State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Design Professionals Division
1511 Pontiac Avenue, Bldg. 68-69
Cranston, Rhode Island 02920

Public Notice of Proposed Rule-Making

Pursuant to the provisions of the Administrative Procedures Act, Chapter 42-35 of the General Laws, the Department of Business Regulation hereby gives notice of its intent to amend the Rules and Regulations for the Board of Examination and Registration of Architects.

The purpose of this amendment is to make changes described in detail in the Concise Summary attached hereto. Major non-technical changes are highlighted yellow in the proposed amended regulations.

The proposed amended regulation and concise summary of non-technical amendments are available for public inspection at www.dbr.ri.gov, in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or by emailing jenna.algee@dbr.ri.gov or by calling Jenna Algee, Esq. at (401) 462 9593.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by June 16, 2014, to Jenna Algee, Esq., Department of Business Regulation, 1511 Pontiac Avenue, Bldg. 68-1, Cranston, RI 02920, (401) 462 9593, jenna.algee@dbr.ri.gov. A public hearing to consider the proposed amendment shall be held on June 16, 2014 at 1:00 p.m., at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 at which time and place all persons interested therein will be heard.

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email directorofficeinquiry@dbr.ri.gov at least three (3) business days prior to the hearing.

Paul McGreevy
Director, Department of Business Regulation

Date posted: April 18, 2014

State of Rhode Island and Providence Plantations
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Concise Summary of Proposed Non-Technical Changes

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, the following is a concise summary of proposed non-technical changes that would be accomplished by the proposed amendments to the Rules and Regulations for the Board of Examination and Registration of Architects:

1. Provide for submission and acceptance of electronic signatures and seals/stamps in lieu of paper documents;
2. Authorize the Board's administrative staff to provide initial approval of reciprocity applications prior to the Board's next meeting if the applicant submits a record from the National Council of Architectural Registration Boards (NCARB) and does not have prior disciplinary history;
3. Provide discretion for the Board to grant applications for the restoration of an expired certificate that has lapsed for a period of 6 months to not more than two years, allowing the Board to require a brief outline of the professional activities of the applicant during the lapsed period, and, if the applicant is a non-resident, the applicant's NCARB record;
4. Delete provisions that cover the NCARB standards for taking the Architectural Registration Exam (ARE). These standards change from time to time and are available on NCARB's website;
5. In accordance with recent legislative changes clarifying the Board's position within the Department of Business Regulation ("Department"), delete provisions that provide for the processing of complaints, administrative hearing procedures, declaratory rulings, petitions for rulemaking, and public records requests; replace with cross-reference to the Department's Central Management Regulation 1 *Access to Public Records*, Central Management Regulation 2 *Rules of Procedure for Administrative Hearings*, and Central Management Regulation 3 *Declaratory Rulings and Petitions*;
6. Make changes based on NCARB model law and guidance, namely:
   a. provide detail to the definition of "responsible control";
   b. update the Continuing Education provisions from a biannual to annual credit requirement (same total hours); provided updated description of Health, Safety, and Welfare Subjects recognized by NCARB; provide more expansive definition of structured education activities that can be used for credits; prohibit registrants from crediting excess credits to a future calendar year; clarify and update the recordkeeping requirements; provide process for satisfying the continuing education requirement if credits obtained are not approved by the board;
   c. provide that a person currently employed under the responsible control of an architect and who maintains an NCARB record in good standing may use the title "intern

architect" or "architectural intern" in conjunction with his/her current employment, but may not engage in the practice of architecture as defined by the statute;

d. Provide that where a conflict of interest occurs, the architect is not required to terminate the project if "the registered architect is able to cause the matter to be resolved by other means."
e. Clarify the definition of "state" for the purposes of reciprocity to reflect that NCARB recognizes foreign jurisdictions which the Board may also choose to recognize by signing Mutual Recognition Agreements.

7. In the section providing that individuals found to be substantially impaired by physical or mental disabilities shall not be permitted to practice architecture, add the requirement that such determination can only be made following an opportunity for a hearing;
8. Delete non-essential terms providing introductory material and operating details that do not require codification; remove provisions that repeat statutory terms without adding any regulatory content;
9. Technical changes: formatting and re-numbering to be consistent with Department-wide format for rules and regulations; clarifications to the language that promote clarity without accomplishing any substantive changes; provide for gender-neutral designations; changes mandated by change in legislation.

~~STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS~~

~~DEPARTMENT OF BUSINESS REGULATION~~

~~DIVISION OF DESIGN PROFESSIONALS~~

~~RULES AND REGULATIONS~~

~~FOR THE~~

~~BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS~~

~~Promulgated Pursuant to~~
~~Rhode Island General Laws Chapter 5-1~~

~~Dated June 2009~~

~~STATE OF RHODE ISLAND AND PROVIDENCE PLANTATATIONS~~
~~BOARDS FOR DESIGN PROFESSIONALS~~

~~INTRODUCTION~~

~~These Rules and Regulations are promulgated under the authority of Chapter 5-1 of the General Laws of Rhode Island, as amended, and Chapter 73, Article 3 Substitute A as Amended, Section 13(a), of the 2007 Public Laws as adopted by the Legislature. and further amended by Chapter 100, Article 9 Substitute A as Amended, Section 13(a), of the 2008 Public Laws as adopted by the Legislature. They are established for the purpose of describing the practices and procedures of the Board of Examination and Registration of Architects, which is one component of the Division of Design Professionals within the Department of Business Regulation (DBR). It is the function of the Board of Examination and Registration of Architects to regulate the practice of architecture within the State of Rhode Island as defined by the General Laws.~~

~~These Rules and Regulations shall supersede any and all previous *Rules of the Board of Examination and Registration of Architects* that have been filed with the Secretary of State.~~

~~Through these rules, the Board of Examination and Registration of Architects (the "Board") has sole jurisdiction over the licensing and regulation of the practice of Architecture, as defined in Chapter 5-1 of the General Laws of the State of Rhode Island. Appeal to their decisions are defined in Chapter 5-1.~~

~~Pursuant to the provisions of Section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. No alternative approach, overlap or duplication nor any significant economic impact was identified. Consequently these Rules and Regulations are adopted in the best interest of the health, safety and welfare of the public.~~

~~The Rules and Regulations were adopted by the Board of Examination and Registration of Architects on this 24th day of June 2009.~~

~~A. Michael Marques~~
~~Director~~
~~Department of Business Regulation~~

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
Division of Design Professionals
1511 Pontiac Avenue
Buildings 68-69
Cranston, Rhode Island 02920

RULES AND REGULATIONS FOR THE BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS ~~RULES AND REGULATIONS OF THE BOARD~~

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RULE 1. PURPOSE, AUTHORITY AND APPLICABILITY

Section 1 *Authority*

This regulation is promulgated in accordance with R.I. Gen. Laws § 5-1-1 *et seq.* and 42-14-17 by the Board of Examination and Registration of Architects ("Board") with the approval of the Director of the Department of Business Regulation ("Department").

Section 2 *Scope*

This regulation applies to the licensing and regulation of the practice of architecture in Rhode Island.

Section 3 *Purpose*

The purpose of this regulation is to describe the practices and procedures of the Board and to set forth the rules promulgated to enforce R.I. Gen. Laws § 5-1-1 *et seq.* for the regulation of the practice of architecture within the state. 1.1 Purpose. These rules and regulations describe the practices and procedures of the Board of Examination and Registration of Architects

~~and amend and supersede the provisions of "Board of Examination and Registration of Architects, Rules and Regulations of the Board", as last amended in October 2003.~~

~~1.2 Authority. These rules and regulations are promulgated pursuant to the requirements of Section 5-1-5 of the Rhode Island General Laws of 1956 and Chapter 73, Article 3, Section 13(a), of the 2007 Public Laws and further amended by Chapter 100, Article 9 Substitute A as Amended, Section 13(a), of the 2008 Public Laws. These rules and regulations have also been prepared in accordance with the provisions of Chapter 42-35, entitled "Administrative Procedures Act".~~

~~1.3. Construction~~

~~1.3.1 Sections of the "Rules" are referred to sequentially by numbers at the left side of the page.~~

~~1.3.2 The terms "rules" and "rules and regulations" are used interchangeably.~~

~~1.4 References to the Rhode Island General Laws~~

~~1.4.1 All statutory references to the Rhode Island General Laws are to the Rhode Island General Laws of 1956, as amended and Chapter 73, Article 3, Section 13(a), of the 2007 Public Laws and further amended by Chapter 100, Article 9 Substitute A as Amended, Section 13(a), of the 2008 Public Laws. The Rhode Island General Laws also referred to within as the "General Laws of Rhode Island".~~

~~1.4.2 References to the Board shall also be interpreted to include staff of the Board when designated to perform specific function~~

~~RULE 2~~Section 4. Definitions

Terms that are not listed in this Section 4 shall have the meanings provided by R.I. Gen. Laws § 5-1-1 *et seq.* and/or the meanings set forth in the remaining sections of this regulation.

~~2.1.~~A. "Act" ~~– Refers to~~shall refer to ~~the enabling legislation for the Act entitled "Architects", contained in~~ Rhode Island General Laws Chapter 5-1~~ and Chapter 73, Article 3, Section 13(a), of the 2007 Public Laws and further amended by Chapter 100, Article 9 Substitute A as Amended, Section 13(a), of the 2008 Public Laws~~.

~~2.2 "Architect" - As defined in the General Laws of Rhode Island, Paragraph 5-1-2.~~

~~2.3 "Architect Emeritus" - Upon application and payment of a fee, an honorary title issued to a retired architect who is prohibited from practicing architecture in the State of Rhode Island.~~

~~2.4~~B. ~~The term~~ "Board" ~~wherever used in these rules and regulations shall be deemed to~~ shall refer to the Board of Examination and Registration of Architects and/or, when the context permits, to the relevant administrative~~on or~~ personnel or authorized agents thereof. Within the

Department, the Board is organized under the "Division of Design Professionals," an administrative division comprised of the Board of Examination and Registration of Architects, Board of Examiners of Landscape Architects, Board of Registration for Professional Engineers and Board of Registration for Professional Land Surveyors.

~~2.5 "Certificate of Authorization" Is defined in Rhode Island General Laws Section 5-1-2(4) and is further referred to in Rule 5.2 within.~~

~~2.6 The term "Chair" shall be deemed to be referred to as the Chair of the Board of Examination and Registration of Architects wherever used in these rules and regulations.~~

~~2.7 "Continuing Education Unit (CEU)" is equal to one contact hour of required professional education (See Rule 5.8).~~

~~2.8~~ E. "Experience" and "Training" are interchangeable and shall mean satisfactory architecturally related employment as required by NCARB.

~~2.9~~F. "NCARB" shall mean ~~– T~~the National Council of Architectural Registration Boards ~~Model Regulations' most recent addition~~.

~~2.10 "Practice of Architecture". As defined in the General Laws of Rhode Island, Section 5-1-2.~~

~~2.11~~G. ~~A person practices as a~~ "Principal" ~~if the person is~~shall mean an architect who:~~,~~ (i) is in responsible control of the organization's architectural practice either alone or in concert with other architect(s);~~,~~ (ii) is responsible for the profits and losses of the firm;~~,~~ (iii) is legally liable for the acts of the firm;~~,~~ and (iv) who holds one of the following positions:

~~2.11.1 S~~ole proprietor if the practice is through a sole proprietorship, ~~.~~
~~2.11.2 D~~irector ~~and~~ or officer (or shareholder if there are no directors or officers) if the practice is through a corporation, ~~.~~
~~2.11.3 G~~eneral partner if the practice is through a partnership or ~~.~~
~~2.11.4 General Partner if the practice is~~ through a limited liability partnership, ~~.~~
~~2.11.5~~ m~~M~~anager (or member if there are no managers) if the practice is through a limited liability company.

~~2.12~~H. "Responsible Control" shall mean ~~– T~~that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care, including but not limited to an architect's integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information. ~~Reviewing, or reviewing and correcting,~~Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of

responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation~~, as defined by NCARB Model Regulations promulgated on July 2006~~.

I. "Seal" means the symbol meeting the specifications set forth herein that evidences registration as an architect under Chapter 5-1.

~~2.13~~J. "Stamp" ~~– Is~~shall mean the instrument to manually apply a seal evidencing registration of an architect under ~~to~~ Chapter 5-1.

~~2.14~~K. "State" as used in R.I. Gen. Laws § ~~the General Laws of Rhode Island, Section~~ 5-1-9~~, and~~ shall include any jurisdiction recognized by NCARB, including any foreign jurisdictions in which Rhode Island is a signatory to a Mutual Recognition Agreement or similar agreement with NCARB.

~~2.15 "Division of Design Professionals" – Is a single administrative division within the Department of Business Regulation (DBR) comprised of the four (4) Boards, Board of Examination and Registration of Architects, Board of Examiners of Landscape Architects, Board of Registration for Professional Engineers and Board of Registration for Professional Land Surveyors.~~

~~RULE 3.~~Section 5. Applications

A.~~3.1~~ Applications for examinations – Exam Candidate must apply directly to the National Council of Architectural Registration Boards (NCARB) Direct Registration Program~~ effective March 1, 2009. This applies only to those candidates eligible after March 1, 2009~~.

~~3.2 Applications for registration by reciprocity that meet the criteria of the National Council of Architectural Registration Boards' (NCARB) most recent amendment of the 2008-2009 Handbook for Interns and Architects for the "Requirements for Certification of U.S. Architects" must be submitted to the Office of the Board. Documents issued by NCARB may be accessed at the NCARB website at www.ncarb.org. Allow a minimum of forty days for applications to be reviewed and acted on by the Board~~

B. The Board authorizes the Board Executive and/or other designated administrative staff member to approve applications for registration by examination and reciprocity, Certificates of Authorization, and renewals thereof upon receipt of- all submissions required by the application provided by the Board, including the application fee; provided that the applicant does not have a record of disciplinary history.

~~3.3 Applications for Certificates of Authorization (C.O.A.) must be submitted to the Office of the Board. (Allow a minimum of forty days for properly completed applications to be reviewed and acted on by the Board.) (See also Rule 5.2).~~

~~3.4 Application for "Architect Emeritus" status shall be made in writing to the Board, accompanied by the appropriate fee. At the time that such application is made, the applicant~~

must surrender the architect's seal that had previously been issued by the Board (Allow a minimum of forty days for the application to be reviewed and acted on by the Board.)

C3.5 Applicants for examination, reciprocity or C.O.A., and renewal thereof must disclose any and all disciplinary action imposed by other professional registration jurisdictions or NCARB.

D.3.6 Applicants for reciprocity and renewal must certify completion of continuing education in accordance with the Board's requirements for continuing education.

E3.7 **APPROVAL OF APPLICATIONS**

3.7.1 All applications shall be considered individually and passed or rejected on a roll call vote of the Board.

3.7.2 The action taken on each application shall be recorded in the minutes.

3.7.3 An outline of the action taken shall be placed with the application.

3.7.4 Applicants shall be promptly notified of the Board's actions.

3.7.5 E. If a new application is approved after renewal applications have been mailed, then that applicant's registration shall be valid for 27 months.

RULE 4. EXAMINATIONS

4.1Section 6. Architectural Registration Exam (ARE)

4.1.1 A. Evaluation of education and training credits shall be at the discretion of the Board and in general accordance to National Council of Architectural Registration Boards (NCARB) criteria.

4.1.2 B. All applicants are required to comply with such requirements for taking and passing the Architectural Registration Examination (ARE) as shall be established by NCARB.

4.1.3 C. The ARE will be given to all applicants qualifying under R.I. Gen. Laws §Section 5-1-8 of the General Laws of Rhode Island.

4.1.4 D. The ARE shall be taken and successfully passed by all applicants.

4.1.5 E. The scope, dates, times and location(s) of the ARE are established by the Board in conjunction with NCARB.

4.1.6 F. The minimum-passing grade in all subjects of the ARE shall be as established by NCARB.

4.1.7 G. All applicants may retake failed divisions of the examination as many times as the applicant wishes and must pay a new fee at each re-examination.

~~4.1.8 A six-month waiting period is required before an applicant may retake a previously failed division of the ARE.~~

~~4.1.9 Rolling Clock~~

~~4.1.9.1 For applicants who have passed all divisions of the ARE by January 1, 2006, regardless of the time taken, such applicants will have passed the ARE.~~

~~4.1.9.2 For applicants who have passed one or more but not all divisions of the ARE by January 1, 2006, such applicants will have five years from the date of the first (non-exempt) passed division to pass all remaining divisions. [Exams passed prior to January 1, 2006, are exempt and will NOT have to be retaken.] If a candidate fails to pass all remaining divisions within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed division. The five-year period shall commence after January 1, 2006, on the date when the first passed division is administered.~~

~~4.1.9.3 For applicants who have passed no divisions of the ARE by January 1, 2006, such applicants shall be governed by the above five-year requirement. The five-year period shall commence on the date when the first passed division is administered.~~

~~RULE 5.~~Section 7. Practice Rules

~~5.1 An applicant (or firm), who has established eligibility to practice architecture under the requirements of Chapter 5.1 of the General Laws of Rhode Island will, upon payment of the stipulated fee, receive a Certificate of Registration (or Authorization).~~

~~5.2 Certificate of Authorization (C.O.A.)~~

~~5.2.1 Definition. As stated in Rule 2 the terms "Certificate of Authorization" means the certificate issued by the Board which indicates that the sole proprietor, partnership, limited liability partnership, corporation, or limited liability company named in the certificate is permitted to practice architecture in the State of Rhode Island. (See also RIGL Section 5-1-2 (4))~~

~~5.2.2 Application for Certificate of Authorization (COA) shall be made as referred to in Rule 2.5 and Rule 3.3.~~

~~5.2.3 Eligible Applicants. As provided in RIGL Section 5-1-15.1(a), a sole proprietorship, partnership, limited liability partnership, corporation or limited liability company shall be admitted to practice architecture in this state if:~~

~~5.2.3.1 Two-thirds (2/3) of the partners (if a partnership or limited liability partnership) two-thirds (2/3) of the directors and officers (or shareholders if there are no directors, if a corporation) or two-thirds (2/3) of the managers (or members if there are no managers, if a limited liability company) are registered under the laws of any state or any reciprocal jurisdiction as defined by the National Council of Architectural Registration Boards to practice architecture or engineering;~~

~~5.2 3.2 One-third (1/3) of the partners (if a partnership or limited liability partnership) or one-third (1/3) of the directors and officers (or shareholders if there are no directors, if a corporation), or one-third (1/3) of the managers (or members if there are no managers, if a limited liability company) are registered under the laws of any state or reciprocal jurisdiction as defined by the National Council of Architectural Registration Boards to practice architecture; and~~

~~5.2.3.3 The person having the practice of architecture in his or her charge is himself or herself a partner (if a partnership or limited liability partnership) a director or officer (or shareholders if there are no directors, if a corporation) or a manager (or members if there are no managers, if a limited liability company) and is registered to practice architecture in this State.~~

~~5.2.4 The Board is empowered to require any sole proprietorship, partnership, or limited liability partnership, corporation or limited liability company practicing architecture in this state to file information concerning its partners, shareholders, officers, directors,_members, managers, and other aspects of its business organization, upon any forms that the Board prescribes. (See RIGL Section 5-1-15.1(b)).~~

~~5.2.5 As provided by RIGL Section 5-1-15.1 (c), the practice or offer to practice architecture by a sole proprietorship, partnership, limited liability partnership, corporation, or limited liability company subsequently referred to as the "firm", through one or more architects registered under the provisions of Chapter 5-1, is permitted under the following circumstances:~~

~~5.2.5.1 the registered architect or architects are in direct control of the practice or exercise responsible control of all personnel who act in behalf of the firm in professional and technical matters; and~~

~~5.2.5.2 the firm has been issued a Certificate of Authorization by the Board.~~

~~5.2.6 Every firm must obtain a certificate of authorization from this Board. Furthermore, those individuals in direct control of the practice or who exercise responsible control of all personnel who act in behalf of the firm in professional and technical matters also must be registered with the Board. A Certificate of Authorization shall be issued by the Board upon satisfaction of the provisions of RIGL Chapter 5-1 and the payment of a fee as determined by the Board in accordance with RIGL Section 5-1-11. This fee shall be waived if the firm consists of only one person who is the registered architect. Every firm must file an application for a certificate of authorization with the Board on a form provided by the board. (See RIGL Section 5-1-15.1 (d))~~

~~5.2.7 Renewal. Every Certificate of Authorization is valid for a period of two (2) years and expires on the last day of December of each even numbered year following its issuance. A separate form provided by the board shall be filed with each renewal of the Certificate of Authorization. The firm shall complete a renewal form within thirty (30) days of the time any information previously filed with the board has changed, is no longer true or valid, or has been revised for any reason. If, in the board's judgment, the information contained on the application and/or renewal form is satisfactory and complete, the Board will issue a Certificate of Authorization for the firm to practice architecture in this state. As the Board deems necessary, the Board may require all applicants for renewal to provide the Board with information, including but not limited to, a brief outline setting forth the professional activities of any applicant during a period in which a Certificate of Authorization has lapsed and other evidence of the continued competence and good character of the applicant, all. (See RIGL Section 5-1-15.1 (e))~~

~~5.2.8 Suspension or revocation of Certificates of Authorization After notice and hearing as provided in RIGL Section 5-1-13.1, the Board may in its discretion suspend, revoke or annul or refuse to renew any Certificate of Authorization or take any other action as authorized provided in RIGL Section 5-1-13.~~

~~5.2.9 Initiation of Proceedings Against Holders of COAs~~

~~5.2.9.1 As provided in RIGL Section 5-1-13.1(a), the Board may initiate proceedings against holders of a certificate of registration and/or a Certificate of Authorization (subsequently referred to as a licensee or licensees) either on its own motion, or on complaint of any person, upon a finding of probable cause by a probable cause committee appointed by the Board pursuant to § 5-1-5, or upon receiving notification from another state Board of Architects or from the appropriate authority in another country or jurisdiction of its decision to:~~

~~5.2.9.2 Revoke, suspend, annul, or refuse to renew the practice privileges granted in that state or in that country or jurisdiction to the licensee; or~~

~~5.2.9.3 Publicly censure, or censure in writing, limit the scope of practice of, impose an administrative fine upon, or place on probation the licensee.~~

~~5.2.10 Hearing Notice. As provided in RIGL Section 5-1-13.1(b), a written notice stating the nature of the charge or charges against the licensee and the time and place of the hearing before the Board on the charges shall be served on the licensee not less than twenty (20) days prior to the date of the hearing either personally or by mailing a copy of the notice by certified mail, return receipt requested, to the address of the licensee last known to the board.~~

~~5.2.11 Default Hearing. If, after being served with the notice of hearing as provided for in this section, the licensee fails to appear at the hearing and to defend against the stated charges, the Board may proceed to hear evidence against the licensee and may enter any order that is supported by the evidence. That order is final unless the licensee petitions for a review as provided in this rule. However, provided, that within thirty (30) days from the date of any order, and upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the licensee to submit evidence in his, her or on its behalf. See RIGL Section 5-1-13.1(c),~~

~~5.2.12 Contested hearings. Contested hearings shall be conducted according to the procedures set forth in Rule 7.~~

~~5.3 ARCHITECT'S SEAL AND STAMP~~
A. Architect's Seal and Stamp

1. ~~5.3.1.~~Seal –The seal is a symbol ~~embossed~~, 1-½ inches in diameter consisting of two concentric circles; the outer being 1-½ inches in diameter and the inner being 1-1/8 inches in diameter. The space between the circles shall contain the name of the architect at the top and the word "Architect" at the bottom. The inner circle ~~to~~ contains the State emblem and the architect's certificate number. The word "Registered" shall appear below the State's emblem, just above the word "Architect" in the space between circles.

2. ~~5.3.2~~ The Board shall loan each architect the right to purchase an individual stamp capable of imprinting the seal to be used, as hereinafter directed in the following paragraph, on all documents prepared by the architect or under the architect's responsible control, for use in the State of Rhode Island, for the purpose of manually ~~properly~~ imprinting the drawings, specifications or project manual, and other documents. An electronically generated seal ~~A digital facsimile of the seal~~ may be used in lieu of the hand stamp. ~~(See Rule 2.13)~~

3. ~~5.3.3~~ The seal shall be applied on documents so as to produce legible reproduction on all copies or prints made from the documents. ~~After application of the t~~The architect's name shall be ~~hand signed in ink~~ placed across the ~~imprinted~~ seal, and dated below the seal. Electronic signature and dating is ~~not~~ permitted.

4. ~~5.3.4~~ The architect shall use~~imprint~~ or electronically submit the seal only if in responsible control of the project.

5. ~~5.3.5~~ Upon retirement, certificate revocation, ~~death~~ or non-payment of renewal fee, the loaned right to the stamp and use of the seal shall be voided and the stamp shall be immediately returned to the Board. If not returned to the Board within sixty days, or within fifteen days of a notice to return, the Board will notify NCARB of this rule violation and take action as allowed by the act.

6. ~~5.4~~ Expired Certificates~~.~~ – Application for restoration of an expired certificate, which has been allowed to lapse for not more than 6 months, shall be approved by the Board upon receipt of the required registration fees. Application for the restoration of an expired certificate, which has been allowed to lapse for a period of 6 months to not more than two years~~,~~ may be reinstated at the discretion of the Board and in so deciding the Board may require ~~shall be accompanied by~~ a brief outline setting forth the professional activities of the applicant during the lapsed period, and, if the applicant is a non-resident, the Board may also require the submission of a completed NCARB Council Record and Certificate ~~must also be submitted~~. If the certificate has been expired for more than (two) years, the applicant shall follow the procedure for a new application.

B. Firm Names

1. ~~5.5~~ When personal names of architects are used in the name of the firm, only names of living registrants or former registered members now retired or deceased may be used. Any reference in the firm name to other persons of the firm, partnership, corporation, limited liability company and limited liability partnership shall be permitted only when such other persons are design professionals (landscape architects, professional engineers or professional land surveyors) and their identity is made known specifically on letterheads of the firm (sole proprietorship, partnership, corporation, limited liability company and limited liability partnership).

2. ~~5.6~~ A firm is permitted to practice under a name, which does not include the names of registered principals, provided said name is submitted to the Board for review and approved before adoption of same. A firm, using such an assumed name shall file with the Board the name of each registered member of the firm. The Board shall be promptly advised of any and all changes in the composition of a firm that may occur subsequent to the original filing, and the C.O.A shall be resubmitted for approval.

3. ~~5.7~~ Any use of the word "Associate" or "Associates" in the title of a firm, partnership, corporation, limited liability company or limited liability partnership shall be permitted only when it refers to other registered architects, landscape architects, professional engineers or registered land surveyors in the firm, partnership, corporation, limited liability company or limited liability partnership and their identity and professional status is made known on letterheads of the firm, partnership, corporation, limited liability company or limited liability partnership. The title “Associate” shall only be given to registered professionals of the firm, partnership, corporation, limited liability company or limited liability partnership. The use of the plural form of “Architect” – “Architects” shall only be used in a firm’s title if there is more than one architect at the business.

Section 5.8 Continuing Education (C.E.)

A. Continuing education is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare. 5.8.1 The Board, in order to protect the public in the built environment, has enacted a continuing education requirement for the purpose of ensuring that the architecture profession remains current on health, safety, welfare and construction issues.

5.8.2 A registered architect must demonstrate continuing education activities since the date of the architect's last renewal or initial registration, as the case may be. The Board shall by regulation describe continuing education activities acceptable to the Board and the documentation of such activities required by the Board.

5.8.3 An architect must certify on the renewal application that the architect has met the requirements of the Board. The architect must maintain records of C.E. Falsification of records will result in disciplinary action by the Board.

5.8.4 The Board may decline to renew a registration if the architect's professional development activities do not meet the standards set forth in the Board's regulations.

5.8.5 The Board or its Designee may randomly audit licensees to insure compliance. An architect who is audited will be notified in writing and will be required to provide written documentation of the continuing education for the two (2) year period at issue. The Board may require the architect who cannot produce such documentation to develop and complete a specific corrective action plan within 90 days, prior to approval of renewal.

B. 5.8.6 Architect must obtain 24 continuing education units (CEU's) of which 16 must be health, safety and welfare (HSW) for the two-year renewal period. In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 Continuing Education Hours each calendar year or be exempt from these continuing education requirements as provided below. Failure to comply with these requirements may result in non-renewal of the architect's registration.

C. A Continuing Education Hour (CEH) is one continuous instructional hour (50 to 60 minutes of contact) spent in Structured Educational Activities intended to increase or update the architect's knowledge and competence in Health, Safety, and Welfare Subjects.

1. Health, Safety, and Welfare Subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment:

a. BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection
b. CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations
c. CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods
d. DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
e. ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
f. LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public
g. MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment
h. PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
i. PRESERVATION: Historic, Reuse, Adaptation

2. Structured Education Activities are educational activities in which at least 75 percent of an activity's content and instructional time must be devoted to Health, Safety, and Welfare Subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare Subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

D. If the provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for Continuing Education Hour purposes irrespective of actual time spent on the activity.

E. Continuing Education Hours may be acquired at any location. ~~5.8.6.1 The Architect may carry over one year of continuing education hours from the previous year.~~

F. Excess Continuing Education Hours may not be credited to a future calendar year.

G. ~~5.8.6.2~~ Exemptions - ~~to Rule 5.8.6:~~ An architect shall not be subject to these requirements if:

1.~~5.8.6.2.1~~ The architect has been granted emeritus/emerita status by the Board; or

2.~~5.8.6.2.2~~ The architect otherwise meets all renewal requirements and is ~~a civilian~~ called to active military service~~duty in the armed forces of the United States for a significant period of time~~, has a serious medical condition~~is ill or disabled for a significant period of time~~, or can demonstrate to the Board other like hardship, then

upon the Board's so finding, the architect may be excused from some or all of these requirements; or

~~5.8.6.2.3 The architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing education requirements, which the architect has met, provided that the requirements of such other jurisdiction are equal to or exceed Rhode Island's requirements.~~

H. ~~5.8.7~~ For the Architect's first renewal period or fraction thereof, the continuing education requirements for renewal shall be required at the rate of one continuing education ~~unit~~ hour (~~CEU~~CEH) per month of registration.

I. ~~5.8.8~~ If an architect has allowed registration to lapse in Rhode Island for more than two years, the architect shall upon application provide evidence of compliance with Rhode Island's requirements for the lapsed period. Continued registration in an NCARB recognized jurisdiction that requires continuing education will be deemed to satisfy this requirement.

J. Reporting and Recordkeeping. An architect shall complete and submit forms as required by the Board certifying that the architect has completed the required Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. Documentation of reported Continuing Education Hours shall be maintained by the architect for six years from the date of award. If the Board disallows any Continuing Education Hours the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the Continuing Education Hours disallowed or to remedy the disallowance by completing the required number of Continuing Education Hours (but such Continuing Education Hours shall not again be used for the next calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.

~~5.8.9 The Board recognizes the following continuing education credits:~~

~~5.8.9.1 All registered programs offered by AIA, CES registered providers.~~

~~5.8.9.1.1 Proof of completion either by AIA/CES record transcript from the University of Oklahoma or a copy of the Certificate of Completion from the provider.~~

~~5.8.9.1.2 Registered programs are listed on www.aia.org/conted.~~

~~5.8.9.2 Self directed study accepted by AIA, CES.~~

~~5.8.9.2.1 Proof of completion by AIA/CES record transcript from the University of Oklahoma.~~

~~5.8.9.3 All CE monographs offered by NCARB.~~

~~5.8.9.3.1 Proof of completion by NCARB Certification of Course Completion.~~

~~5.8.9.4 All programs accepted by other NCARB registration jurisdictions.~~

~~5.8.9.4.1 Proof of acceptance from the jurisdiction.~~

~~5.8.9.5 Courses offered by any educational provider, including, but not limited to: colleges; universities; adult education; business schools and vendors related to the practice of architecture.~~

~~Proof of completion by transcript from institution or certificate of successful completion.~~

~~5.8.9.5.1 One contact hour (50 min.) equals one continuing education unit.~~

~~5.8.9.5.2 Refer to AIA/CES provider manual, for subject areas that qualify for HSW credit. 75% of the course must be in the HSW subject area to qualify.~~

~~5.8.9.5.3 HSW subject areas according to AIA/CES Manual, 2006 Edition, Page 10 include:~~

~~5.8.9.5.3.1 Accessibility~~
~~5.8.9.5.3.2 Acoustics~~
~~5.8.9.5.3.3 Building design~~
~~5.8.9.5.3.4 Code of ethics~~
~~5.8.9.5.3.5 Construction administration~~
~~5.8.9.5.3.6 Construction contract laws, legal aspects~~
~~5.8.9.5.3.7 Construction documents, services~~
~~5.8.9.5.3.8 Construction functions, materials, methods, and systems~~
~~5.8.9.5.3.9 Energy efficiency~~
~~5.8.9.5.3.10 Environmental: asbestos, lead-based paint: toxic emissions~~

~~5.8.9.5.3.11 Environmental analysis and issues of building materials and systems~~

~~5.8.9.5.3.12 Fire: building fire codes – flame spread, smoke contribution, explosives~~

~~5.8.9.5.3.13 Fire safety systems: detection & alarm standards~~

~~5.8.9.5.3.14 Insurance to protect the owners of property and injured parties~~

~~5.8.9.5.3.15 Interior Design~~

~~5.8.9.5.3.16 Laws & regulations governing the practice of architecture~~

~~5.8.9.5.3.17 Life safety codes~~

~~5.8.9.5.3.18 Materials & systems: roofing/waterproofing, wall systems, etc.~~

~~5.8.9.5.3.19 Material use, function, and features~~

~~5.8.9.5.3.20 Mechanical, plumbing, electrical: system concepts, materials and methods~~

~~5.8.9.5.3.21 Natural hazards (earthquake, hurricane, flood) related to building design~~

~~5.8.9.5.3.22 Preservation, renovation, restoration, and adaptive reuse.~~

~~5.8.9.5.3.23 Security of buildings, design~~

~~5.8.9.5.3.24 Site and soils analysis~~

~~5.8.9.5.3.25 Site design~~

~~5.8.9.5.3.26 Specification writing~~

~~5.8.9.5.3.27 Structural issues~~

~~5.8.9.5.3.28 Surveying methods, techniques~~

~~5.8.9.5.3.29 Sustainable design~~

~~5.8.9.6 Others~~

~~5.8.9.6.1 To be eligible for credit if not covered by Items #1 through 5, the following criteria must be met and the architect must retain proof of the criteria for examination and approval by the Board on request.~~

~~5.8.9.6.2 The following criteria are based on *AIA/CES Provider Manual*, 2006 Edition, Pages 12 and 13.~~

~~5.8.9.6.2.1 Statement of learning objective – goal.~~
~~5.8.9.6.2.2 Program brochures/advertisement.~~
~~5.8.9.6.2.3 Copy of handouts or learning material.~~
~~5.8.9.6.2.4 Identify human resources, experts, etc.~~
~~5.8.9.6.2.5 Identify all material resources used.~~
~~5.8.9.6.2.6 Passive activity involved.~~
~~5.8.9.6.2.7 Interactive participation involved.~~
~~5.8.9.6.2.8 Measurement of learning – test, exam, etc.~~
~~5.8.9.6.2.9 Time spent on activity.~~

~~5.8.9.7 To qualify for HSW credit, 75% of time must be in a category identified by *AIA/CES Manual*, 2006 Edition, Page 10, as listed in Item #5 above.~~

~~5.8.9.8 The Rhode Island Board will be the sole judge for acceptance of learning under Item #6, and the number of units approved. The basis of judgment will be the current edition of the AIA/CES Provider Manual.~~

~~RULE 6.~~Section 9. Inter-Jurisdictional Practice

~~6.1~~ No one shall practice or offer to practice architecture in the State of Rhode Island unless they are registered and hold a Certificate of Authorization in accordance with Section 5-1-7 of the Rhode Island General Laws.

Section 10 *Non-practicing Individuals*

A. Interns – A person currently employed under the responsible control of an architect and who maintains in good standing a National Council of Architectural Registration Boards Record may use the title "intern architect" or "architectural intern" in conjunction with his/her current employment, but may not engage in the practice of architecture except to the extent that such practice is excepted from the requirement of registration.

B. "Architect Emeritus/Emerita" – Upon written application to the Board, retired architects who surrender the stamp and use of the seal to the Board may use the honorary title "Architect Emeritus/Emerita" but are prohibited from practicing architecture in the State of Rhode Island.

~~RULE 7. COMPLAINTS AND HEARINGS~~

Section 11 *Administrative Procedures and Access to Public Records*

A. Wherever a hearing is required by law, said hearing shall be conducted pursuant to the Department's Central Management Regulation 2 *Rules of Procedure for Administrative Hearings* and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et. seq.* Complaints shall be handled pursuant to Section 4 therein. Where necessary, the Director of the Department shall appoint a Hearing Officer pursuant to § 42-6-8.

B. Requests for declaratory rulings and petitions for rulemaking shall be handled pursuant to the Department's Central Management Regulation 3 *Declaratory Rulings and Petitions* and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et. seq.*

C. Requests for records pursuant to the Access to Public Records Act shall be handled pursuant to the Department's Central Management Regulation 1 *Access to Public Records*.

~~7.1 ORGANIZATION~~

~~7.1.1 Chapter 5-1 of the General Laws establishes the Board of Examination and Registration of Architects (hereinafter "Board") and sets forth its jurisdiction and powers. The duties of the Board are set forth in said chapter of the General Laws.~~

~~7.1.2 It is the function of the Board to regulate the practice of architecture within the State of Rhode Island as defined by the General Laws.~~

~~7.2 PRACTICE BEFORE THE BOARD~~

~~7.2.1 No person may appear in a representative capacity before the Board other than attorneys at law duly qualified and entitled to practice before the Supreme Court of the State of Rhode Island. Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state may request permission of the Board to appear in a representative capacity. The Chair, may in circumstances he deems appropriate, permit a bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation to appear for such individual firm, association, partnership, or corporation.~~

~~7.2.2 All persons appearing in proceedings before the Board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Rhode Island. If any such person does not conform to such standards, the Board may decline to permit such person to appear in a representative capacity in any proceeding before the Board.~~

~~7.3 COMPLAINTS, ANSWERS & HEARINGS~~

~~7.3.1 Hearings required by law shall be conducted in accordance with these Rules and Regulations. Where no hearing is required by law, the Board may nevertheless in its discretion conduct or direct informal hearings or investigations be conducted in such manner and according to such procedures as it may deem appropriate.~~

~~7.3.2 In any contested case, all parties shall be served with such notice as may be provided by law, but in the absence of such requirement the Board may order such notice as it deems necessary for the protection of the parties involved.~~

~~7.3.3 The Board shall require that all complaints filed against any person or firm registered by this Board and/or subject to its jurisdiction be filed with the Board in a "verified" format. Each "verified" complaint shall include, at a minimum, the name and address of the person or firm filing the complaint, the name and address of the person or firm against whom the complaint is filed, a statement of facts sufficient to establish that the Board has jurisdiction over the conduct alleged and a statement setting forth the facts which support the allegation(s) that the individual or firm has violated the laws, code of ethics and/or Rules and Regulations governing the practice of Architecture in this state.~~

~~7.3.4 Service of Process~~

~~7.3.4.1 By whom Served: The Board shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served or caused to be served by the party filing it. Service shall be accomplished by certified mail at the last address on file with the Board with return receipt being required.~~

~~7.3.4.2 Upon Whom Served: All papers served by either the Board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.~~

~~7.3.4.3 Service Upon Parties: The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.~~

7.3.4.4 Method of Service: Service of papers shall be made personally or by first-class registered or certified mail.

7.3.4.5 When Service Complete: Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed. Proof of service shall be required except that any party may evidence adequate attempts of service by demonstrating two (2) separate attempts at service, each such attempt being not less than two (2) weeks from any prior attempt.

7.3.4.6 Filing with Board: Papers required to be filed with the Board shall be deemed filed upon actual receipt by the Board at the office of the Board.

7.3.5 Subpoenas

7.3.5.1 Form: Every subpoena shall state the name and address of the Board and the Title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

7.3.5.2 Issuance to Parties: When permitted by law and upon application of counsel for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The Board may issue subpoenas in accordance with law to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

7.3.5.3 Service: Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person.

7.3.5.4 Proof of Service: The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the Board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the Board, and such service has not been acknowledged by the witness, such

~~person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.~~

~~7.3.5.5 Quashing: Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the Board or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.~~

~~7.3.5.6 Enforcement: Upon application and for good cause shown, the Board may seek judicial enforcement of subpoenas issued to parties and which have not been quashed.~~

~~7.3.5.7 Geographical Scope: Such attendance of witnesses and such production of evidence may be required from any place in the State of Rhode Island, at any designated place of hearing.~~

~~**7.3.6 Official Notice - Matters of Law** The Board, upon request made before or during a hearing, will officially notice:~~

~~7.3.6.1 Federal Law: The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts and Administrative Agencies; Executive Orders and Proclamations; and all Rules, orders and notices published in the Federal Register.~~

~~7.3.6.2 State Law: The Constitution of the State of Rhode Island, acts of the Legislature, Resolutions, Records, Journals and Committee Reports; decisions of administrative agencies of the State of Rhode Island, Executive orders and proclamations by the Governor; and all Rules orders and notices filed with the Code Revisor.~~

~~7.3.6.3 Governmental Organization: Organization, territorial limitations, officers, departments and general administration of the Government of the State of Rhode Island, the United States, the several states and foreign nations.~~

7.3.6.4 Board of Organization: The Board's organization, administration, officers, personnel, official publications, and practitioners before its bar.

7.3.7 Official Notice - Material Facts In the absence of controvertible evidence, the Board and its hearing officers, upon request made before or during a hearing, may officially notice:

7.3.7.1 Board Proceedings: The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the Board;

7.3.7.2 Business Customs: General customs and practices followed in the transaction of business;

7.3.7.3 Notorious Facts: Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any Federal or state officer, department, or agency;

7.3.7.4 Technical Knowledge: Matters within the technical knowledge of the Board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

7.3.7.5 Request or Suggestion: Any party may request, or the Board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any pre-hearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

7.3.7.6 Statement: Where an initial or final decision of the Board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the Board may consult any source of pertinent information, whether or not furnished as it may

~~be by and party and whether or not admissible under the Rules of evidence;~~

~~7.3.7.7 Controversion:Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision;~~

~~7.3.7.8 Evaluation of Evidence: Nothing herein shall be construed to preclude the Board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.~~

~~**7.3.8 Presumptions** Upon presentation of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the Board, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:~~

~~7.3.8.1 Continuity: That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;~~

~~7.3.8.2 Identity: That persona and objects of the same name and description are identical;~~

~~7.3.8.3 Delivery: Except in a proceeding where the liability of the carrier for non-delivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company or authorized common carrier of property with of postage trolls and charges~~

~~properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;~~

~~7.3.8.4 Ordinary Course: That a fact exists or does not exist, upon proof of the existence or non-existence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;~~

~~7.3.8.5 Acceptance of Benefit: That a person for whom an act is done or to whom a transfer is made has, does or will accept the same where it is clearly in his own self-interest so to do;~~

~~7.3.8.6 Interference with Remedy: That evidence, with respect to a material fact which in bad faith is destroyed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.~~

~~**7.3.9 Stipulations and Admissions of Record** The existence or non existence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:~~

~~7.3.9.1 Upon Whom Binding: Such a stipulation or admission is binding upon the parties by whom it is made, there privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or non-existence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by writing filed and served upon all parties within five days after by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;~~

~~7.3.9.2 Withdrawal: Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the Board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.~~

~~**7.3.10 Pre-hearing Conference Rule**~~

~~7.3.10.1 In any proceeding the Board or its designee, upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:~~

~~7.3.10.1.1 The simplification of the issues;~~

~~7.3.10.1.2 The necessity of amendments to the pleadings;~~

~~7.3.10.1.3 The possibility of obtaining stipulations, admissions of facts and of documents;~~

~~7.3.10.1.4 The limitation of the number of expert witnesses;~~

~~7.3.10.1.5 Such other matters as may aid in the disposition of the proceeding.~~

~~7.3.10.2 The Board shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.~~

~~**7.3.11 Submission of Documentary Evidence in Advance** Where practicable the Board or its designated hearing officer may require:~~

~~7.3.11.1 That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;~~

~~7.3.11.2 That documentary evidence not submitted in advance, as may be required by subdivision (1), is not received in~~

~~evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;~~

~~7.3.11.3 That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearings, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.~~

~~7.3.12 Excerpts from Documentary Evidence~~

~~When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered to the Board and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.~~

~~7.3.13 Continuances~~

~~Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Board or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The Board or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the Board or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.~~

~~The Board will act on all such requests as quickly as possible. Where time does not permit the full Board to meet and consider the request, the Chairman of the Board may grant the request for a continuance for a period of not more than forty days. All requests for rescheduling must be approved by a majority of the Board.~~

~~7.3.14 Rules of Evidence~~

~~7.3.14.1 Subject to other provisions of these Rules, all relevant evidence is admissible which, in the opinion of the Board, is the best evidence reasonably obtainable having due regard for its necessity, availability and trustworthiness. The Board~~

~~shall consider the relevance of the evidence and fairness of admitting evidence when making rulings on admissibility. In passing upon the admissibility of evidence, the Board shall give consideration to, but shall not be bound to follow, the Rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the State of Rhode Island.~~

~~7.3.14.2 When objection is made to the admissibility of evidence, such objection will be noted for the record and such evidence may be received subject to a later ruling. The Board may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.~~

~~7.3.14.3 Evidence will not be admitted, if after it is proffered, a majority of the Board votes against its admission.~~

~~7.3.15 Stenographic Report of Evidence~~

~~An electronic record shall be made of every hearing or contested case before the Board. A copy of the original tape shall be made available to any party to the proceeding upon written request to the Board. A typewritten transcript shall be made of the whole or part of the record upon: (1) a written request filed with the Board by any party to the hearing or case, and (2) a deposit to the Board of an amount equal to the cost thereof, as estimated by the Board at the time of making such request. As soon as practicable, the Board shall ascertain the cost of the transcript and refund any excess deposit over the actual cost thereof, and it shall require the amount of any deficit from the party or parties requesting the report. No transcript shall be made unless the amounts required have been deposited as herein provided. Any party may request that a stenographic record be kept by tendering to the Board and amount equal to the estimated cost thereof not less than seven (7) days prior to any scheduled hearing date.~~

~~7.3.16 Decisions~~

~~All decisions of the Board require a majority vote of the members sitting as Board members for the hearing.~~

~~7.4 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL.~~

~~7.4.1 Any interested person may petition the Board requesting the promulgation, amendment, or repeal of any rule.~~

~~7.4.2 Where the petition requests the promulgation of rule, the requested or proposed rule must be set out in full. The petition must also include all the~~

~~reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form if any. The petition must include all reasons for the requested amendment or repeal of the rule.~~

~~7.4.3 All petitions shall be considered by the Board, and the Board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.~~

~~7.4.4 Declaratory Rulings. As prescribed by Rhode Island General Laws Section 42-35-8, as amended, any interested person may petition the Board for a declaratory ruling. The Board shall consider the petition and within a reasonable time the Board shall:~~

~~7.4.4.1 Issue a non-binding declaratory ruling; or~~

~~7.4.4.2 Notify the person that no declaratory ruling is to be issued; or~~

~~7.4.4.3 Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.~~

~~7.4.4.4 If a hearing as provided in subsection (c) is conducted, the Board shall within a reasonable time:~~

~~7.4.4.4.1 Issue a binding declaratory rule; or~~

~~7.4.4.4.2 Issue a non-binding declaratory ruling; or,~~

~~7.4.4.4.3 Notify the person that no declaratory ruling is to be issued.~~

~~7.4.5 Forms. Any interested person petitioning the Board for a declaratory ruling pursuant to Section 42-35-8 shall generally adhere to the following form for such purpose.~~

~~7.4.5.1 At the top of the page shall appear the wording "Before the RI Board of Examination and Registration of Architects." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition."~~

7.4.5.2 The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all Rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

7.4.5.3 The original and four legible copies shall be filed with the Board. Petitions shall be on white paper 8 1/2" x 11".

Any interested person petitioning the Board requesting the promulgation, amendment or repeal of any Rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the R. I. Board of Registration of Architects." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules)." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or Rules, or amendment or repeal of existing rule or Rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by department rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and four legible copies of the petitions shall be filed with the Board. Petitions shall be on white paper 8 1/2" x 11".

RULE 8.Section 12. Professional Standards

A.8.1 Competence.

1.8.1.1 In engaging in the practice of architecture, an registered architect's primary duty is to protect the public's health, safety and welfare. In discharging this duty, a registered architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill, which are ordinarily applied by architects of good standing, practicing in the same locality.

2.~~8.1.2~~ _____In designing a project, a~~n~~ registered architect shall take into account all applicable state and municipal building laws and regulations. While a~~n~~ registered 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 regulations, once having obtained such advice, a~~n~~ registered architect shall not knowingly design a project in violation of such laws and regulations.

3.~~8.1.3~~ _____A~~n~~ registered architect shall undertake to perform professional services only when he/~~ or~~ she, together with those whom the registered architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

4.~~8.1.4~~ _____No individual shall be permitted to engage in the practice of architecture if, following opportunity for a hearing, findings are made that ~~in the Board's judgment,~~ such an individual's professional competence is, despite reasonable accommodations, substantially impaired by physical or mental disabilities.

B.~~8.2~~ _____Conflict of Interest

1.~~8.2.1~~ _____A~~n~~ registered architect shall not accept compensation in connection with his/her ~~for their~~ services from more than one party on a project, unless the circumstances have been ~~fully disclosed to and~~ agreed to by all interested parties in writing following written disclosure to all parties. ~~Any such disclosures or agreements must be in writing.~~

2.~~8.2.2~~ _____If a~~n~~ registered architect has any business association or direct or indirect financial interest which is substantial enough to influence his/~~ or~~ her judgment in connection with the ~~his or her~~ performance of professional services, the registered architect shall fully disclose in writing to his/~~ or~~ her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the registered architect will either terminate such association or interest or offer to give up the commission or employment.

3.~~8.2.3~~ _____A~~n~~ registered architect shall not solicit or accept compensation from material or equipment suppliers in ~~return for~~ connection with specifying or endorsing their products. As used herein, "compensation" shall not mean customary and reasonable business hospitality, entertainment, or product education.

4.~~8.2.4~~ _____When acting as the interpreter of building contract documents and the judge of contract performance, a~~n~~ registered architect shall render decisions impartially, favoring neither party to the contract.

C.~~8.3~~ _____Full Disclosure

1. A registered architect making public statements on architectural questions shall disclose when he/she is being compensated for making such statements or when he/she has an economic interest in the issue.

2.~~8.3.1~~ A~~n~~ registered architect shall accurately represent to a prospective or existing client or employer his/her ~~their~~ qualifications and the scope of ~~their~~ his/her responsibility in connection with work for which ~~they~~ he/she is ~~are~~ claiming credit.

3.~~8.3.2~~ If, in the course of his/~~or~~ her work on a project, a~~n~~ registered architect becomes aware of a decision taken by his/~~or~~ her employer or client~~,~~ against such architect's advice that ~~, which~~ violates applicable state or municipal building laws and regulations and which will, in the registered architect's judgment, materially and adversely affect the ~~health,~~ safety ~~and welfare of~~ to the public, the architect shall:

~~8.3.2.1~~ a. 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~~official or other authority having jurisdiction~~; and

~~8.3.2.2~~ b. refuse to consent to the decision; and

~~8.3.2.3~~ c. in circumstances where the registered architect reasonably believes that other such decisions will be taken~~,~~ notwithstanding his/her ~~their~~ objection, terminate ~~their~~ his/her services with respect to the project unless the registered architect is able to cause the matter to be resolved by other means. In the case of a termination in accordance with this ~~clause~~subsection, the registered architect shall have no liability to ~~their~~ his/her client or employer on account of such termination.

4.~~8.3.3~~ A~~n~~ registered architect shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his/her ~~their~~ application for a registration or renewal thereof or otherwise lawfully requested by the Board.

5.~~8.3.4~~ A~~n~~ registered architect shall not assist the application for registration of an individual known by the registered architect to be unqualified in respect to education, training, experience or character.

6.~~8.3.5~~ A~~n~~ registered architect possessing knowledge of a violation of the provisions of Section 12 herein ~~professional conduct~~ by another registered architect shall report such knowledge to the Board.

D.~~8.4~~ Compliance with Laws

1.~~8.4.1~~ A~~n~~ registered architect shall not, in the conduct of ~~their~~ his/her practice, knowingly violate any state or federal criminal law.

2.~~8.4.2~~ An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registered architect is interested.

8.4.3 An architect shall neither offer nor make any gifts, other than gifts of nominal value (in accordance with Rhode Island State Law), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

3.8.4.4 An registered architect shall comply with the registration laws and regulations governing his/ or her professional practice in any NCARB recognized United States jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which would lead to disciplinary action in this jurisdiction, the architect was disciplined in any other NCARB recognized United States jurisdiction.

4.8.4.5 An employer engaged in the practice of architecture shall not have be found by a court or an administrative tribunal to have violated any applicableviolate federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination. For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.

E.8.5 Professional Conduct

1.8.5.1 Each office in Rhode Island engaged in the practice of architecture offering architectural services shall have an architect resident and regularly employed in that office.

8.5.2 An architect shall not sign or seal technical submissions unless they were prepared by or under the responsible control of the architect, except that:

1. The architect may sign or seal those portions of the technical submissions that were prepared by or under the responsible control of persons who are registered under the Rhode Island General Laws if the architect has reviewed and adopted in whole or in part such portions and

a. has either coordinated their preparation or
b. integrated them into their work.

2. All technical submissions, which are required by public authorities for building permits or regulatory approvals, or are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the registered architect. The signature and use of the seal seal shall mean that the registered architect sealing the submission was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care. A registered architect may sign and seal technical submissions only if the technical submissions were:

a. prepared by such architect;

b. prepared by persons under such architect's responsible control;

c. prepared by another registered architect if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions; or

d. prepared by another architect registered in any United States jurisdiction and holding a current and valid certification issued by NCARB, provided that the technical submissions are prototypical building documents the signing and sealing architect has reviewed the other architect's work and has integrated the work into his/her own technical submissions.

3.~~2. The~~ A registered architect may also sign or seal ~~those portions of the technical submissions that are~~ drawings, specifications, or other work which is not required by law to be prepared by ~~or under the responsible control of~~ an architect if the architect has reviewed such work and has integrated it into his/her own technical submissions~~and adopted in whole or in part such submissions and integrated them into the work~~.

4. ~~8.5.3~~ Any registered architect signing ~~and~~ or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the Board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. ~~(See Rule 2.12)~~

5. Any registered architect signing and sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under subsections 11(E)(2)(c) and (d) above shall maintain and make available to the Board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his/her own technical submissions, and that such review and integration met the required professional standard of care.

6.~~8.5.4~~ A~~n~~ registered architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

7. A registered architect shall not make misleading, deceptive or false statements or claims to the public in the course of providing or offering to provide architectural services or to the Board.

8. A registered architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in conjunction with a project in which the registered architect is interested.

~~**8.6 Prototypical Projects**~~

~~8.6.1 Prototypical projects are buildings designed by an architect registered in a jurisdiction recognized by NCARB, for use by an Owner in multiple jurisdictions. Documents for these types of building may be sealed by a Rhode Island Architect, deemed to be in responsible control, under the following conditions:~~

~~8.6.1.1 Written approval of the Owner.~~

~~8.6.1.2 Written permission of the original architect.~~

~~8.6.1.3 Removal and invalidation of previous title blocks and seals.~~

~~8.6.1.4 Acceptance of liability as the architect in responsible control.~~

~~8.6.1.5 Complete review and modifications made to the documents to conform to applicable codes, and adapted to specific local conditions.~~

~~8.6.1.6 Maintain records of all modifications made to the documents.~~

~~RULE 9. BY-LAWS~~

Section 13 ***Conduct of Board Meetings and Voting***

~~**9.1 NAME:** The name of this Board shall be the "Board of Examination and Registration of Architects" and shall be hereinafter referred to as the "Board".~~

~~**9.2 PROCEDURE:**~~ A. The latest edition of Robert's Rules of Order is adopted as the rules for conducting the business of this Board at its meetings.

~~**9.3 COMPLAINTS, HEARINGS:** It is the function of the Board to regulate the practice of architecture within the State of Rhode Island as defined by the General Laws. The Board shall administer this function and investigate complaints and conduct hearings in accordance with Rule 7.~~

B. All regular meetings of the Board shall be held at the offices of the Department of Business Regulation.

~~**9.4 OFFICE:** The chief place of business shall be at the office of the Board of Examination and Registration of Architects of the Division of Design Professionals within the Department of Business Regulation (DBR).~~

~~**9.5 MEETINGS:**~~

~~9.5.1 Posting of Meetings. All meetings shall be publicly posted as required by law.~~

~~9.5.2~~ C. ~~Annual.~~ The Annual meeting of the Board shall be held in May of each year.

~~9.5.3 Regular.~~ D. The Regular meetings of the Board shall be called for the date and time ~~and place~~ designated at a previous meeting of the Board. Members shall receive seven days notice of a scheduled meeting. Unless the notice specifically stipulates otherwise, any regular meeting of the Board may act upon any and all matters coming within the jurisdiction of the Board.

~~9.5.4 Special.~~ E. A Special meeting of the Board shall be called upon the written request of any member, to the Chair or Secretary of the Board. Such written request shall state the reasons for such meeting and, except by the unanimous consent of all five members, no other business, than that covered by the written request, shall be considered by said special meeting.

~~9.5.5~~ F. Where the Board has not set the date or time ~~or place~~ for holding any meeting, the Chair or Secretary shall have the power, in the order named, to designate both the date and time ~~and place~~ of the meeting.

~~9.5.6~~ G. The Board, at its discretion, may postpone any meeting. For special meetings, the postponement shall be to a certain date as set forth in the notice of postponement.

~~**9.6 ELECTION OF OFFICERS:**~~ H. The election of officers shall take place at the Annual Meeting of the Board, and the Board shall elect from its members a Chair, Vice Chair, and Secretary. The term of the Officers so elected shall be for one year, but each shall continue to serve until a successor has been appointed. The term of office shall begin the first of June following appointment.

~~**9.7 DUTIES OF OFFICERS:**~~

~~9.7.1~~ I. The Chair of the Board shall preside at all meetings, appoint all committees, which shall be subject to confirmation by vote of the members of the Board, and shall perform all other duties ordinarily pertaining to the Office of the Chair as herein prescribed or as may be directed by the Board. The Chair shall be "Ex-Officio" member of all committees.

~~9.7.2~~ J. The Secretary, with the assistance of such clerical help as the Board may provide, shall carry out the duties prescribed for the office and shall perform all other duties ordinarily pertaining to the Office of Secretary, or as herein prescribed or directed by the Board. The Secretary shall be charged with the custody of all records and property of the Board, including the official seal of the State of Rhode Island.

~~**9.8 ORDER OF BUSINESS:**~~ K. The order of business at any meeting of the Board shall be as determined by the Chair. ~~and shall include the following:~~

~~9.8.1 Call to order~~
~~9.8.2 Reading of the minutes~~
~~9.8.3 Applicants for examination~~
~~9.8.4 Applicants for reciprocal transfer~~
~~9.8.5 Applicants for COA~~

9.8.6 Reading of Committee and other reports
9.8.7 Reading of communications
9.8.8 Unfinished Business
9.8.9 New Business
9.8.10 Executive Session (if required)
9.8.11 Election of Officers (Annual meeting only)
9.8.12 Adjournment

9.9 VOTING:

9.9.1 Voting. L. Three members of the Board shall constitute a quorum but action shall not be deemed to have occurred upon any question unless there are three votes in accord. Provided, however, that in the revoking of certificates, a unanimous vote of the full Board shall be required.

9.10 FINANCE: All monies shall be paid out as provided by the Laws of the State. All vouchers shall be signed by the Board's State-designated staff representative who shall then present them to the State Treasurer for payment. The State Treasurer's warrants shall be returned to the designated staff representative for recording in the financial record of the Board who shall then distribute them upon request to the Board.

9.11 RECORDS: M. The following records shall be kept by tThe Secretary (or the designated staff representative) and shall keep constitute the official records of the Board.

9.11.1 Record. A , including computer record and hard copy files shall containing the name, addresses of each architect and of each authorized firm, along with the respective certificate of authorization (C.O.A.) number, date of issuing certificate, kind of certificate, record of fees paid, and actions thereon.

9.12 FEES (All fees are Non-Refundable):

9.12.1 Registration –

9.12.1.1 Architectural Registration Examination (ARE) – The fee shall be consistent with those examination fees for each division of the examination as established by NCARB.
9.12.1.2 Registration by Reciprocity - $200.00.
9.12.1.3 Biennial Renewal - $150.00.
9.12.1.4 Replacement of Wall Certificate or Wallet Card - $25.00.
9.12.1.5 Renewal of Expired Certificate of Registration - $75.00 additional for each year or part of year plus $100.00 late charge.
9.12.1.6 Issuance of "Architect Emeritus" title and certificate - $50.00 (one time fee).
9.12.1.7 Biennial Renewal – Failure to provide complete and accurate information will result in the return of the renewal form and will subject the applicant to an additional fee - $25.00.

9.12.2 Certificate of Authorization –

9.12.2.1 Initial Application - $100.00
9.12.2.2 Biennial Renewal - $100.00
9.12.2.3 Replacement of Wall Certificate - $25.00
9.12.2.4 Renewal of Expired Certificate of Authorization – $50.00 additional for each year or part of year plus $25.00 late charge.
9.12.2.5 Biennial Renewal – Failure to provide complete and accurate information will result in the return of the renewal form and will subject the applicant to an additional fee - $25.00.
9.12.2.6 Name Change Fee - $50.00

9.13 SEAL: N. The Board's seal is aan embossed circular seal symbol consisting of two concentric circles; the outer being 2" inches in diameter and the inner being 1 ½" inches in diameter. The inner circle shall contain the State emblem. The space between the outer and inner circle shall contain the words "Board for Examination & Registration of Architects".

9.14 MODIFICATIONS:
9.14.1 O. The Board , at its own discretion, may reconsider, modify, suspend or revoke all or parts of any order, decision, rule or by-law previously made or adopted by the Board.action taken by Board vote upon

9.14.2 Such modifications may be carried out by a unanimous vote of four members at any meeting of the Board.

Rule 10 *Disciplinary Guidelines*
[Established per Rhode Island General Laws §5-1-7(c)]

"*Disciplinary Guidelines*" have been established and are outlined below to give notice to licensees of the range of possible actions, administrative fines, and/or penalties which will normally be imposed upon violation of the *Rhode Island General Laws* and/or *Rules and Regulations* of the *Board of Examination and Registration of Architects* (the "Board"). The licensee's prior record and the underlying circumstances will also be considered by the Board in determining the extent of actions, administrative fines, and/or penalties.

Rule	**Range of Fines**	**Range of Penalties**
Rule 3. Applications		
Falsification of Any Application Also 8.3.3	$500 - $1500	Reprimand, Suspension, Denial, Revocation
Failure to Identify Previous Disciplinary Action	$250 - $1000	Reprimand, Suspension, Denial, Revocation, Requirement to Report In-State Practice

~~Rule~~	~~Range of Fines~~	~~Range of Penalties~~
~~Rule 4. Examinations~~		
~~Falsification of record, IDP, etc.~~		~~Stop Exams and Correct Record~~ ~~6-month Delay – 5-year Delay~~ ~~Deny Initial Registration~~
~~Exam cheating~~		~~NCARB Penalty~~ ~~12-month Delay – 5-year Delay~~ ~~Deny Initial Registration~~
~~Rule 5. Practice~~		
~~Practice without COA~~	~~$500 - $1000~~	~~Reprimand, Probation, Suspension or Revocation~~
~~Practice on Expired License~~	~~$500 - $1000~~	~~Reprimand, Probation, Suspension or Revocation~~
~~Practice without RI License (Licensed in Another Jurisdiction)~~	~~Consent Order~~	~~Refer to the Attorney General's Office~~
~~Practice without any Active License (Previously Licensed Anywhere)~~	~~Consent Order~~	~~Refer to the Attorney General's Office~~
~~Stamping When Not in Responsible Control~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of Firm Name~~	~~$1000 - $1500~~	~~Reprimand, Probation~~
~~Falsification of CE Credits~~		~~Suspension, Revocation, Reprimand and Correction in 90 Days~~
~~Failure to obtain CE Credits Required~~	~~$500 - $1000~~	~~Reprimand and Correction in 90 Days~~
~~Failure to correct CE in 90 Days~~	~~$250 - $1000~~	~~Reprimand, Probation and Revocation~~
~~Rule 8. Professional Standards~~		
~~Violation of 8.1.1 (Reasonable Care)~~	~~$1000 - $1500~~	~~Probation, Suspension, Revocation~~
~~Violation of 8.1.2 (Violate Law)~~	~~$1000 - $1500~~	~~Probation, Suspension, Revocation~~
~~Violation of 8.1.3 (Qualified)~~	~~$1000 - $1500~~	~~Probation, Suspension, Revocation~~
~~Violation of 8.1.4 (Competence)~~		~~Suspension and Correction, Revocation~~

~~Rule~~	~~Range of Fines~~	~~Range of Penalties~~
~~Rule 8. Professional Standards (Cont'd)~~		
~~Violation of 8.2.1(Conflict of Interest)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.2.2 (Disclosure)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.2.3 (Gift for Endorsement)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.2.4 (Impartial)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.3.1 (Credit for Work)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.3.2 (HSW)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation and Practice Monitored~~
~~Violation of 8.3.3 (False Statement)~~	~~$500 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.3.4(Assist Registration)~~	~~$500 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.3.5 (Report Violation)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.4.1 (Law)~~	~~$1000 - $1500~~	~~Probation, Suspension, Revocation~~
~~Violation of 8.4.2 (Bribe)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Community Service, Revocation~~
~~Violation of 8.4.3 (Gift)~~	~~$1000 - $1500~~	~~Probation, Suspension, Revocation~~
~~Violation of 8.4.4 (Another Jurisdiction)~~	~~$1000~~	~~Reprimand, Monitor Practice, Suspension, Revocation~~
~~Violation of 8.4.5 (Workplace)~~	~~$1000 - $1500~~	~~Probation, Suspension, Revocation~~
~~Violation of 8.5.1(Architect in Office)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.5.2~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.5.3 (Fraud)~~	~~$500 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~Violation of 8.6(Prototypical Projects)~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Revocation~~
~~General Laws Title 5, Chapter 1~~	~~Range of Fines~~	~~Range of Penalties~~

~~§5-1-13(8)...Felony, etc.~~	~~$1000 - $1500~~	~~Probation, Suspension, Denial, Revocation~~
~~Felony related to Practice of Architecture~~	~~$1000~~	~~Suspension, Denial or Revocation~~
~~§5-1-13(9)...Failure to Furnish~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Denial, Revocation~~
~~§5-1-13(11)...Injurious to Profession~~	~~$1000 - $1500~~	~~Reprimand, Suspension, Denial, Revocation~~
~~Failure to Comply with Final Order~~	~~$1000~~	~~Probation - Revocation~~

~~RULE 11.~~Section 14 Severability ~~AND~~

~~11.1 Severability. If any provision of these rules and regulations, or the application thereof, is held invalid by a court of competent jurisdiction, the validity of the remainder of the rules and regulations shall not be affected thereby.~~

~~11.2 Superseded Rules and Regulations. On the date that the rules and regulations take effect, of these rules and regulations, the "Rules of the Board" as last adopted in December 2003, shall be superseded. However, any application to or action taken by the Board prior to the effective date of amended rules and regulations shall be governed by the rules and regulations in effect at the time that the application was filed or the action was taken.~~

If any provision of this regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or constitutional provision or application, and to this end the provisions of this Regulation are severable.

Section 15 *Effective Date*

~~11.3 Effective Date. Pursuant to RIGL Section 42-35-4, as amended, the within rules and regulations shall take effect twenty (20) days after they are filed with the Secretary of State.~~

This regulation is effective as indicated below.

AMENDED:	June 1978
AMENDED:	July 1983
AMENDED:	November 9, 1987
AMENDED:	March 11, 1992
AMENDED:	October 24, 2001
AMENDED:	March 20, 2002
AMENDED:	August 2002
AMENDED:	October 2003

REFILED:	January 4, 2007
AMENDED:	June 28, 2007
AMENDED:	June 24, 2009
AMENDED:	July ____, 2014