

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.  
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

## TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 02 – BOARD OF ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

**Notice** is hereby given in accordance with G.S. 150B-21.1 that the Board of Architecture and Registered Interior Designers intends to adopt the rule cited as 21 NCAC 02 .0306, amend the rules cited as 21 NCAC 02 .0102, .0106, .0108, .0109, .0201-.0205, .0210, .0213-.0215, .0217, .0218, .0302, .0303, .0901, .0903-.0910 and repeal the rules cited as 21 NCAC 02 .0208, .0209 and .0212.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

**Codifier of Rules** received for publication the following notice and proposed temporary rule on: September 14, 2021.

#### Public Hearing:

**Date:** October 8, 2021

**Time:** 10:15 a.m.

**Location:** <https://us02web.zoom.us/j/83728004809?pwd=KzdDZTZRMlZYTWlNcnJSVFc09xUT09>, Meeting ID: 837 2800 4809  
Passcode: 837756

**Reason for Proposed Temporary Action:** The effective date of a recent act of the General Assembly or of the U.S. Congress. S.L. 2021-81 is a bill to allow for registration of Interior Designers and to modify the Board of Architecture.

**Comment Procedures:** Comments from the public shall be directed to: Cathe M. Evans, Executive Director, 434 Fayetteville St., Suite 2005 Raleigh, NC 27601. The comment period begins September 21, 2021 and ends October 12, 2021.

### SECTION .0100 - GENERAL PROVISIONS

#### 21 NCAC 02 .0102 ORGANIZATION OF BOARD AND OFFICERS

In addition to the annual meeting as prescribed in G.S. 83A-2, other meetings of the Board may be called by the president or any ~~three~~ four Board members. The officers of the Board shall be elected at the annual meeting for terms of one year and until a successor is elected. Vacancies in the officers' terms, occurring from death, resignation, disability or expiration of Board service, shall be filled by election at the next Board meeting following the vacancy.

Authority G.S. 83A-2; 83A-6.

#### 21 NCAC 02 .0106 SEAL OF BOARD

~~The Board has adopted a seal, which is circular in shape and contains the words, "North Carolina Board of Architecture." The seal is maintained in the Board's office under the care, custody and charge of the Executive Director. The seal shall be used at the direction of the Board to authenticate any official action or report of the Board. The absence of the seal shall not automatically imply the lack of authentication of any document issued by the Board. The official seal adopted by the Board is the Great Seal of the State of North Carolina with the inscription of the Board name on the perimeter.~~

Authority G.S. 83-5; 83A-6.

#### 21 NCAC 02 .0108 FEES

The fees required by the Board, are payable in advance and are set forth below:

##### Initial Registration Application by Exam

Residents and Non-Residents \$ 50.00

Firm Registration \$ 75.00

##### Annual license renewal

Individual \$ 50.00

Firm \$100.00

Late renewal Penalty \$ 50.00

Reciprocal registration \$150.00

##### License to Practice Architecture:

By Exam \$50.00

By Reciprocity \$150.00

Firm License \$75.00

##### Annual License to Practice Architecture Renewal:

<u>Individual</u>	<u>\$50.00</u>
<u>Firm</u>	<u>\$100.00</u>
<u>Late Renewal Penalty for Individual Architects and Firms:</u>	
<u>Up-to-30 days</u>	<u>\$50.00</u>
<u>30 days to 1 year</u>	<u>\$100.00</u>
<u>Reinstatement of Expired License:</u>	
<u>Architect</u>	<u>\$250.00</u>
<u>Firm</u>	<u>\$250.00</u>
<u>Registration to Practice Interior Design:</u>	
<u>Individual Registration</u>	<u>\$150.00</u>
<u>Firm Registration</u>	<u>\$75.00</u>
<u>Annual Registration to Practice Interior Design Renewal:</u>	
<u>Individual</u>	<u>\$50.00</u>
<u>Firm</u>	<u>\$100.00</u>
<u>Late Renewal Penalty for Interior Designers and Interior Design Firms:</u>	
<u>Up-to-30 days</u>	<u>\$50.00</u>
<u>30 days to 1 year</u>	<u>\$100.00</u>
<u>Reinstatement of Expired Registration</u>	
<u>Interior Designer</u>	<u>\$250.00</u>
<u>Interior Design Firm</u>	<u>\$250.00</u>

Individual or Firm Reinstatement shall be the fee as described in G.S. 83A-11 and G.S. 55B-10.

All fees paid to the Board are non-refundable.

Other publications and services provided by the Board are available on the Board web site at [www.ncbarch.org](http://www.ncbarch.org).

*Authority G.S. 55B-10; 83A-4; 83A-11.*

## **21 NCAC 02 .0109 DEFINITIONS**

In addition to the statutory definitions in G.S. 83A-1, as used in these Rules, the following terms shall have the following meanings:

- (1) "Delinquent" is the status of a license or registration that has not been renewed in accordance with 21 NCAC 02 .0213(b) for individuals and ~~21 NCAC 02 .0214(d)~~ 21 NCAC 02 .0214(c) for firms.
- (2) "Licensed" means holding a license to practice architecture in the State of North Carolina as defined by North Carolina General Statute Chapter 83A. ~~"Registered" has the same meaning as licensed.~~ "Registered" means holding a registration to practice interior design as defined by G.S. Chapter 83A.
- (3) "Fictitious name" is any assumed name, style or designation other than the proper name of the entity using such name. The surname of a person, standing alone or coupled with words that describe the business, is not a fictitious business name. The inclusion of words that suggest additional owners, such as "Company," "& Company," "& Sons," "& Associates," makes the name an assumed or fictitious name. For partnerships, the last name of all partners must be ~~listed~~ listed, or the fictitious name definition applies.
- (4) ~~"Responsible control" has the meaning described in Rule .0206(d).~~
- (5)(4) ~~"Firm" or "Architectural Firm" means any Professional Corporation or Professional Limited Liability Company approved by the Board and engaged in the practice of architecture.~~ "Registered Interior Design Firm" means any Business Corporation or Limited Liability Company approved by the Board and engaged in registered interior design services.
- (6)(5) "Procurement" means purchasing or pricing of materials to construct a building or structure.
- (7)(6) ~~Direct Supervision as used in North Carolina General Statute 83A means responsible control.~~ Direct Supervision as used in G.S. 83A means responsible control as defined in 21 NCAC 02 .0203.
- (8)(7) "Continuing Competency" as used in North Carolina General Statute 83A-6(a)(5) means continuing education obtained post licensure or registration that enables a ~~registered an~~ registered ~~an~~ architect or registered interior designer to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture and interior design to safeguard the public's health, safety and welfare.
- (9)(8) "Health, safety and welfare" (HSW) as used in North Carolina General Statute 83A-6 (a)(5) means technical and professional subjects that according to these rules safeguard the public and that are necessary for the proper evaluation, design, construction and utilization of buildings and the built environment.
- (9) ~~"Architect-of-record" or "Designer-of-record" means persons or entities whose seals appear on plans, specifications, and contract documents.~~

*Authority G.S. 83A-6.*

## **SECTION .0200 - PRACTICE OF ARCHITECTURE**

### **21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP CONTACT INFORMATION AS ON FILE WITH THE BOARD**

(a) Every individual licensee and registrant shall keep the Board advised of ~~his/her~~ their preferred current contact information, including physical mailing address, email and phone numbers, principle place of business and electronic mail address and the name of the firm or partnership where ~~he/she is~~ they are employed.

(b) Each firm or partnership shall within 30 days notify the Board of all changes in ownership, of association, contact information, electronic email or physical address. Upon the dissolution of a firm, the architect or registered interior designer in responsible control of the firm at the time of dissolution shall within 30 days notify the Board concerning such dissolution, and of the succeeding status and addresses of the firm. This requirement is in addition to registration, listing and renewal requirements set out elsewhere in rules of this Chapter.

Authority G.S. 83A-5; 83A-6.

## **21 NCAC 02 .0202 APPLICABILITY OF BOARD RULES**

The Executive Director shall make available on the Board web site at [www.ncbarch.org](http://www.ncbarch.org) Chapter 83A of the North Carolina General Statutes and the rules of the Board adopted hereunder. Rules adopted and published by the Board under the provisions of Chapter 83A and Chapter 150B shall be binding upon every individual holding a license or registration from the Board, and upon all professional corporations firms legally authorized to offer or to perform architectural or registered interior design services in this state. All licensees of the Board are charged with having knowledge of the existence of the Board rules and shall be deemed to be familiar with and have an understanding of their provisions. Each licensed person and entity shall affirm in their renewals that they have read the current architectural laws and rules.

Authority G.S. 83A-6.

## **21 NCAC 02 .0203 GENERAL OBLIGATIONS OF PRACTICE RULES OF PROFESSIONAL CONDUCT**

As a primary obligation and responsibility, the architect shall conduct his office and all aspects of his practice in such manner as to "safeguard life, health and property" as provided in G.S. 83A-12. In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the practice of architecture and registered interior design, the Rules of Professional Conduct in this Rule are adopted in accordance with G.S. 83A and are binding upon every person holding a license to practice architecture (licensee) or registered interior designer (registrant), and on all firms authorized to offer or render architectural or registered interior design services in this state. All persons licensed or registered under the provisions of G.S. 83A are charged with having knowledge of the Board Rules and are deemed to be familiar with their provisions and to understand them. Each licensed or registered person and entity shall affirm in their renewals that they have read and understand the current laws and rules.

- (1) Licensees and registrants shall conduct their practice in order to protect the public health, safety and welfare. The licensee or registrant shall always recognize the primary obligation to protect the public in the performance of the professional duties. The architect or registered interior designer acts as a professional adviser to their client and their advice must be unprejudiced. If the licensee or registrant's professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the licensee or registrant shall inform the employer, the client, the contractor, other affected parties, and any appropriate regulatory agency of the possible consequences of the situation.
- (2) In designing a project, the licensee or registrant shall consider all applicable federal, state and municipal building laws and rules. A licensee or registrant shall undertake to perform professional services only when they, together with those whom the licensee or registrant may engage as consultants, are qualified by education, training and experience in the specific technical areas involved. While a licensee or registrant may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such laws and rules, once having obtained such advice, a licensee or registrant shall not design a project in violation of such laws and rules.
- (3) In practicing architecture or interior design, the licensee or registrant shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects or interior designers of good standing, practicing in the same locality.

In addition, an architect is also charged with the following personal and professional obligations of good practice:

- (1) The concern and purpose of the profession of architecture are the creation of a physical environment of use, order, and beauty through the resources of design, economics, technology, and management. The physical environment includes a spectrum of elements serving man, from the artifact and the building to the community and the region.
- (2) The profession of architecture calls for individuals of the highest integrity, judgment, business capacity and artistic and technical ability. An architect's honesty of purpose must be above suspicion. An architect acts as professional adviser to his client and his advice must be unprejudiced.
- (4) **Responsible Control.** No architect or registered interior designer shall affix their seal and signature to contract documents developed by others not under the architect's or registered interior designer's responsible control. "Responsible control" means that amount of control over and professional knowledge of the content of technical submissions during their preparation as is exercised by an architect or registered interior designer applying the required professional standard of care, including:
  - (a) Dissemination of programmatic requirements;
  - (b) Ongoing coordination and correlation of services with other aspects of the total design of the project;
  - (c) Verification with consultant that owner's requirements are being met;
  - (d) Authority over the services of those who assisted in the preparation of the documents;
  - (e) Assumption of responsibility for the services;
  - (f) Incorporation of services and technical submissions into design documents to be issued for permitting purposes; and
  - (g) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's or registered interior designer's consultants, owners, contractors, or other sources the architect or registered

interior designer trusts that is incidental to and intended to be incorporated into the architect's or registered interior designer's technical submissions if the architect or registered interior designer has coordinated and reviewed such information.

- (5) An architect or registered interior designer shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with their application for license or registration renewal.
- (6) An architect or registered interior designer shall not in assist the application for licensure or registration of a person known by the architect or registered interior designer to be unqualified with respect to education, training, experience, or character.
- (7) An architect or registered interior designer shall issue public statements only in an objective and truthful manner and:
  - (a) Shall be objective and truthful in all professional reports, statements, or testimony. The architect or registered interior designer shall include all relevant and pertinent information in such reports, statements or testimony;
  - (b) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the individual's testimony;
  - (c) Shall issue no statements, criticisms, or arguments on architectural or interior design matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the architect or registered interior designer has prefaced the comment by explicitly identifying their name, by disclosing the identities of the party or parties on whose behalf the architect or registered interior designer is speaking, and by revealing the existence of any pecuniary interest the architect or registered interior designer may have in the matters; and
  - (d) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another architect or registered interior designer, nor indiscriminately criticize another architect's or registered interior designer's work in public. Indiscriminate criticism includes statements without valid basis or cause or that are not objective and truthful or that fail to include all relevant and pertinent information. If the architect or registered interior designer believes that another architect or registered interior designer is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Architecture and Registered Interior Designers in the form of a complaint.
- (8) An architect or registered interior designer shall avoid conflicts of interest and:
  - (a) Shall inform the employer or client, and any reviewing agency, of any business association, interests, or circumstances which could influence judgment or the quality of services;
  - (b) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are disclosed to, and agreed to, in writing, by all interested parties;
  - (c) Shall not solicit or accept financial or other valuable considerations from material, furniture, fixtures, or equipment suppliers for specifying their products unless disclosed to the client;
  - (d) An architect or registered interior designer shall not pay or offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work. Gifts of nominal value (including, reasonable entertainment and hospitality) and securing salaried positions through employment agencies are permitted;
  - (e) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or registrant or the licensee's or registrant's firm in private architectural or registered interior design practices;
  - (f) Shall not engage in any false, deceptive, fraudulent, or misleading advertising; and
  - (g) Shall not attempt to supplant another architect or registered interior designer in a particular employment after becoming aware that the other has been selected for the employment.
  - (h) When acting as the interpreter of building contract documents and the judge of contract performance, an architect or interior designer shall render decisions impartially, favoring neither party to the contract.
  - (i) If, in the course of their work on a project, an architect or registered interior designer becomes aware of a decision taken by their employer or client, against their advice, which violates applicable state or municipal building laws and regulations and which will, in their judgment, materially affect adversely the safety to the public of the finished project, the architect or registered interior designer shall:
    - (i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;
    - (ii) refuse to consent to the decision;
    - (iii) in circumstances where the architect or registered interior designer reasonably believes that other such decisions will be taken notwithstanding his objection, terminate their services with reference to the project; and
    - (iv) in the case of termination in accordance with clause in Subparagraph (i)(iii) of this Rule, the architect or registered interior designer shall have no liability to their client or employer on account of such termination.
  - (j) If an architect or registered interior designer has any business association or direct or indirect financial interest which is substantial enough to influence their judgment in connection with the performance of professional services, they shall fully disclose in writing to their client or employer the nature of the business

- association or financial interest, and if the client or employer objects to such association or financial interest, they will either terminate such association or interest or offer to give up the commission or employment.
- (k) An architect making public statements on architectural questions shall disclose when they are being compensated for making such statements.
  - (l) A registered interior designer making statements on interior design questions shall disclose when they are being compensated for such statements.
- (9) A licensee or registrant shall solicit or accept work on the basis of qualifications and:
- (a) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;
  - (b) The licensee or registrant shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;
  - (c) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.); and
  - (d) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded unless it is stated that no degree or certificate was awarded.
  - (e) An architect or registered interior designer shall represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit. Misrepresentation shall be found if the following is not complied with:
    - (i) Each licensee or registrant shall state their prior professional experience and the firm they are representing while presenting qualifications to all prospective clients. If the licensee or registrant uses visual representations of prior projects or experience, all designers or architects of record shall be identified.
    - (ii) An architect or registered interior designer who has been an employee of another firm may not claim credit for projects contracted for in the name of the previous employer. They shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee and identify the previous firm. The architect or registered interior designer shall also describe the nature and extent of their participation in the project.
    - (iii) An architect or registered interior designer who presents a project that has received awards or public recognition shall comply with the requirements in this Item with regard to project presentation to the public and prospective clients.
    - (iv) Projects that remain unconstructed and are listed as credits in presentation items shall be listed as "unbuilt" or a similar designation, as determined by the architect or registered interior designer.
- (10) A licensee or registrant shall perform services in an ethical manner, as required by this rule, and in a lawful manner and:
- (a) Shall not knowingly associate with or permit the use of the licensee's or registrant's name or firm name in a business venture by any person or firm which the licensee or registrant knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed; and
  - (b) If the licensee or registrant has knowledge or reason to believe that another person or firm may be in violation of the Board Rules (21 NCAC 02) or of the North Carolina Architectural and Registered Interior Design Practice Act (G.S. 83A), they shall present such information to the Board in writing in the form of a complaint and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.
  - (c) An architect or registered interior designer shall cooperate with the Board in connection with any inquiry it shall make. Cooperation includes responding to all inquiries from the Board or its representative and claiming correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee or registrant from the Board in a timely manner. The Board shall utilize electronic mail as its primary method of communication with licensees and registrants. Timely is defined as within the time specified in the correspondence, or if no time is specified, within 30 days of receipt.
- (11) An architect or registered interior designer who has received a reprimand or civil penalty or whose professional license or registration is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board if the licensee's or registrant's action constitutes a violation of G.S. 83A or the rules adopted by the Board.
- (12) In addition to the grounds stated in G.S. 83A-14 and 83A-15(3), the following acts or omissions may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for denial, suspension, or revocation of a license or registration or firm certificate of licensure or registration to practice architecture or registered interior design:
- (a) An architect or registered interior designer shall not, in the conduct of their professional practice, knowingly violate any state or federal criminal law. A criminal conviction shall be deemed prima facie evidence of knowingly violating the law.
  - (b) Evasion.

- (i) An architect or registered interior designer shall not, through employment by contractors (whether or not the contractors are licensed under G.S. 87), or by another individual or entity not holding an individual or firm registration from the Board, to enable the employer to offer or perform architectural services or registered interior design services, except as provided in G.S. 83A-13. In design/build arrangements, the architect or registered interior designer shall not be an employee of a person or firm not holding a license to practice architecture or registered interior design in North Carolina.
- (ii) An architect or registered interior designer shall not furnish limited services in such manner as to enable owners, draftsmen, or others to evade the public health and safety requirements of G.S. 83A, 133-2, 153A, 153A-357, 160A-412, or 160A-417.
- (iii) When building plans are begun or contracted for by persons not licensed or registered and qualified, an architect or registered interior designer shall not take over, review, revise, or sign or seal such drawings or revisions thereof for such persons or do any act to enable either such persons or the project owners to evade the requirements of G.S. 83A, 133-2, 153A-357, or 160A-417.
- (13) An architect, registered interior designer or firm shall not maintain or represent by sign, listing, or other manner that they have a physical presence in North Carolina unless such office employs a licensed architect or registered interior designer who is a resident in North Carolina whose principal place of business is in that office. This item does not apply to on-site project offices during construction of a project.
- (14) It is unprofessional conduct for an architect or registered interior designer to be found by a court to have infringed upon the copyrighted works of other architects, registered interior designers or other design professionals.
- (16) An architect or registered interior designer shall not knowingly continue to offer or render architectural or registered interior design services as set forth in G.S. 83A after their license or registration expires, is placed on delinquent status, is revoked, or suspended for failure to renew.
- (17) Architects or registered interior designers preparing plans for building permits shall submit plans that are complete and buildable. Such plans shall conform with the State Building Code and local plan submission requirements. Professional judgment shall be exercised to reflect sufficient documentation necessary for plan approval. Provided, however, this Rule does not alter any standard of liability applicable to licensees or registrants.

Authority G.S. 83A-6.

## 21 NCAC 02 .0204 FORMS OF PRACTICE

(a) The practice of architecture shall be carried out by one of the following types of entities:

- (1) sole practitioners;
- (2) professional limited liability companies that are established under the provisions of ~~G.S. 57D~~; G.S. 57D-2-02;
- (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
- (4) professional corporations that are established under the provisions of G.S. 55B; or
- (5) general partnerships.

(b) The practice of registered interior design shall be carried out by one of the following types of entities:

- (1) sole practitioners;
- (2) limited liability companies that are established under the provisions of G.S. 57D;
- (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
- (4) business corporations that are established under the provisions of G.S. 55; or
- (5) general partnerships.

Each limited liability partnership and each general partnership engaged in the practice of architecture or registered interior design in North Carolina shall keep a current list of all resident and non-resident partners of the partnership. One annual listing by a representative of the partnership shall satisfy the requirement of this Paragraph for all partners in the firm; however, each partner shall remain responsible for compliance with the rules. Changes in the information required by this Paragraph shall be filed with the Board office within 30 days after the change occurs.

~~(b)(c)~~ All individuals who practice architecture through entities described in Subparagraphs (a)(1) through (a)(4) of this Rule shall be licensed to practice architecture.

(d) All individuals who practice registered interior design through entities described in Subparagraphs (b)(1) through (b)(4) of this Rule shall be registered to practice interior design.

Authority G.S. 55B; 57C; 59-84.2; 83A-4; 83A-6; 83A-8.

## 21 NCAC 02 .0205 NAME OF FIRM

(a) A licensee or registrant shall not engage in the practice of architecture or registered interior design under a firm name which is misleading or deceptive in any way as to the legal form of the firm or the persons who are partners, officers, members, or shareholders in the firm. The Board shall approve all firm names to be used in this State. Examples of misleading or deceptive firm names include the following:

- (1) Use of "architects" or "registered interior designers" when the number of architects or registered interior designers in a firm does not warrant such use;
- (2) Use of the name of an employee unless that employee is a licensed or registered partner, licensed or registered officer, licensed or registered member or licensed or registered shareholder;

- (3) Use of the name of a deceased architect or registered interior designer in order to benefit from ~~his~~ their reputation, when that architect or registered interior designer was not a former partner, officer, member or shareholder in the present firm;
  - (4) Use of a name which is deceptively similar to that of existing firm name; and
  - (5) Use of a fictitious name by a sole proprietor.
- (b) Failure of the firm to register a fictitious name shall be prima facie evidence of the name being misleading or deceptive.

Authority G.S. 55B-5; 83A-6; 83A-9; 83A-12.

## **21 NCAC 02 .0208 DISHONEST CONDUCT**

Authority G.S. 14-353; 83A-6; 83A-14; 83A-15.

## **21 NCAC 02 .0209 UNPROFESSIONAL CONDUCT**

Authority G.S. 83A-6; 83A-14; 83A-15.

## **21 NCAC 02 .0210 INCOMPETENCE**

~~(a) In practicing architecture, an architect shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.~~

~~(b) In designing a project, an architect shall take into account all applicable state and municipal building laws and rules. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such laws and rules, once having obtained such advice, an architect shall not design a project in violation of such laws and rules.~~

~~(c) An architect shall undertake to perform professional services only when he, together with those whom the architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.~~

~~(d) No person shall be permitted to practice architecture or registered interior design if such person's professional competence is substantially impaired by physical or mental disabilities. such person has been declared insane or incompetent by a court of law.~~

~~(e) Architects preparing plans for building permits for projects not exempt under G.S. 83A-13 shall submit plans that are complete and buildable. Such plans shall conform with the State Building Code and local plan submission requirements. Professional judgment shall be exercised to reflect sufficient documentation necessary for plan approval. Provided, however, this Rule does not alter any standard of liability applicable to licensees.~~

Authority G.S. 83A-6; 83A-14; 83A-15.

## **21 NCAC 02 .0212 INDEPENDENT JUDGMENT AND DISCLOSURE**

Authority G.S. 83A-6; 83A-16; 83A-17.

## **21 NCAC 02 .0213 INDIVIDUAL LICENSES AND REGISTRATIONS**

(a) Renewal. ~~License registration~~ The license to practice architecture or interior design registration must be renewed on or before the first day in July each year. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each individual licensee or registrant via electronic mail. It shall be the professional responsibility of the licensee or registrant to renew the license or registration on or before the 30th day of July each year. Continued practice after such date shall constitute unlawful practice as set forth in G.S. 83A-12 and may be grounds for disciplinary action. The licensee or registrant shall complete the current ~~license~~ renewal documentation required by the Board. The licensee or registrant shall submit to the Board the completed license or registration renewal documentation, along with the annual license or registration renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying payment in the amount of the renewal fee is dishonored by the ~~architect's licensee or registrant's~~ drawee bank for any reason, the Board shall suspend the license or registration until the renewal fees and check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of this Chapter, the Executive Director shall approve renewal of the license or registration for the current ~~license~~ renewal year. Renewal fees are non-refundable.

(b) Late Renewal. If the Board has not received the annual renewal fee and completed renewal documentation on or before the first day of July, each year the license or registration shall expire and be placed on delinquent status. For the purpose of this Rule, "delinquent status" means an administrative revocation and is not considered discipline. The license or registration may be renewed at any time within one year of being deemed delinquent, upon the return of the completed renewal documentation, the annual renewal fee, and the late renewal penalty and demonstration of compliance with Section .0900 of this Chapter.

(c) Reinstatement. After one year from the date of expiration, the Board shall revoke the license or registration for failure to renew. Reinstatement shall occur pursuant to G.S. 83A-11 and Sections .0300 and .0900 of this Chapter.

(d) Any individual who is currently licensed ~~by~~ or registered by and in good standing with the Board who is serving in the armed forces of the United States shall not be subject to late fees, suspension or revocation for failure to renew licensure on or before the first day July each year, provided that the individual has been granted an extension of time to file a tax return as set forth in G.S. 105-249.2.

Authority G.S. 83A-6; 83A-11; 93B-15(b).

## **21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE AND REGISTERED INTERIOR DESIGN**

(a) ~~Registration.~~ Prior to offering and rendering architectural or registered interior design services as set forth in G.S. 83A and 21 NCAC 02 .0204(a) and 21 NCAC 02 .0204(c), all firms shall submit an application for firm licensure or registration and be granted licensure or registration by the Board. Application for firm licensure or registration to practice of architecture or registered interior design within the State of North Carolina shall be made upon forms provided on the Board web site at [www.ncbarch.org](http://www.ncbarch.org) and include the required application fee as set forth in Rule .0108 of this Chapter. ~~Certificates Licensure~~ for firm practice of architecture or registered interior design shall be issued only under the provisions of the Professional Corporation Act, G.S. 55B, ~~except as provided in Subsection (b) of this Rule 55B and G.S 57D-2-02. 57C.~~ Registration for firm practice of interior design shall be issued only under the provisions of the Business Corporation G.S. 55 and G.S 57D.

~~(b) Architectural Corporations Under G.S. 55, the Business Corporation Act. Applications for certificate of registration as exempt from the Professional Corporation Act under the provisions of G.S. 55B-15 shall be made upon forms provided by the Board. Completed applications shall be accompanied by the corporate application fee. To be eligible as an exempt corporation under the provisions of G.S. 55B-15, the following conditions must exist:~~

- ~~(1) The corporation must have been incorporated prior to June 5, 1969 as a business corporation;~~
- ~~(2) Prior to and since June 5, 1969, the corporation must have been a bona fide architectural or architectural engineering firm with services limited to the practice of architecture or architecture engineering and ancillary services within the State of North Carolina; and~~
- ~~(3) The corporation must have applied to be an exempt corporation before October 1, 1979.~~

~~(e)(b) Renewal of Certificate.~~ Architecture firm Firm registration licensure and interior design firm registration shall be renewed on or before December 31st each year. If the Board has not received the annual renewal fee and completed application on or before December 31st each year, the architecture firm license or interior design firm registration shall expire. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each licensed and registered firm. Renewal documentation shall be accompanied by the renewal fee. If the accompanying draft or check in the amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm license or registration until the renewal fees and returned check charges are paid. When the annual renewal has been complete according to the provision of G.S. 83A-11, the Executive Director shall approve renewal for the firm for the current renewal year. Upon completion of the firm annual renewal, the Board may randomly audit the compliance of firm licenses and registrations and require proof in the form of corporate records maintained pursuant to North Carolina General Statute ~~55B- 55B or 57D.~~ Such records must be maintained for a period of seven years after the renewal is submitted. Renewal fees are non-refundable.

~~(d)(c) Failure to Renew and Reinstatement.~~ Within one year of the expiration, the firm license or registration may be renewed at any time, upon the return of the completed renewal documents, the annual renewal fee, and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee the licensee or registrant shall seek reinstatement, as allowed by G.S. 83A-11. The Board may reinstate the firms' license or certificate of registration, as allowed by G.S. 83A-11.

~~(e)(d) Seal.~~ Each licensed or registered corporation firm shall adopt a seal pursuant to ~~21 NCAC 02 .0206(a)(3).~~ 21 NCAC 02 .0206.

~~(f)(e) Approval of Name.~~ In addition to the requirements and limitations of G.S. 55 and 55B, the firm name used by an architectural or registered interior design corporation firm shall conform with Rule .0205 and be approved by the Board before being used. This Rule shall not prohibit the continued use of any firm name adopted in conformity with the General Statutes of North Carolina and Board Rules in effect at the date of such adoption.

*Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8.*

## **21 NCAC 02 .0215 OUT OF STATE FIRMS**

(a) ~~Incorporation in Other States.~~ Architectural and registered interior design firms from other states may be granted firm certificates of licensure or registration for practice in this State upon receipt by the Board of a completed application, fees, the submission of a ~~certified~~ copy of their firm charter, or other corresponding documents, amended as may be necessary to ~~insure~~ ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act for architectural firms and Chapter 55, the Business Corporation Act for registered interior design firms. ~~of the State of North Carolina, and the payment of the firm application fee.~~ In addition to the other requirements as set out in G.S. 83A-8, ~~foreign~~ out of state interior design firms must, prior to registration, receive from the Secretary of State of North Carolina a certificate of authority to do business within the state. ~~A Architectural firms must obtain a certificate of authority for a certificate of authority must be obtained by the from the Board prior to submitting application to the Secretary of State. State for a Certificate of Authority.~~

(b) ~~Designated Individuals. Foreign entities may be permitted to practice architecture within the State of North Carolina provided that it complies with G.S. Chapter 55B.~~ If a ~~foreign~~ an out of state entity offers both architectural and engineering services, then it must comply with requirements set forth in G.S. 89C. ~~A foreign~~ An out of state entity must have at least one officer, director and shareholder licensed as an ~~individual architect~~ individual architect in this state. Two-thirds of the issued and outstanding shares of the foreign corporations must be owned by licensed architects or engineers who are licensed to practice their profession in a jurisdiction of the United States. However, the firm must designate at least one architect who is licensed in the State of North Carolina to be in responsible ~~charge control~~ charge control for the firm practice of architecture within the State of North Carolina. ~~Notwithstanding the requirements of this Rule, an individual architect who is licensed under G.S. Chapter 83A-7 may practice as an individual. A registered interior design firm must designate one registered interior designer to be in responsible control of all interior design work offered and performed by that firm in this State.~~

(c) Partnerships. An out of state architectural or registered interior design partnership may practice ~~architecture, architecture or registered interior design,~~ if every partner in the firm is licensed or registered as an individual in this state under Rule .0213 and the partnership complies with Paragraph (f) this Rule.

(d) Limited Liability Companies. An out of state Limited Liability Company may practice ~~architecture, architecture or registered interior design~~ if the Limited Liability Company complies with G.S. ~~57C 57D~~ and at least one member and one owner are licensed or registered as ~~in individuals~~ an individual under Rule .0213 and comply with Paragraph (a) of this Rule.

(e) Limited Liability Partnerships. An out of state Limited Liability Partnership may practice ~~architecture~~, architecture or registered interior design, if the Limited Liability Partnership complies with G.S. 59, and at least one partner is licensed or registered as an individual under Rule .0213.

(f) Failure to Renew and Reinstatement. If the Board has not received the annual firm renewal fee and completed application on or before December 31st each year the firm license or registration shall expire and be deemed delinquent. The firm registration may be renewed at any time within one year, upon the return of the completed application, the annual renewal fee and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee, the license or registration shall be automatically revoked. The Board may reinstate the firm's ~~certificate of~~ license or registration, as allowed by G.S. 83A-11

*Authority G.S. 55B-6; 83A-6; 83A-8.*

#### **21 NCAC 02 .0217 ARCHITECT EMERITUS**

Resident architects who have been registered in this state who are retired from active practice or other related professional activities in any jurisdictions whatsoever, may apply for "Emeritus Status" by submitting a form provided by the Board showing compliance with the requirements of this Section. "Retired" means that the architect no longer practices architecture ~~in that he/she no longer seals and certifies documents with his/her seal or otherwise offers to practice or practices architecture~~ as defined in G.S. 83A-1 as amended. Nonresident architects who have been continuously certified by NCARB who are retired from active practice [or other related professional activities] in any jurisdictions whatsoever, and who are "emeritus", inactive or retired in every other jurisdiction in which they are licensed may also apply for "Emeritus Status" by submitting a form provided by the Board showing compliance with the requirements of this Section. ~~Any such "architect emeritus" must renew that status on forms provided by the Board on or before the first day of July in each year.~~ Any reference to an architect on "Emeritus Status" on any letter, title, sign, card or device shall list such architect as "Architect Emeritus".

*Authority G.S. 83A-4; 83A-6; 83A-11; 83A-12.*

#### **21 NCAC 02 .0218 LIMITED LIABILITY COMPANIES**

Architects may practice in this state through duly authorized limited liability companies only as provided under G.S. 57C-2-01(c). Registered interior designers may practice in this state through duly authorized limited liability companies only as provided under G.S. 57D. Any limited liability company that offers to practice or practices architecture or registered interior design in this state must comply with the same requirements applicable to professional corporations or business corporations under Rules .0201, .0202, .0204, .0205, .0214, and .0215 of this Chapter.

*Authority G.S. 57C-2-01; 83A-6.*

### **SECTION .0300 - EXAMINATION PROCEDURES**

#### **21 NCAC 02 .0302 ARCHITECTURAL LICENSURE BY EXAMINATION**

(a) ~~The Board became a Direct Registration State with the National Council of Architecture Registration Boards (NCARB) on July 25, 2016.~~ Those individuals who wish to take the Architectural Registration Exam (ARE) must contact NCARB directly to obtain exam eligibility to take the ARE. Upon completion of all requirements set forth in the NCARB Architecture Experience Program (AXP), a candidate seeking ~~license registration~~ licensure by exam in North Carolina must direct NCARB to transmit a completed AXP record to the North Carolina Board of ~~Architecture~~, Architecture and Registered Interior Designers.

(b) Upon passing all sections of the NCARB ARE ~~NCARB~~, fulfillment of all NCARB AXP requirements, and completion of the National Architectural Accrediting Board (NAAB) accredited degree, NCARB, as directed by the candidate, will transmit a completed AXP file to the Board for review. ~~Upon notification of receipt of a completed AXP file from the Board, an individual may submit the application for Candidate Record Review~~ to determine compliance with G.S. 83A-7(a)(1)a. G.S. 83A-7(a)(1)a. shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph. The Board shall grant licensure by exam to those individuals who:

- (1) are of good moral character as defined in G.S. 83A-1(5);
- (2) are at least 18 years of age;
- (3) have completed a NAAB accredited professional degree in architecture or who have completed a NAAB accredited degree program that is identified as an NCARB endorsed Integrated Path To Architectural Licensure Degree Program;
- (4) have completed the NCARB AXP; and
- (5) submits the Application for Licensure by Exam and fee.

(c) Retention of credit for purposes of licensure by examination in North Carolina.

- (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of time established by the exam provider, NCARB.
- (2) Scores received on any part of the ARE prior to July 1, 2006 are invalid.

(d) Practical training pursuant to G.S. 83A-7(a)(2) means practical experience and diversified training as defined by the Architectural Experience Program through the NCARB.

(e) During the application process, Board members, in order to augment the evidence submitted in an application may interview the applicant regarding qualifications required in Paragraph (b) of this Rule. The Board shall determine whether an interview is needed on a case-by-case basis, based upon information in the application, including any academic or professional discipline.

(f) To complete the ARE, an exam candidate shall receive a passing grade in each division of the ARE. Information regarding NCARB grading methods and procedures can be found on their web site at [www.ncarb.org](http://www.ncarb.org).

(g) A person currently employed under the responsible control of an architect, who holds a Professional Degree from a NAAB accredited program, and who maintains an active NCARB AXP record or has completed the NCARB AXP may use the title "Architectural Intern" or "Intern Architect" in conjunction with ~~his or her~~ their current employment.

(h) The fees for examination, or parts thereof, are set and collected by the NCARB. Fee information is available on the NCARB web site [www.ncarb.org](http://www.ncarb.org).

(i) The standards of the National Council of Architecture Registration Boards and its components are hereby incorporated by reference including subsequent amendments and editions, and can be accessed at no charge at [www.ncarb.org](http://www.ncarb.org).

*Authority G.S. 83A-1; 83A-6; 83A-7; 83A-12.*

#### **21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY**

(a) An individual who holds a current license in good standing from a National Council of Architecture Registration Boards (NCARB) recognized jurisdiction and a Certified Council Certificate (~~also known as "Blue Cover"~~) issued by NCARB may qualify for licensure by reciprocity. Upon receipt of a certified record from NCARB and the Board application for licensure by reciprocity and fee, the Board may issue a license to an applicant as provided in G.S. 83A-7(b). Revocation of the certificate by NCARB shall automatically suspend the architect's license to practice in North Carolina until such time as the certificate is reinstated by NCARB.

(b) The Board may interview with the applicant to satisfy the Board, or its designee that the applicant has had sufficient recent architectural practice experience to be able to competently practice architecture in this state.

*Authority G.S. 83A-6; 83A-7.*

#### **21 NCAC 02 .0306 INTERIOR DESIGN REGISTRATION**

(a) Those individuals who wish to become registered to practice as a registered interior designer in North Carolina, shall demonstrate that they have satisfied the educational and professional experience eligibility requirements adopted by the Council for Interior Design Qualification (CIDQ) to sit for the Council for Interior Design Qualification Examination (NCIDQ), shall successfully complete the NCIDQ Examination and submit the Board application for registration and fee. Revocation of the certificate by NCIDQ shall automatically suspend the interior designer's registration to practice in North Carolina until such time as the certificate is reinstated by NCIDQ.

(b) An architect may be granted registration to practice interior design so long as they are currently licensed and in good standing in the state of North Carolina and submit the Board application for registration and fee.

(c) The Board may interview with the applicant to satisfy the Board, or its designee that the applicant has had sufficient recent interior design practice experience to be able to competently practice registered interior design in this state.

*Authority G.S. 83A-7.*

### **SECTION .0900 - CONTINUING EDUCATION**

#### **21 NCAC 02 .0901 SCOPE**

The rules in this Section set forth the continuing education requirements to be complied with by licensees or registrants.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

#### **21 NCAC 02 .0903 REQUIREMENTS**

(a) Every licensee and registrant shall obtain 12 contact hours for each calendar year. "Contact Hour" means a minimum of 50 minutes contact.

(b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's and registered interior designer's knowledge and competence in technical and professional architectural and interior design subjects directly related to safeguarding public health, safety and welfare("HSW"). "Structured educational activities" are activities in which at least 75 percent of an activity's content and instructional time is devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under the areas identified as HSW by individuals or organizations, whether delivered by direct contact or distance learning methods.

(c) ~~Registrants~~ Licensees and registrants shall not carry forward any contact hours into the subsequent period.

(d) ~~Registrants~~ Licensees and registrants shall certify completion of the contact hours for the previous calendar year with annual ~~registration~~ renewal.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

#### **21 NCAC 02 .0904 DETERMINATION OF CREDIT**

(a) The Board has final authority with respect to approval of courses, programs, and contact hours.

(b) The Board may randomly audit the compliance of individual licensees and registrants and require proof in the form of records maintained pursuant to Rule .0905 of this Section of participation in courses or programs that conform with the content and contact hours calculation requirements contained in G.S. 83A-6(a) and these Rules.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

## **21 NCAC 02 .0905 RECORD KEEPING**

(a) The licensee or registrant shall maintain records to support credits claimed. Records required include:

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, the name of the instructor or speaker and contact hours earned; or
- (2) Attendance certificates or other evidence of participation; or
- (3) Records maintained by the American Institute of Architects Continuing Education System(AIA/CES) or the International Design Continuing Education Council (IDCEC).

(b) Records shall be retained by the licensee or registrant for a period of six years after the credit is claimed and provided to the Board upon request.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

## **21 NCAC 02 .0906 EXCEPTIONS**

A licensee or registrant shall be exempt from the continuing education requirements for any of the following reasons:

- (1) New licensees or registrants ~~by way of examination or reciprocity~~ for the calendar year in which they become licensed or registered;
- (2) A licensee or registrant serving on temporary active duty in the armed forces of the United States for a period of time exceeding 90 consecutive days in a year or as provided by statute, whichever is greater;
- (3) ~~Registrants~~ Licensees or registrants experiencing physical disability or illness if supporting documentation is approved by the Board. Such documentation shall be in the form of a statement by the licensee or registrant, a statement from a physician, or medical records which show that the disability or illness prevented licensee or registrant's participation in a course which the registrant had enrolled, or prevented licensee or registrant's participation in the continuing education program for at least 90 consecutive days in a year; and
- (4) ~~Registrants~~ Licensees who receive emeritus status from the Board. In order to return to active practice, licensees ~~registrants~~ shall complete continuing education requirements for each exempted year not to exceed two years.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

## **21 NCAC 02 .0907 REINSTATEMENT**

A former licensee or registrant may only apply for reinstatement pursuant to G.S. 83A-11 if ~~he has~~ they have earned all delinquent contact hours within the 12 months preceding the application. However, if the total number of contact hours required to become current exceeds 24, then 24 shall be the maximum number required.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

## **21 NCAC 02 .0908 RECIPROCITY**

The requirements of North Carolina shall be deemed satisfied by a non-resident licensee or registrant provided:

- (1) ~~Registrant's~~ Licensee or registrant's resident jurisdiction has a comparable continuing education program; and
- (2) The same jurisdiction accepts the North Carolina continuing education requirements as satisfying their requirements.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

## **21 NCAC 02 .0909 FORMS**

All renewal applications shall require the completion of a continuing education certification provided by the Board documenting the contact hours claimed for the renewal period. The licensee or registrant shall supply sufficient detail to permit audit verification and shall certify and sign the continuing education certification with the renewal application and fee.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11.*

## **21 NCAC 02 .0910 NON-COMPLIANCE**

(a) If any credits are disallowed by the Board, then the licensee or registrant shall have 60 calendar days after notification to substantiate the original claim or obtain other contact hours to meet the minimum requirements.

(b) Licensees or registrants who fail to complete the continuing education requirement by the end of the previous calendar year shall have ~~his or her~~ their license placed on probation and shall complete the outstanding continuing education by December 31<sup>st</sup> of the current calendar year. If the licensee or registrant fails to complete the outstanding continuing education requirements ~~his or her~~ their license shall be suspended for 60 days or until such time as compliance is demonstrated if prior to 60 days. If the licensee or registrant fails to complete the outstanding continuing education within the 60 days suspension period, ~~his or her~~ their license or registration shall be revoked.

*Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; 83A-15.*