or her reason for~~
806 ~~requesting the transfer and shall pay an applicable transfer fee~~
807 ~~established by the Board.~~
- 808 ~~3. Transfer to another jurisdiction shall terminate the applicant's application~~
809 ~~pending before the board or other transmitting jurisdiction, as the case~~
810 ~~may be.~~

811

SECTION VIII

812

LANDSCAPE ARCHITECT EXAMINATION

813

A. General

814

1. Applicants for registration by examination must pass the Landscape Architect Registration Examination (LARE®).

815

816

2. Any such applicant for registration by examination must be 21 years of age and must have been approved as a candidate for examination by the board.

817

818

819

3. All applicants for registration by examination must establish a CLARB Council record and meet the established qualifications outlined in the Arkansas Landscape Architectural Practice Act.

820

821

822

B. Application

823

The application packet for the examination must contain the following:

824

1. The completed Arkansas application form

825

2. A CLARB record documenting the following:

826

a. A professional degree in landscape architecture from a school or college of landscape architecture accredited by the Landscape Architecture Accrediting Board (LAAB)

827

828

829

b. Proof of satisfactory experience in landscape architecture of a minimum of two (2) years.

830

831

3. The board reserves the right to require an applicant to produce substantiation for any part of his or her record. The board may require substantiation of the quality and character of the training prior to admission to the examination.

832

833

834

835

C. Conditions for Examination

836

1. The board will determine the eligibility of each applicant and will forward eligibility information to CLARB.

837

838

2. The board will allow the applicant to take the LARE® at any CLARB-approved test center, whether or not it is located in the State of Arkansas.

839

840

3. The board will accept the LARE® results determined by CLARB.

841

842

4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of CLARB guidelines or polices, or of an applicant's confidentiality agreements with respect to the examination.

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Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

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D. Fees

Each examination candidate shall pay a two hundred fifty dollar (\$250.00) application fee per five-year testing period to the board. The examination fees for each division of the LARE® will be established by CLARB and will be paid directly to the test vendor by the candidate.

852

SECTION IX

853

INTERIOR DESIGNER EXAMINATION

854

A. General

855

1. Applicants for registration by examination must pass the examination prepared and administered by CIDQ.

856

857

2. Any such applicant for registration by examination must be 21 years of age.

858

859

3. All applicants for registration by examination must obtain a CIDQ Certificate and meet the established qualifications outlined in the Arkansas Interior Designers Title Registration Act.

860

861

862

B. Conditions for Examination

863

1. CIDQ will determine the eligibility of each applicant and will forward eligibility information to the board.

864

865

2. The board will allow the applicant to take the CIDQ examination at any CIDQ-approved test center, whether or not it is located in the State of Arkansas.

866

867

3. The board will accept the exam results determined by CIDQ.

868

869

4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of CIDQ guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

870

871

872

873

874

C. Fees

875

The examination fees for each division of the CIDQ examination will be established by CIDQ and will be paid directly to the test vendor by the candidate.

876

877

878

SECTION X

879

CONTINUING EDUCATION

880

A. Scope

881

These rules shall apply to every architect, landscape architect and registered

882

interior designer registered in the State of Arkansas as a condition for renewal on

883

an annual basis.

884

B. Exemptions

885

An architect, landscape architect, or registered interior designer registered in the

886

State of Arkansas may not be subject to participating in the continuing

887

education requirements set forth by these rules for one of the following reasons:

888

1. A first-time, new registrant by examination or first-time reciprocal registrant

889

shall be exempt for his/her first renewal period.

890

2. Registrant is an emeritus status architect or landscape architect.

891

3. Registrant is a civilian who has served on active duty in the Armed Forces

892

of the United States for a period of time exceeding ninety (90)

893

consecutive days during the annual reporting period.

894

4. A registrant experiencing physical disability, illness, or other extenuating

895

circumstances may request exemption from the continuing education

896

requirements. The registrant shall provide supporting documentation for

897

the ~~Board's~~board's review. The ~~Board~~board will consider such hardship

898

cases on an individual basis. The request for a hardship must be received

899

in the ~~Board~~board office ~~by June 1 of each year~~one month in advance of

900

the renewal period.

901

C. Requirements

902

1. In addition to all other requirements for registration renewal, each

903

Arkansas registered architect and landscape architect must complete a

904

minimum of twelve (12) continuing education hours each calendar year.

905

In addition to all other requirements for registration renewal, each

906

Arkansas registered interior designer must complete a minimum of six (6)

907

continuing education hours each calendar year. -A continuing education

908

hour (CEH) shall represent one continuous instructional hour (50 to 60

909

minutes of contact) spent in structured education activities intended to

910

increase or update the architect's~~'s~~, landscape architect's, or interior

911

designer's knowledge and competence in health, safety, and welfare

912

subjects. If the provider of the structured educational activities prescribes

913

a customary time for completion of such an activity, then such prescribed

914

time shall, unless the ~~B~~board finds the prescribed time to be unreasonable,

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 915 be accepted as the architect'~~s's~~, landscape architect's, or registered
916 interior designer's time for continuing education purposes irrespective of
917 the actual time spent on the activity.
- 918 2. All ~~twelve (12)~~ CEHs must be completed in health, safety, and welfare
919 subjects acquired in structured educational activities.
- 920 3. Structured educational activities are courses of study in which at least 75
921 percent (75%) of the activities' content and instructional time is devoted
922 to acceptable health, safety, and welfare subjects. These subjects must
923 be related to the practice of architecture, landscape architecture or
924 interior design including courses of study, monographs, or other activities
925 under the areas identified as health, safety, and welfare subjects, and
926 they must be provided by qualified individuals or organizations, whether
927 delivered by direct contact or distance learning methods.
- 928 4. Health, safety, and welfare subjects are technical and professional
929 courses that the ~~Board~~board deems appropriate to safeguard the public
930 and that are within the following enumerated areas necessary for the
931 proper evaluation, design, construction and utilization of buildings and the
932 built environment:
- 933
- 934 a. Legal: Laws, codes, zoning, regulations, standards, life safety measures,
935 accessibility, ethics, and insurance to protect the owner or the public
- 936 b. Technical: Surveying, structural, mechanical, electrical,
937 communication, fire protection, controls
- 938 c. Environmental: Energy efficiency, sustainability, natural resources,
939 natural hazards, hazardous materials waterproofing, insulation
- 940 d. Occupant Comfort: Air quality, lighting, acoustics, ergonomics
- 941 e. Materials and Methods: Building systems, products, finishes, furnishings,
942 equipment
- 943 f. Preservation: Historic, reuse, adaptation
- 944 g. Pre-Design: Land use analysis, programming, site selection, site and
945 soils analysis
- 946 h. Design: Urban planning, master planning, building design, site design,
947 interiors, safety and security measures
- 948 i. Construction Documents: Drawings, specifications, delivery methods
- 949 j. Construction Administration: Contracts, bidding, contract negotiations
- 950 5. Attending seminars, lectures, presentations, workshops, or courses shall
951 constitute one CEH for each hour of attendance.
- 952 6. Successfully completing tutorials, short courses, correspondence courses,
953 ~~W~~Web-based courses, monographs, and other self-study courses shall
954 constitute the CEH recommended by the program sponsor.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 955 7. CEH credit will not be granted to faculty members at a college, university,
956 or other educational institution.
- 957 8. Successfully completing one or more college or university semester or
958 quarter hours in architectural, landscape architectural, or interior design
959 subjects shall satisfy the continuing education requirement for the
960 calendar year in which the course was completed.
- 961 9. Any structured program in health, safety, and welfare contained in the
962 record of an approved professional registry will be accepted by the
963 ~~Board~~board as fulfilling the continuing education requirements of these
964 rules.
- 965 10. The ~~Board~~board approves the American Institute of Architects (AIA), the
966 American Society of Landscape Architects (ASLA), and the Interior Design
967 Continuing Education Council (IDCEC) as ~~a~~ professional ~~registry~~registries.
968 The ~~Board~~board will accept contact hours listed by the American Institute
969 of Architects Continuing Education Services (AIA/CES), the Landscape
970 Architect Continuing Education System (LA/CES), and the Interior Design
971 Continuing Education Council (IDCEC) ~~Transcript~~ transcript of Continuing
972 Education Activities for both resident and non-resident architects,
973 landscape architects, and registered interior designers.

974 **D. Reporting and Record Keeping**

- 975 1. At registration time, each architect, landscape architect, or registered
976 interior designer registered in the State of Arkansas shall complete and
977 submit an affidavit prescribed by the ~~b~~Board attesting to his or her
978 fulfillment of the required continuing education hours listed above during
979 the preceding calendar year.
- 980 2. No carryover of continuing education hours from the previous calendar
981 year is permitted.
- 982 3. Any untrue, false, or misleading statements with respect to course
983 attendance or any other aspect of continuing education activity is
984 considered fraud and/or misrepresentation. Such activity will subject the
985 architect and/or program sponsor to license revocation or other
986 disciplinary action.
- 987 4. Documentation of health, safety and welfare (HSW) credit must be
988 indicated by the course provider. The provider must clearly indicate that
989 the course is HSW.

990 **E. Audit**

- 991 1. Each affidavit may be reviewed by the ~~Board~~board and may be subject
992 to audit for verification of compliance with requirements.
- 993 2. Documentation of reported continuing education hours shall be
994 maintained by the architect for six (6) years from the date of award.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 995 3. The ~~Beardboard~~ may, upon audit for verification of compliance, disallow
996 claimed credit for continuing education hours.
997 4. If the ~~Beardboard~~ disallows any continuing education hours, the architect,
998 landscape architect, or registered interior designer shall have forty-five
999 (45) days from notice of such disallowance to provide further evidence of
1000 having completed the continuing education disallowed or to remedy the
1001 disallowance by completing the required number of continuing
1002 education hours.

1003 **F. Noncompliance and Sanctions**

- 1004 1. Failure to fulfill the continuing education requirements ~~or failure to file the~~
1005 ~~required affidavit properly completed by July 31~~ shall result in non-renewal
1006 of individual registration. After proper notice, if the ~~Beardboard~~ finds that
1007 the architect, landscape architect, or registered interior designer willfully
1008 disregarded these requirements or falsified documentation of the required
1009 continuing education hours, the architect may be subject to disciplinary
1010 action in accordance with ~~Beardboard~~ regulation.
1011 2. At the discretion of the ~~Beardboard~~, a temporary renewal of license may
1012 be issued for up to forty-five (45) days. If the continuing education
1013 deficiency has not been cleared to the satisfaction of the ~~Beardboard~~
1014 within forty-five (45) calendar days, the registrant may no longer practice
1015 architecture, ~~or landscape architecture or utilize the title "registered~~
1016 interior designer" in the State of Arkansas without incurring disciplinary
1017 action.

1018 **G. Reinstatement**

1019 To reinstate a registration an applicant shall submit proof of completion of 12
1020 continuing education hours. Said hours may be earned either in the calendar
1021 year of reinstatement or in the immediately prior calendar year. Such hours may
1022 be applied to satisfy a continuing education requirement applicable to the first
1023 registration renewal following reinstatement but shall not be used to satisfy any
1024 continuing education requirement applicable to the second registration renewal
1025 following reinstatement.

1026 SECTION XI

1027 PRACTICE OF ARCHITECTURE IN ARKANSAS

1028 **A. Practice of Architecture as a Corporation or Partnership**

- 1029 1. Any corporation, professional corporation, and/or any partnership,
1030 whether organized under the laws of this or any other jurisdiction, may not
1031 offer to engage in the practice of architecture in the State of Arkansas
1032 until such corporation or partnership has obtained a certificate of
1033 authorization issued by the Bboard; the certificate shall be valid until
1034 December 31 of the year in which it is obtained.
- 1035 2. The bBoard shall issue a certificate of authorization to a corporation,
1036 partnership, or limited liability association upon receipt of the materials
1037 listed below, and upon ascertaining that the conditions set forth in Ark.
1038 Code Ann. § 17-15-101 et seq. have been met.
- 1039 a. An application of a form approved by the Bboard
- 1040 (1) In the case of a corporation, the application shall be signed
1041 by the corporation's president and secretary, and shall
1042 include the following information: the jurisdiction under which
1043 the corporation is organized; the name, resident address, and
1044 states of registration and registration numbers of each
1045 director; and the identity of each director engaging in the
1046 practice of architecture in Arkansas.
- 1047 (2) In the case of a partnership, the application shall be signed by
1048 a general partner who is a registered architect, and shall
1049 include the following information: the jurisdiction under which
1050 the partnership is organized; the name and resident address,
1051 and states of registration and registration numbers of each
1052 general partner; and the identity of each general partner
1053 engaging in the practice of architecture in Arkansas.
- 1054 b. In the case of a corporation, a copy of the corporation's articles of
1055 incorporation or similar charter document certified by the secretary of
1056 state of the jurisdiction in which the corporation is organized; however,
1057 subject to SECTION VII, articles of organization need not be re-
1058 submitted if the corporation is seeking renewal of a certificate of
1059 authorization.
- 1060 c. Payment of a fee of two hundred fifty dollars (\$250.00).

1061 **B. Unlawful Practice of Architecture**

- 1062 1. It shall be unlawful to practice architecture in an office not under the day-
1063 to-day supervision of a registered architect.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 1064 2. It shall be unlawful for an architect to falsely represent himself as being in
1065 responsible control of architectural work, or to permit his/her seal, or
1066 facsimile thereof, to be used by another for any purpose.
- 1067 3. A firm engaged in the practice of architecture in Arkansas must employ
1068 one (1) or more persons registered to practice architecture in Arkansas
1069 who are in full authority and responsible control of the firm's architectural
1070 practice. Persons in full authority and responsible control shall mean
1071 regularly employed persons in that office who are in unrestricted,
1072 unchecked, and qualified control of, and are legally accountable for, the
1073 actions of the architectural practice.
- 1074 4. Any office maintained for the preparation of drawings, specifications,
1075 reports, and other professional work shall have in that office an architect
1076 duly registered with this ~~B~~board, in full authority and responsible control,
1077 having direct knowledge and responsible control of such work.
- 1078 5. Each firm shall provide and maintain the current mailing address and
1079 physical address of its main office and each office located in Arkansas.
- 1080 6. If any change occurs in any of the information provided to the Board
1081 during the period for which certificate of authorization is granted, it shall
1082 be reported to the board within thirty (30) days of its effective date.

1083 **C. Suspension, Revocation, or Cancellation of Certificate of Authorization**

1084 The ~~Board~~board may revoke, suspend, or cancel a certificate of authorization
1085 granted if any officer, director, or employee of a corporation or any general
1086 partner or employee of a partnership violates any provision of Ark. Code Ann. §
1087 17-15-101 et seq. or these regulations. However, it shall be an affirmative defense
1088 to show that such individual was not acting as an agent of the corporation or
1089 the partnership at the time the violation occurred.

1090 **D. Design and Use of Architect's Seal**

1091 Each registered architect shall procure a seal which shall contain the name of
1092 the registered architect, license registration number, and the words:

1093 **"REGISTERED ARCHITECT – STATE OF ARKANSAS"**

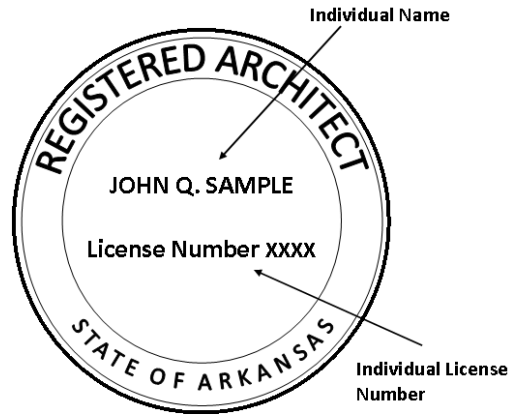
1094 The seal shall comply, in all respects, in size and format, with the description of
1095 the design requirements as set forth below:

1096 1. Seal Design Requirements

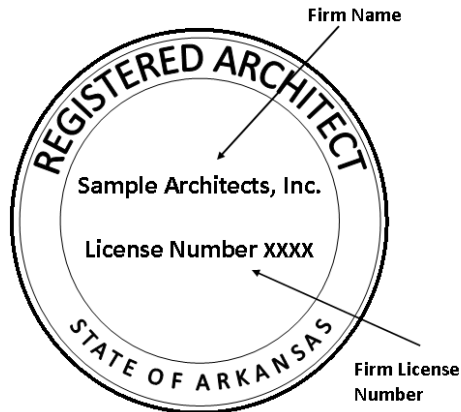
- 1097 a. Design: Metal impression, rubber stamp, or printed, two (2) concentric
1098 circles 1.5" and 1" in diameter. Space between bearing words
1099 "Registered Architect" and "State of Arkansas." Space within inner
1100 circle bearing names and registration numbers as follows:
1101

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 1102 (1) For a registered corporation, the corporation name and
- 1103 registered number
- 1104 (2) For a partnership, the partnership name and registration
- 1105 numbers of partners
- 1106 (3) For an individual, the name and registration number
- 1107



INDIVIDUAL – SEAL SAMPLE



CERTIFICATE OF AUTHORIZATION – SEAL SAMPLE

1123 b. Any method that legibly reproduces the architect's seal is permitted.

1124 2. Use of Architect's Seal

1125 a. Architects shall affix their seal, actual signature, and date of affixation
1126 to all original contract documents, including index sheets identifying all
1127 drawings covered, as well as cover and index pages identifying all
1128 specification pages covered. Presentation documents (renderings
1129 and/or drawings used to communicate conceptual information only)
1130 are not required to be sealed, signed, or dated.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 1131 b. Contract documents considered incomplete by the architect may be
1132 released for interim review without the architect's seal or signature
1133 affixed, but shall bear the architect's name and be conspicuously
1134 marked to clearly indicate the documents are for interim review and
1135 not intended for bidding, permit, or construction purposes.
- 1136 c. Those sheets or pages prepared by consultants (structural,
1137 mechanical, electrical, etc.), which are retained by the architect, shall
1138 bear the seal and registration number of the responsible consultant.
- 1139 d. Once documents bearing the architect's seal are issued from the
1140 architect's office, the seal shall not be removed, except as follows: If
1141 the architect's client requests electronic drawing files that will be used
1142 as reference documents, the following statement shall be substituted
1143 for the seal:

1144
1145 **THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF**
1146 **(NAME OF FIRM), (ADDRESS OF FIRM). THIS ELECTRONIC DOCUMENT IS**
1147 **RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR**
1148 **FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR**
1149 **MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.**

- 1150 e. Except as noted in Section (f), no architect shall affix the seal and
1151 signature to contract documents developed by others.
- 1152 f. No person, other than the architect represented, shall use or attempt
1153 to use the prescribed seal or shall modify documents bearing such
1154 seal, without first obtaining the written authority of the architect
1155 represented and clearly indicating on the documents the extent of the
1156 modifications made.
- 1157 g. On original documents, the use of signature reproductions, such as
1158 rubber stamps or computer-generated signatures or other facsimiles,
1159 shall be permitted.
- 1160 h. Authorized use of the prescribed seal is an individual act whereby the
1161 architect must personally inscribe the seal. The architect is responsible
1162 for its security when not in use.

1163 **E. Unauthorized Use of Architect's Seal**

- 1164 1. A registered architect whose seal appears on drawings or specifications
1165 prepared by persons who are not registered or not under the architect's
1166 direct supervision will be deemed to have aided or abetted in the
1167 practice of architecture by a person not duly authorized to practice
1168 architecture.
- 1169 2. A registered architect, whose seal appears on drawings or specifications
1170 bearing names of persons not so registered, unless they are identified as
1171 the engineers or consultants, will be deemed to have aided or abetted in

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

1172 the practice of architecture by a person not duly authorized to practice
1173 architecture.

1174 3. A registered architect whose seal appears on drawings or specifications
1175 that unlicensed persons have contracted to prepare or furnish will be
1176 deemed to have aided or abetted in the practice of architecture by a
1177 person not duly authorized to practice architecture.

1178 **F. Architect's Consultants**

1179 The architect is not required to seal and sign documents prepared and sealed
1180 by his/her licensed consultants, except indexes and cover sheets containing
1181 certain descriptions of work performed by the architect and the architect's
1182 consultants.

1183 **G. Use of Prototypical Documents**

1184 Nothing precludes the use of prototypical documents, provided the architect~~...~~:

1185 1. Has written permission to revise and adapt the prototypical documents
1186 from the person who either sealed the prototypical documents or is the
1187 legal owner of the prototypical documents. The term "legal owner" shall
1188 mean the person who provides the architect with a letter that he or she is
1189 the owner of the documents and has the written permission to allow their
1190 use.

1191 2. Has reviewed the prototypical documents and made necessary revisions
1192 to bring the design documents into compliance with applicable codes,
1193 regulations, and job-specific requirements.

1194 3. Has independently performed and maintained on file all necessary
1195 calculations.

1196 4. Has issued the documents with the architect's title block and seal after
1197 reviewing, analyzing, and making revisions and/or additions. By applying
1198 the seal, the architect assumes professional responsibility as the architect
1199 of record.

1200 5. Has maintained design control over the use of site-adapted documents
1201 just as if they were the original design.

1202 6. Has the seal and name of the architect who originally developed the
1203 prototypical documents, which may remain on the construction
1204 documents, provided the original architect is licensed in the State of
1205 Arkansas and provided the original architect who prepared the
1206 prototypical documents agrees, in writing, to the use of the documents for
1207 the construction project by a second architect.

1208

1209 SECTION XII

1210 PRACTICE OF LANDSCAPE ARCHITECTURE IN ARKANSAS

1211 A. Design and Use of Landscape Architect's Seal

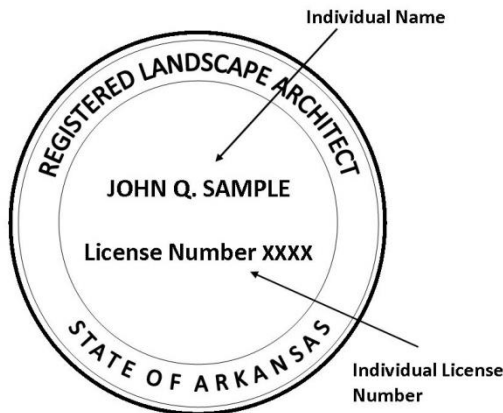
1212 Each registered landscape architect shall procure a seal which shall contain the
1213 name of the registered landscape architect, license registration number, and
1214 the words:

1215 “REGISTERED LANDSCAPE ARCHITECT – STATE OF ARKANSAS”

1216 The seal shall comply, in all respects, in size and format, with the description of
1217 the design requirements as set forth below:

1218 1. Seal Design Requirements

- 1219 a. Design: Metal impression, rubber stamp, or printed, two (2) concentric
1220 circles 1.5" and 1" in diameter. Space between bearing words
1221 “Registered Landscape Architect” and “State of Arkansas.” Space
1222 within inner circle bearing names and registration numbers as follows:
1223 a. Any method that legibly reproduces the landscape architect's seal is
1224 permitted.



1232 2. Use of Landscape Architect's Seal

- 1233 a. Landscape architects shall affix their seal, actual signature, and date
1234 of affixation to all original contract documents, including index sheets
1235 identifying all drawings covered, as well as cover and index pages
1236 identifying all specification pages covered. Presentation documents
1237 (renderings and/or drawings used to communicate conceptual
1238 information only) are not required to be sealed, signed, or dated.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

1239 b. Contract documents considered incomplete by the landscape
1240 architect may be released for interim review without the landscape
1241 architect's seal or signature affixed, but shall bear the landscape
1242 architect's name and be conspicuously marked to clearly indicate the
1243 documents are for interim review and not intended for bidding, permit,
1244 or construction purposes.

1245 c. Those sheets or pages prepared by consultants (structural,
1246 mechanical, electrical, etc.), which are retained by the landscape
1247 architect, shall bear the seal and registration number of the
1248 responsible consultant.

1249 d. Once documents bearing the landscape architect's seal are issued
1250 from the landscape architect's office, the seal shall not be removed,
1251 except as follows: If the landscape architect's client requests
1252 electronic drawing files that will be used as reference documents, the
1253 following statement shall be substituted for the seal:

1254
1255 **THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF**
1256 **(NAME OF INDIVIDUAL), (ADDRESS OF INDIVIDUAL). THIS ELECTRONIC**
1257 **DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE,**
1258 **COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC**
1259 **DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR**
1260 **CONSTRUCTION.**

1261 e. Except as noted in Section (f), no landscape architect shall affix the
1262 seal and signature to contract documents developed by others.

1263 f. No person, other than the landscape architect represented, shall use
1264 or attempt to use the prescribed seal or shall modify documents
1265 bearing such seal, without first obtaining the written authority of the
1266 landscape architect represented and clearly indicating on the
1267 documents the extent of the modifications made.

1268 g. On original documents, the use of signature reproductions, such as
1269 rubber stamps or computer-generated signatures or other facsimiles,
1270 shall be permitted.

1271 h. Authorized use of the prescribed seal is an individual act whereby the
1272 landscape architect must personally inscribe the seal. The landscape
1273 architect is responsible for its security when not in use.

1274 **B. Unauthorized Use of Landscape Architect's Seal**

1275 1. A registered landscape architect whose seal appears on drawings or
1276 specifications prepared by persons who are not registered or not under
1277 the landscape architect's direct supervision will be deemed to have
1278 aided or abetted in the practice of landscape architecture by a person
1279 not duly authorized to practice landscape architecture.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

1280 2. A registered landscape architect, whose seal appears on drawings or
1281 specifications bearing names of persons not so registered, unless they are
1282 identified as the engineers or consultants, will be deemed to have aided
1283 or abetted in the practice of landscape architecture by a person not duly
1284 authorized to practice landscape architecture.

1285 3. A registered landscape architect whose seal appears on drawings or
1286 specifications that unlicensed persons have contracted to prepare or
1287 furnish will be deemed to have aided or abetted in the practice of
1288 landscape architecture by a person not duly authorized to practice
1289 landscape architecture.

1290 **C. Landscape Architect's Consultants**

1291 The landscape architect is not required to seal and sign documents prepared
1292 and sealed by his/her licensed consultants, except indexes and cover sheets
1293 containing certain descriptions of work performed by the landscape architect
1294 and the landscape architect's consultants.

1295

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

SECTION XII

USE OF THE TITLE REGISTERED INTERIOR DESIGNER IN ARKANSAS

A. Landscape Architect's Consultants

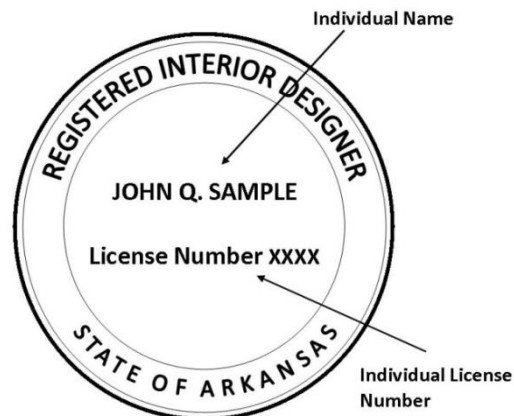
Each registered interior designers shall procure a seal which shall contain the name of the registered interior designer, license registration number, and the words:

"REGISTERED INTERIOR DESIGNER – STATE OF ARKANSAS"

The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:

1. Seal Design Requirements

- a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words "Registered Interior Designer" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:
- b. Any method that legibly reproduces the registered interior designer's seal is permitted.



2. Use of Registered Interior Designer's Seal

- a. Registered Interior Designers shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

- 1327 b. Contract documents considered incomplete by the registered interior
1328 designer may be released for interim review without the registered
1329 interior designer's seal or signature affixed, but shall bear the registered
1330 interior designer's name and be conspicuously marked to clearly
1331 indicate the documents are for interim review and not intended for
1332 bidding, permit, or construction purposes.
- 1333 c. Those sheets or pages prepared by consultants (structural,
1334 mechanical, electrical, etc.), which are retained by the registered
1335 interior designer, shall bear the seal and registration number of the
1336 responsible consultant.
- 1337 d. All registered interior designers contract documents shall contain the
1338 following statement that the document is not an architectural or
1339 engineering drawing, specifications, or design and is not to be used for
1340 construction of any load-bearing columns, load-bearing framing, or
1341 load-bearing walls or structures or issuance if any building permit.
- 1342 e. Once documents bearing the registered interior designer's seal are
1343 issued from the registered interior designer's office, the seal shall not be
1344 removed, except as follows: If the registered interior designer's client
1345 requests electronic drawing files that will be used as reference
1346 documents, the following statement shall be substituted for the seal:
1347
1348 **THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF**
1349 **(NAME OF INDIVIDUAL), (ADDRESS OF INDIVIDUAL). THIS ELECTRONIC**
1350 **DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE,**
1351 **COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC**
1352 **DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR**
1353 **CONSTRUCTION.**
- 1354 f. Except as noted in Section (f), no registered interior designer shall affix
1355 the seal and signature to contract documents developed by others.
- 1356 g. No person, other than the registered interior designer represented, shall
1357 use or attempt to use the prescribed seal or shall modify documents
1358 bearing such seal, without first obtaining the written authority of the
1359 registered interior designer represented and clearly indicating on the
1360 documents the extent of the modifications made.
- 1361 h. On original documents, the use of signature reproductions, such as
1362 rubber stamps or computer-generated signatures or other facsimiles,
1363 shall be permitted.
- 1364 i. Authorized use of the prescribed seal is an individual act whereby the
1365 registered interior designer must personally inscribe the seal. The
1366 registered interior designer is responsible for its security when not in use.

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B. Unauthorized Use of Registered Interior Designer's Seal

1. A registered interior designer whose seal appears on drawings or specifications prepared by persons who are not registered or not under the registered interior designer's direct supervision, will be deemed to have aided or abetted in the use of title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.
2. A registered interior designer whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the consultants, will be deemed to have aided or abetted in the use of the title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.
3. A registered interior designer whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the use of the title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.

C. Registered Interior Designer's Consultants

The registered interior designer is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the registered interior designer and the registered interior designer's consultants.

1389 **SECTION XIV**

1390 **RULES OF PROFESSIONAL CONDUCT**

1391 **A. Competence**

- 1392 1. When engaging in the practice of architecture ~~or~~ landscape
1393 architecture, or utilizing the title "registered interior designer," a registered
1394 architect, landscape architect, or registered interior designer shall act
1395 with reasonable care and competence and shall apply the knowledge
1396 and skills that are ordinarily applied by registered architects, landscape
1397 architects, and registered interior designers of good standing, practicing
1398 in the same locality.
- 1399 2. In designing a project, a registered architect, landscape architect, or
1400 registered interior designer shall endeavor to take into account all
1401 applicable state and municipal building laws and regulations. While a
1402 registered architect, landscape architect, or registered interior designer
1403 may rely on the advice of other professionals (e.g., attorneys, engineers,
1404 and other qualified persons) as to the intent and meaning of such
1405 regulations, once having obtained such advice, a registered architect,
1406 landscape architect, or registered interior designer shall not knowingly
1407 design a project in violation of such laws and regulations.
- 1408 3. A registered architect, landscape architect, and registered interior
1409 designer shall undertake to perform professional services only when
1410 qualified to do so by education, training, and experience in the specific
1411 technical areas. This provision also includes those whom the registered
1412 architect, landscape architect, and registered interior designer may
1413 engage as consultants.
- 1414 4. No individual shall be permitted to engage in the practice of architecture,
1415 or landscape architecture or utilize the title "registered interior designer" if,
1416 in the ~~Board's~~ board's judgment, such individual's professional
1417 competence is substantially impaired by physical or mental disabilities.

1418 **B. Conflicts of Interest**

- 1419 1. A registered architect, landscape architect, or registered interior designer
1420 shall not accept compensation for services from more than one party on
1421 a project unless the circumstances are fully disclosed and agreed to by all
1422 interested parties. The disclosure and agreement shall be in writing.
- 1423 2. The architect, landscape architect, or registered interior designer shall fully
1424 disclose in writing to the architect's, landscape architect's, or registered
1425 interior designer's employer or client any business association or direct or
1426 indirect financial interest that could influence the architect's, landscape

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- 1427 architect's, or registered interior designer's judgment or decisions in
1428 connection with his or her services. Should the employer or client object to
1429 such association or financial interests, the architect, landscape architect,
1430 or registered interior designer shall either terminate such association or
1431 interests or offer to give up the commission or employment.
- 1432 3. An architect, landscape architect, or registered interior designer shall not
1433 solicit or accept compensation in return for specifying or endorsing
1434 products and materials.
- 1435 4. When acting as the interpreter of building contract documents or the
1436 judge of contract performance, a registered architect, landscape
1437 architect, or registered interior designer shall render decisions impartially,
1438 favoring neither party in the contract.

1439 **C. Compliance with Laws**

- 1440 1. A registered architect, landscape architect, or registered interior designer
1441 shall not knowingly violate any state or federal law relating to the practice
1442 of architecture, landscape architecture or use of the title "registered
1443 interior designer."
- 1444 2. An architect, landscape architect, or registered interior designer shall
1445 neither offer nor make any payment or gift to a government official
1446 (whether elected or appointed) with the intent of influencing the official's
1447 judgment in connection with a prospective or existing project in which the
1448 registered architect, landscape architect, or registered interior designer is
1449 interested.
- 1450 3. An architect, landscape architect, or registered interior designer shall
1451 comply with the registration laws and regulations governing his or her
1452 professional practice in any United States jurisdiction.

1453 **D. Professional Conduct**

- 1454 1. Except as provided under Section ~~VIII~~X, an architect, landscape architect,
1455 or registered interior designer shall not sign or seal contract documents
1456 unless the documents were prepared by the architect, landscape
1457 architect, or registered interior designer or under the ~~architect's~~design
1458 professional's supervisory control. However, in the case of portions of such
1459 contract documents prepared under the direct supervision of another
1460 registered architect, landscape architect, or registered interior designer
1461 employed by the first architect, landscape architect, or registered interior
1462 designer (or his or her firm), the ~~architect~~design professional may sign and
1463 seal those portions of the contract documents if the architect, landscape
1464 architect, or registered interior designer has reviewed such portions and
1465 has coordinated their preparation.
- 1466 2. An architect, landscape architect, or registered interior designer shall
1467 neither offer nor make any gifts, other than gifts of nominal value, such as

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- 1468 reasonable entertainment and hospitality, with the intent of influencing
1469 the judgment of an existing or prospective client in connection with a
1470 project in which the registered architect, landscape architect, or
1471 registered interior is interested.
- 1472 3. An architect, landscape architect, or registered interior designer shall not
1473 engage in conduct involving fraud or wanton disregard of the rights of
1474 others.
- 1475 4. If, in the course of his or her work on a project, an architect, landscape
1476 architect, or registered interior designer becomes aware of a decision
1477 taken by his or her employer or client against the architect's advice that
1478 violates applicable state or local building laws and regulations and which
1479 will, in the ~~architect's~~ design professionals judgment, materially and
1480 adversely affect the safety of the public, the architect, landscape
1481 architect, or registered interior designer shall ~~---~~:
- 1482 a. Report the decision to the local building inspector or other public
1483 official charged with enforcement of the applicable state or local
1484 building laws and regulations;
- 1485 b. Refuse to consent to the decision; and
- 1486 c. In circumstances where the architect, landscape architect, or
1487 registered interior designer reasonably believes that other such
1488 decisions will be taken, notwithstanding his or her objection, said
1489 architect, landscape architect, or registered interior designer may
1490 terminate his or her services with reference to the project unless the
1491 ~~architect~~ design professional is able to resolve the matter by other
1492 means.

1493 **E. Amendments**

- 1494 1. If, following a hearing held in accordance with the Arkansas
1495 Administrative Procedures Act, a registrant is found guilty of fraud, deceit,
1496 gross negligence, incompetence, misconduct, or careless practice, or is
1497 found to be in violation of any provisions found in the statutes or rules, the
1498 ~~Board~~ board may revoke or suspend the registrant's license, decline to
1499 renew the registrant's license, issue the registrant a reprimand that will
1500 become a part of the registrant's permanent record, levy a civil penalty
1501 against the registrant, and/or take any other reasonable action deemed
1502 appropriate by the ~~Board~~ board ~~of Architects~~.
- 1503 2. The Rules and Regulations may be amended in accordance with the
1504 Arkansas Administrative Procedure Act.
- 1505 3. All former Rules and Regulations of the State Board of Architects,
1506 Landscape Architects, and Interior Designers pertaining to procedure,
1507 conduct, and practice are hereby repealed.

1508 **SECTION XV**

1509 **CONSTRUCTION CONTRACT ADMINISTRATION**

1510 **A. Construction Contract Administration**

1511 1. If, under Arkansas law, an architect is required to prepare or supervise and
1512 control the preparation of the architectural plans and specifications for a
1513 new building or the alteration of or an addition to an existing building,
1514 construction observation for the project shall be conducted by an
1515 architect or by a person working under the supervision and control of an
1516 architect. For purposes of this subchapter, "construction observation"
1517 means the administration of the portion of the construction contract
1518 described and documented in the architectural plans and specifications,
1519 including the following services:

- 1520 a. Visiting the construction site on a regular basis, as necessary, to
1521 determine that the work is proceeding generally in accordance with
1522 the technical submissions submitted to the building official at the time
1523 the building permit was issued;
- 1524 b. Processing shop drawings, samples, and other submissions required of
1525 the contractor by the terms of construction contract documents; and
- 1526 c. Notifying the owner and the building official of any code violations;
1527 changes that affect code compliance; the use of any materials,
1528 assemblies, components, or equipment prohibited by a code; major
1529 or substantial changes between such technical submissions and the
1530 work in progress, or any deviation from the technical submissions that
1531 he or she identifies as constituting a hazard to the public and observes
1532 in the course of performing his or her duties.

1533 **B. Responsibility for Construction Contract Administration**

1534 The owner of any building has the ultimate responsibility for ensuring the health,
1535 safety, and welfare of the occupants of the building, as well as the public in
1536 general, according to the laws and regulations of the State of Arkansas. The
1537 owner of any real property who allows a project to be constructed on such real
1538 property and the construction of which requires the services of an architect shall
1539 be deemed to have engaged in the practice of architecture unless such owner
1540 shall have employed or caused others to have employed a registered architect
1541 to furnish construction contract administration services with respect to such
1542 project.
1543

1544 **SECTION VI**

1545 **BUILDING CONSTRUCTED WITHOUT AN ARCHITECT**

1546 **A. Violation of Public Health, Safety, and Welfare**

1547 The construction of a building requiring an architect under the Arkansas
1548 Architectural Act is considered to be a violation of the health, safety, and
1549 welfare of the public when the required services of an architect are not
1550 provided.

1551 **B. Occupancy and Use of Buildings**

1552 The occupancy and use of a building constructed without the services of an
1553 appropriate design professional or professionals seriously compromise the health,
1554 safety, and welfare of the public. Any building so constructed is declared by the
1555 Arkansas Architectural Act to constitute a nuisance and threat to public health,
1556 safety, and welfare and may be enjoined by the examining body in the courts of
1557 this state. Even though the violation may be punishable by fine, this section of
1558 the rules intends to provide a speedy means of protecting the public.

1559 **C. Verification of Design Professional Responsibility**

1560 When it comes to the board's attention that a building may be constructed
1561 without the use of the required design professional or professionals, the board
1562 may require proof from the owner of the property that the appropriate
1563 registered professional or professionals were in responsible control of the design
1564 and construction administration of the building.

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CHAPTER TWO

RULES AND PROCEDURE

SECTION I

RULES UNDER THE ARKANSAS ARCHITECTURAL ACT, ARKANSAS LANDSCAPE ARCHITECTURAL PRACTICE ACT, ARKANSAS INTERIOR DESIGNERS TITLE REGISTRATION ACT AND NOTICE - HEARINGS

A. Rules under the Practice Act

This exposition of the Rules of Procedure, formulated under the Administrative Procedure Act, as amended ACA 25-15-201 et. seq., does not affect a repeal of the provisions of the Act or of its amendments and related laws, except insofar as these Rules of Procedure were formulated under provisions of law that specifically contravene provisions of the Act, its amendments, and related laws.

B. Notice - Hearing

Any such rule shall be made or amended only after a hearing upon notice, as set forth in these Rules of Procedure.

SECTION II

PRIOR RULES

Prior Rules – Valid

Rules of the ~~Board~~board formulated previously are declared to be still in force until amended and certified to the Arkansas Register.

SECTION III

RULE MAKING

In any case of rule-making, every person has a right to seek action from the ~~Board~~board in making a rule. Every person also has the right to seek to cause correction in an incorrect rule.

SECTION IV

ORDER

A. Order – Effective Only in Writing

An order of the Board shall be effective only when in writing.

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1597 **B. Effective Date**

1598 Each order shall contain an effective date and shall concisely state the
1599 following:

- 1600 1. Its intent and purpose
1601 2. The grounds on which it is based
1602 3. The pertinent provision of law

1603 **C. Order May Be Effectuated**

1604 An order may be given by service upon or delivery to the person ordered, by
1605 mail, with postage prepaid and addressed to the person at his principal place of
1606 business or his home of last address on record with the ~~Beard~~board. An order
1607 also may be served by any officer authorized to serve legal process, by any
1608 member of the ~~Beard~~board, or by any employee of the ~~Beard~~board. An attempt
1609 to serve a notice to the last address of record obtained by the ~~Beard~~board
1610 office shall constitute official notice.

1611 **D. Order Formulated Upon Adjudication**

1612 An order shall be formulated upon each adjudication made by the ~~Beard~~board
1613 or its hearing officer.

1614 **SECTION VI**

1615 **DECLARATORY ORDERS - RULES**

1616 **A. Declaratory Order – Petition For**

1617 Any person who alleges that a rule or its possible application may injure or
1618 threaten to injure one's self, one's business, or one's property may file a petition
1619 for a declaratory order as to the applicability of any rule to be enforced by the
1620 ~~Beard~~board.

1621 **B. Prompt Disposition**

1622 Such petition shall be considered and a prompt disposition shall be made.

1623 **C. Status**

1624 Declaratory orders shall have the same status as agency orders formulated upon
1625 adjudication.

1626 **SECTION VII**

1627 **ADJUDICATION**

1628 **A. Reasonable Notice**

1629 All parties shall be afforded opportunity for hearing after reasonable notice.

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1630 **B. Evidence May Be Presented**

1631 Opportunity shall be afforded all people interested in the action to respond and
1632 to present evidence and argument on all issues involved.

1633 **C. Stipulation/Settlement/Consent or Default Not Prohibited**

1634 Nothing in these rules shall prohibit informal disposition by stipulation, settlement,
1635 consent order, or default.

1636 **D. Record**

1637 The record shall include the following:

- 1638 1. All pleadings, motions, and intermediate rulings;
1639 2. All evidence received or considered, including, on the request of any
1640 party, a transcript of all proceedings or any part thereof;
1641 3. A statement of matters officially noticed;
1642 4. Offers of proof, objections, and rulings;
1643 5. Proposed findings and exceptions; and
1644 6. All staff memoranda or data submitted to the hearing officer in
1645 connection with any staff consideration of the matter.

1646 **E. Findings of Fact**

1647 Findings of fact shall be based exclusively on the evidence received and on
1648 matters officially noticed.

1649 **SECTION VIII**

1650 **ADJUDICATION - DECISIONS**

1651 **A. Final Decisions**

- 1652 1. In every case of adjudication, there shall be a final decision, or order,
1653 which shall be in writing (or stated in the record).
1654 2. The final decision shall include findings of fact and conclusions of law,
1655 each separately stated.
1656 3. The findings of fact, if set forth in statutory language, shall be
1657 accompanied by a concise and explicit statement of the underlying
1658 evidence supporting the findings.
1659 4. If any party submitted proposed findings of fact, the decision shall include
1660 a ruling upon each proposed finding.

1661 **B. Service of Copy – Decision**

1662 Parties shall be served a copy of any decision or orders either personally or by
1663 mail.

1664 **C. Exemption**

1665 Where a formal hearing before a hearing officer has been held, at which the
1666 parties were given proper notice and at which the opportunity was offered to
1667 them to be present in person and by counsel to present testimony, briefs, and
1668 argument, a proposal for decision will not be required.

1669 **SECTION IX**

1670 **HEARING OFFICER**

1671
1672 Where convenient and appropriate, a hearing officer may be appointed to take
1673 testimony and prepare the record for the ~~Beard's~~board's consideration. The
1674 hearing officer may conduct hearings at any place within the State of Arkansas.
1675 In the conduct of such hearings, the hearing officer shall preside and have the
1676 power and duties of a presiding official as set forth in SECTION X, D. The decision
1677 on the record made by the hearing officer shall be made by a majority of the
1678 members of the ~~Beard~~board.

1679 **A. Hearing**

1680 In every case of adjudication, and in cases of rule-making, where rules are to be
1681 made after hearing, there shall be a hearing.

1682 **B. Right of Counsel**

1683 Any person compelled to appear before the ~~Beard~~board or a hearing officer
1684 shall have the right to counsel.

1685 **C. Impartiality**

1686 All members of the ~~Beard~~board present shall conduct themselves in an impartial
1687 manner, and the presiding official may withdraw if he/she deems himself/herself
1688 disqualified. Any party may file an affidavit of personal bias or disqualification,
1689 which shall be ruled upon by the ~~Beard~~board and granted if it is timely, sufficient,
1690 and filed in good faith.

1691 **D. Power and Duties of Presiding Official**

- 1692 1. Administer oaths and affirmations
1693 2. Maintain order
1694 3. Rule on all questions arising during the course of the hearing
1695 4. Hold conferences for the settlement or simplification of the issues
1696 5. Make or recommend decisions
1697 6. Regulate and guide the general course of proceedings

1698 **E. Burden of Proof**

1699 The proponent of a rule or order shall have burden of proof.

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- 1700 **F. Evidence Excluded**
1701 Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.
- 1702 **G. Evidence Admitted**
1703 Any other evidence, oral or documentary, not privileged, may be received if it is
1704 of a type commonly relied upon by reasonable, prudent individuals in the
1705 conduct of their affairs.
- 1706 **H. Objections**
1707 Objections to evidence may be made and shall be noted in the record.
- 1708 **I. Evidence May Be Written**
1709 When a hearing can be so expedited (and the interests of the parties will not be
1710 prejudiced), any part of the evidence may be received in written form.
- 1711 **J. Cross Examination**
1712 Parties shall have the right to conduct cross-examination as may be required for
1713 a full, true disclosure of the facts.
- 1714 **K. Official Notice**
1715 Official notice may be taken of judicially recognizable facts and of generally
1716 recognized technical or scientific facts, particularly within the ~~Beard's~~board's
1717 specialized knowledge.
1718 1. Parties shall be notified of material so noticed (including any staff
1719 memoranda or data).
1720 2. Parties shall be afforded a reasonable opportunity to show the contrary.
1721

1722 SECTION X

1723 PROCEDURE ON DENIAL, SUSPENSION, OR REVOCATION

- 1724 **A. Grounds for Discipline**
1725 The ~~Beard~~board shall have sole authority over architects, landscape architects,
1726 and registered interior designers to deny or suspend any license to practice
1727 issued by the ~~Beard~~board or applied for in accordance with the provisions of the
1728 Act, or to otherwise discipline a licensee upon the following determination:
1729 1. That the holder of the registration or certificate of license is practicing in
1730 violation of this chapter or of the proper rules and regulations of the
1731 examining body governing this chapter;
1732 2. That the license or certificate has been obtained by fraud or
1733 misrepresentation, or the person named therein has obtained it by fraud
1734 or misrepresentation;

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- 1735 3. That any money, except the regular fees provided for, has been paid for
1736 the license or certificate;
- 1737 4. That the holder of the license or certificate is falsely impersonating a
1738 practitioner or former practitioner of a like or different name or is
1739 practicing under an assumed or fictitious name;
- 1740 5. That the holder of the license or certificate has been guilty of a felony;
- 1741 6. That the holder of the license or certificate has aided or abetted, in the
1742 practice of architecture or landscape architecture any person not duly
1743 authorized to practice architecture or landscape architecture under the
1744 provisions of this chapter;
- 1745 ~~6.7.~~ That the holder of a license or certificate has aided or abetted, in
1746 the use of the title "registered interior designer" any person not duly
1747 authorized to utilize the title "registered interior designer" under the
1748 provisions of this chapter;
- 1749 ~~7.8.~~ That the holder of the license or certificate has been guilty of fraud
1750 or deceit or of gross negligence or misconduct in the practice of
1751 architecture;
- 1752 ~~8.9.~~ That the holder of the certificate has been guilty of gross
1753 incompetence or recklessness in the designing or construction of
1754 buildings;
- 1755 ~~9.10.~~ That the holder of the license or certificate affixed, or permitted to
1756 be affixed, his/her seal or name to any plans, specifications, drawings or
1757 related documents that were not prepared by him/her or under his/her
1758 responsible supervisory control;
- 1759 ~~10.11.~~ That the holder of the license or certificate has been judged
1760 mentally incapable by a court of competent jurisdiction.

1761 **B. Proceedings**

1762 Proceedings shall be as follows:

- 1763 1. Opportunity for licensee or applicant to have a hearing: Every licensee or
1764 applicant for a licensee shall be afforded notice and an opportunity to
1765 be heard before the ~~Board~~board. The ~~Board~~board shall have authority to
1766 take any action, the effect of which would be to...
- 1767 a. Deny permission to take an examination for licensing for which
1768 application has been duly made;
- 1769 b. Deny a license after examination for any cause other than failure to
1770 pass an examination;
- 1771 c. Withhold the renewal of a license for any cause;
- 1772 d. Suspend a license; and/or
- 1773 e. Revoke a license.

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- 1774 2. Notice of action or contemplated action by the ~~Beard~~board - Requests
1775 for Hearing - Notice of Hearing:
- 1776 a. When the Board contemplates taking any action of a type specified in
1777 paragraphs a and b of subsection B.1 supra, it shall give written notice
1778 to the applicant, including a statement...
- 1779 (1) That the applicant has failed to satisfy the ~~Beard~~board with his or
1780 her qualifications to be examined or to be licensed, as the case
1781 may be;
- 1782 (2) Indicating in what respects the applicant has failed to satisfy the
1783 ~~Beard~~board; and
- 1784 (3) That the applicant may secure a hearing before the ~~Beard~~board
1785 by depositing in the mail within twenty (20) days after service of
1786 said notice, a registered letter addressed to the ~~Beard~~board
1787 containing a request for a hearing. In any proceedings of the
1788 ~~Beard~~board involving the denial of a duly made application to
1789 take an examination or refusal to issue a license after an applicant
1790 has taken and passed an examination, the burden of satisfying the
1791 ~~Beard~~board of the applicant's qualifications shall be upon the
1792 applicant.
- 1793 b. When the ~~Beard~~board contemplates taking any action of a type
1794 specified in paragraphs c, d, and e of subsection B. 1 supra, it shall
1795 give written notice to the licensee that contains a statement...
- 1796 (1) Indicating the general nature of the evidence and detailed
1797 allegations of the violations with which the licensee is charged;
- 1798 (2) That a hearing will be held on a certain date, no sooner than
1799 twenty (20) days after the mailing of the notice, and, that at that
1800 hearing, the ~~Beard~~board will receive evidence.
- 1801 c. When the ~~Beard~~board shall summarily suspend a license pending a
1802 hearing as authorized in subsection B.2 supra, it shall give written
1803 notice of the general nature of the evidence and detailed allegations
1804 of the violations with which the licensee is charged. The notice will
1805 contain a statement...
- 1806 (1) That the ~~Beard~~board has sufficient evidence that, if not rebutted or
1807 explained, will justify revocation of the license by the ~~Beard~~board;
- 1808 (2) That indicates the general nature of the evidence against the
1809 licensee;
- 1810 (3) That, based on the evidence indicated, the ~~Beard~~board has
1811 determined that the continuation of practice of the occupation or
1812 profession of the licensee will cause an immediate hazard to the
1813 public and has, therefore, suspended the license of the licensee,
1814 effective as of the date that such notice is served;

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- 1815 (4) That the ~~Beard~~board will then set an immediate hearing for a full
1816 evidentiary presentation by the licensee and the ~~Beard~~board.
1817 d. In any hearing before the ~~Beard~~board involving the suspension or
1818 revocation of a license, the burden shall be on the ~~Beard~~board to
1819 present sufficient evidence to justify the action taken or proposed by
1820 the ~~Beard~~board.

1821 **C. Method of Serving Notice of Hearing**

1822 Any notice required by subsection B.2 may be served either personally or by an
1823 officer authorized by law to serve process, or by registered mail or certified mail,
1824 with return receipt requested, directed to the licensee or applicant at his or her
1825 last known address, as shown by the records of the ~~Beard~~board. If notice is
1826 served personally, it shall be deemed to have been served at the time when the
1827 officer delivers the notice to the person addressed. Where notice is served by
1828 registered mail, it shall be deemed to have been served on the date borne by
1829 the return receipt, showing delivery of the notice to the addressee or refusal of
1830 the addressee to accept the notice. An attempt to serve notice at the last
1831 address of record shall constitute official notice.

1832 **D. Venue of Hearing**

1833 Board hearings held under the provisions of this rule shall be conducted at the
1834 ~~Beard~~board office or elsewhere in Pulaski County. The hearings may be held
1835 anywhere within Arkansas if the person whose license is involved and the
1836 ~~Beard~~board agree that the hearing should be held at some place outside
1837 Pulaski County.

1838 **E. Hearings Public**

1839 Use of Hearing Office – All hearings under this section shall be open to the public.
1840 At all such hearings, at least a quorum of the ~~Beard~~board shall be present to
1841 hear and determine the matter.

1842 **F. Rights of Person Entitles to Hearing**

- 1843 A person entitled to be heard pursuant to this section shall have the right to...
- 1844 1. Be represented by counsel;
 - 1845 2. Present all relevant evidence by means of witnesses and books, papers
1846 and documents;
 - 1847 3. Examine all opposing witnesses on any matter relevant to the issues;
 - 1848 4. Have subpoenas and subpoenas duces tecum issued to compel the
1849 attendance of witnesses and the production of relevant books, papers,
1850 and documents upon making written request thereof to the Board; and
1851 5. Have a transcript of the hearing made at his/her own expense.

1852 **G. Powers of the Board in Connection with Hearing**

1853 In connection with any hearing held pursuant to the provisions of this section, the
1854 Board or its hearing officer shall have the power to...

- 1855 1. Have counsel to develop the case;
1856 2. Administer oaths to develop the case;
1857 3. Take testimony;
1858 4. Examine witnesses;
1859 5. Have a transcript of the hearing made at the expense of the ~~Board~~board;
1860 and
1861 6. Direct a continuance of any case.

1862 **H. Rules of Evidence**

1863 In proceedings held pursuant to this rule, the ~~Board~~board may admit any
1864 evidence and may give probative effect to evidence that is of a kind commonly
1865 relied on by reasonably prudent people in the conduct of serious affairs. The
1866 Board may, at their discretion, exclude incompetent, irrelevant, immaterial, and
1867 unduly repetitious evidence.

1868 **I. Fees - Witnesses**

1869 Witness fees and mileage, if claimed, shall be allowed the same as for testimony
1870 in a Circuit Court.

1871 **J. Manner and Time of Rendering Decision**

1872 Within a reasonable time after the decision is rendered, the ~~Board~~board shall
1873 serve to the person whose license is involved a written copy of the decision,
1874 either personally or by registered mail. If the decision is sent by registered mail, it
1875 shall be deemed to have been served on the date borne on the return receipt.

1876 **K. Service if Written Decision**

1877 Within a reasonable time after the decision is rendered, the ~~Board~~board shall
1878 serve to the person whose license is involved a written copy of the decision,
1879 either personally or by registered mail. If the decision is sent by registered mail, it
1880 shall be deemed to have been served on the date borne on the return receipt.

1881 **L. Contents of Decision**

- 1882 1. Findings of fact made by the ~~Board~~board;
1883 2. Conclusions of law reached by the ~~Board~~board;
1884 3. The order of the ~~Board~~board based upon these findings of fact and
1885 conclusions of law; and
1886 4. A statement informing the person whose license is involved of his right to
1887 request a judicial review and the time within which such a request must
1888 be made.

1889

Mark-Up Copy. Stricken language would be deleted from and underlined language would be added to the rules as they existed prior to this proposed revision.

1890 **M. Judicial Review**

1891 Judicial review of proceedings under this rule shall be governed by the
1892 Administrative Procedure Act or other applicable law.

1893 **SECTION XI**

1894 **JUDICIAL REVIEW**

1895 **A. Service**

1896 Service shall be had by serving a copy of the petition upon the ~~Beard~~board and
1897 all other parties of record either by personal service or by mail.

1898 **SECTION XII**

1899 **ENFORCEMENT**

1900 **A. Civil Action**

1901 The ~~Beard~~board may institute a (civil) suit or other legal proceedings that may
1902 be required for enforcement of any provisions of ACA 17-15-101, 17-35-101, or 17-
1903 36-101 et seq., as amended and related acts.

1904 **B. Criminal Action**

1905 If the ~~Beard~~board has reason to believe that any person has violated any
1906 provisions of the Act, as amended or related acts for which criminal prosecution
1907 would be in order, it shall so inform the prosecuting attorney in whose district any
1908 such purported violation may have occurred.