

## 2.02 Reciprocal Registration

An individual requesting reciprocal registration shall request an application for Mississippi registration from this Board.

Applications will be received at the Board Office at all times. Personal appearances before the Board, if requested, shall be at a time and place designated by the Board. Failure to comply within 90 days from the date of written request for additional evidence or information, or to appear before the Board, when such appearance is requested, may be considered just and sufficient cause for disapproval of the application.

A Council Certificate must document the following requirements for this State, or the Board reserves the right to request additional documented evidence of compliance with these requirements:

a. An individual must hold a valid Certificate from the National Council of Architectural Registration Boards which documents proof of an NAAB approved degree, ~~the Council Certificate must reflect the NCARB approved equivalence to the 5 year degree; or reflects exemption from the degree requirement. (Individuals who do not hold the NAAB 5 yr. Degree, but who were licensed by another jurisdiction, or who were qualified exam candidates in another jurisdiction, prior to January 1, 1987 shall be exempt.)~~

b. AND, who has at least three (3) years diversified training experience under the direct supervision of a registered architect of approved standing. (Individuals who have obtained a Masters Degree in Architecture, where the degree program has been approved by the NAAB, and is in addition to a first professional degree, will be granted 1 year of training experience toward the three year requirement.). Or who has satisfied an Intern Development Program approved by the Board.;

c. AND, who has passed the applicable National Council of Architectural Registration Boards Examination;

d. AND, that the applicant is currently registered and in good standing in his or her state of residence.

Each non-resident application must submit, as a part of the application, a sworn affidavit stating non-practice and non-solicitation of architectural business in this State until registration or licensing is approved by the Board. Failure to submit this affidavit will be considered just cause for disapproval of the application. Every applicant for reciprocity registration shall comply fully with the requirements of a resident applicant.

The fee for the initial registration is set in Section 2.05.

## ~~2.03 Surrender of Certificate and Stamp~~

~~Registrants who fail to renew their license within two (2) years from the due date, or any architect whose license has been suspended or revoked, shall be required to immediately surrender and deliver to the Executive Secretary of the Board their certificate and stamp.~~

## ~~2.03~~ 2.04 Renewals

Certificates of registration shall be renewed prior to November 30, in odd numbered years. A renewal form will be sent to each Registered Architect who holds a current license in good standing. Those licenses not renewed prior to the November 30 deadline may be late renewed within two years after the license expiration date by paying a \$5.00 per month late penalty fee addition to the normal biennial renewal fee.

Licenses not renewed prior to the end of the two year penalty period shall not be subject to renewal. Any consideration for reinstatement of the expired license after the two year penalty period would be at the discretion of the Board and requires the following:

a. Submission of a reinstatement application with a reinstatement fee of \$300.00 in addition to the normal biennial renewal fee; and

b. Submission of an additional Board form on which the applicant shall furnish additional information as the Board may require to properly evaluate the applicant's current qualification for reinstatement, including a complete resume of the applicant's professional activity since the expiration date of the license.

However, neither the failure of the Board to send nor the failure of the registrant to receive a renewal form shall excuse failure to renew a license. Unless the license is renewed before November 30, of odd numbered years, continued practice after such date shall constitute unlawful practice and is a ground for discipline.

~~The Board will recognize, prepare or administer a continuing education program for architects as a basis for biennial license renewal. The CE Program Guidelines are established in Chapter VI.~~

## **2.04 2.05 Fee Schedule**

RESIDENTS		
Registration Fee .....	\$200.00	
(includes a non-refundable application fee of \$50.00)		
Biennial Renewal Fee .....	\$200.00	
NON-RESIDENTS		
Registration Fee .....	<del>\$300.00</del>	<u>\$350.00</u>
(includes a non-refundable application fee of \$75.00)		
Biennial Renewal Fee .....	<del>\$200.00</del>	<u>\$250.00</u>
OTHER FEES		
Exam Administration & Proctoring .....	<del>\$50.00</del>	<u>\$60.00</u>
Copy of Roster .....	\$15.00	
Duplicate Certificate .....	\$25.00	
<del>Duplicate Stamp .....</del>	<del>\$20.00</del>	
Non-Sufficient Funds Check .....	\$25.00	
Mailing Labels .....	\$10.00	

## **2.05 2.06 Emeritus Status**

"Resident architects who have been registered in this state for ten (10) consecutive years, who are sixty-five (65) years of age or older and who are retired from active practice or other related professional activities, may request "Emeritus Status" by filing an application showing compliance with the requirements of this section. "Retired" means that the architect no longer practices architecture in that he/she no longer stamps and certifies documents with his/her seal or practices architecture as defined in Section 73-1-3(c) of the Mississippi Code of 1972, as amended. If all of the requirements of this section have been met, all fees and penalties, if applicable, for biennial registration shall be waived by the Board.

Any reference to an architect on 'Emeritus Status' on any letter, title, sign, card or device shall list such architect as "Emeritus Architect".

## **2.06 2.07 Intern Architect Status**

Individuals who possess a professional degree in Architecture, are actively enrolled in the NCARB Intern Development Program, and are working under the direct supervision of a registered architect may use the term "Intern Architect", but only in conjunction with the (architectural firm's name) architectural firm for which he/she is employed.

**2.07 2.08** An individual seeking an architectural commission in Mississippi shall be admitted to Mississippi for the purpose of offering to render architectural services and for that purpose only if:

1. the applicant holds a current and valid registration issued by a registration authority recognized by the board; and
2. the applicant holds an NCARB Certificate; and
3. the applicant notifies the Mississippi board in writing that:
  - (a) individual holds an NCARB Certificate and is not currently registered in the state, but will be present in the state for the purpose of offering to render architectural services,
  - (b) individual will deliver a copy of the notice referred to in (a) to every potential client to whom the applicant offers to render architectural services,
  - (c) individual shall apply for a Mississippi license within 10 working days of notification to the Mississippi board, and
  - (d) the individual consents to the jurisdiction of the board.

The individual shall be prohibited from actually rendering architectural services until he/she has been licensed.

An individual seeking an architectural commission by participating in an architectural design competition for a project in Mississippi shall be admitted to Mississippi for the purpose of offering to render architectural services and for that purpose only if:

1. the individual holds a current and valid registration issued by a registration authority recognized by the board; and
2. the individual hold an NCARB Certificate; and
3. the individual notifies the Mississippi Board in writing that he/she is participating in the competition, holds an NCARB Certificate, and applies for a Mississippi license within 10 working days of entering the competition; and
4. the individual shall not submit the competition entry until he/she has be duly licensed by the Mississippi Board.

## **3.02.4**

For the purpose of properly identifying drawings, specifications, and contract documents, each architect shall obtain from the Board an individual stamp, of a design approved by the Board to be used as the stamp required by Section 73-1-35 of the registration law. The live signature of the architect and date of

execution shall appear over the stamp on all documents prepared by him/her or under his/her supervision for use in the State of Mississippi.

**3.02.5** ~~The term “prototypical documents” shall mean model documents of buildings that are intended to be built in more than one location several locations with substantially few changes and/or additions except those required to adapt the documents to each particular site; or that are generic in nature, that are not designed or premised upon the laws, rules and regulations of any particular state, county, or municipal building code; that do not account for localized weather, topography, soil, subsistence, local building codes, or other such conditions or requirements; and that are not intended to be used as the actual documents to be employed in the construction of a building, but rather as a sample or a model to provide instruction or guidance. The term “legal owner” shall mean the person who provides the architect with a letter that he or she is owner of the documents and has the written permission to allow the use thereof. Nothing precludes the use of prototypical documents provided the architect:~~

- ~~a. has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents; and~~
- ~~b. reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job specific requirements; and~~
- ~~c. independently performed and maintains on file necessary calculations; and~~
- ~~d. after reviewing, analyzing, and making revisions and/or additions, issued the documents with his/her title block and seal (by applying his/her seal, the architect assumes professional responsibility as the architect of record); and~~
- ~~e. maintained design control over the use of site adapted documents just as if they were his/her original design.~~

“Prototypical documents” consist of drawings or specifications not intended as final and complete construction documents for a building project, but rather as a sample or model to provide general guidance for a building or buildings to be constructed in more than one location, with substantially few design changes or additions, except those required to adapt to each particular site. Prototypical documents may or may not be premised upon laws, rules and regulations, or adopted building code of a particular state, county, or municipality, but shall be adaptable to the regulations or codes of each applicable construction location. Prototypical documents are generally not designated for a specific climate, weather, topography, soil, or other site-specific conditions or requirements, but are intended to be adapted to those and other site-specific conditions. Prototypical documents may or may not originate from a registered design professional (architect or engineer.)

Nothing in these rules precludes the use of prototypical documents, provided the architect:

- a. obtains written permission from the design professional who prepared or sealed the prototypical documents, or from the legal owner of the prototypical documents, to use, revise, amend and otherwise adapt the prototypical documents; and
- b. thoroughly reviews the prototypical documents, makes necessary revisions, and adds all required elements and design information (including the design services of engineering consultants if warranted), so that the prototypical documents become suitable construction documents, in full compliance with applicable codes, regulations, and site-specific requirements; and
- c. independently performs, and maintains on file, necessary calculations to verify the public health and safety suitability of all elements or features portrayed by the original prototypical documents; and
- d. after reviewing, analyzing, calculating and making revisions and additions, issues the documents with his/her title block and Mississippi seal (or the seals of engineering consultants as applicable), maintaining *responsible control* over the use of the final adapted documents as if they were his/her original design, assuming full responsibility as the *architect of record*.

**3.02.7** A non-resident architectural firm, with no members registered in this state, may form a joint venture or association with a resident architectural firm if:

- (a) The non-resident firm complies with Section 73-1-19 of the Mississippi Code; and
- (b) the firm agrees to consent to the jurisdiction of the board; and

- (c) the construction documents and specifications are prepared under the responsible control of the Mississippi architect; and
- (d) one member of the non-resident architectural firm holds a valid NCARB Certificate; and
- (e) one member of the non-resident architectural firm shall apply for licensure in Mississippi within ten (10) days of the date of formation of the joint venture or association.

**4.02.2** An architect shall not knowingly solicit or ~~enter into a contract~~ accept employment for professional services for any work which another architect has been exclusively contracted ~~employed~~ to perform and with which work the other professional is no longer to ~~provide any professional services have any connection~~, without first having been advised in writing by the architect's prospective client employer that the contract with employment of the other professional has been terminated, ~~and that the other professional has been paid for services rendered.~~

## CHAPTER V

### DISCIPLINARY GUIDELINES; RANGE OF PENALTIES; AGGRAVATING AND MITIGATING CIRCUMSTANCES.

The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating the Law and Rules of the Board. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of the law. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation, or reprimand which may be included in the final penalty at the Board's discretion.

The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the above mentioned statutes and rules:

- (a) Failure to stamp plans (Rule 4.05.5, 3.02.4  
Min- ~~1st Offender~~ letter of reprimand  
~~2nd Offender~~ -letter of reprimand, and \$250.00 fine.  
Max-~~Reprimand and 6 months probation~~
- (b) Failure to sign over stamp (Rule 4.05.6, 3.02.4; 73-1-35  
Min. and Max- same as (a) above
- (c) Providing work not competent to perform (Rule 4.01.1)  
Min- Reprimand and a \$1,000  
Max- ~~Reprimand, \$5,000 fine one (1) year suspension and two (2) years probation~~
- (d) "Plan Stamping" (Rule 4.05.2, 4.05.8)  
Min. and Max- same as (c) above
- (e) Attempting to ~~produce~~ procure a license by bribery or fraudulent misrepresentation providing false, deceptive or misleading information 73-1-13(d) iii; 73-1-29b; Rule 4.03.4, 4.03.4 4.04.5  
Min-Revocation and \$1,000 fine if licensed (denial of license if application in process)
- (f) Licensee disciplined by another jurisdiction (Rule 4.03.4, 4.03.1)  
Min- Board discretion  
Max-Same penalty as imposed in other jurisdiction or as closely as possible to penalty set forth in MS statutes
- (g) Criminal conviction relating to architecture 73-1-29(g); 4.03.1  
Min-Misdemeanor: reprimand and \$1,000 fine-Felony: One (1) year suspension Two (2) year Probation and \$1,000 fine  
Max-~~Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation--Revocation and \$5,000 fine~~
- (h) Practice on suspended license resulting from disciplinary action by board (73-1-29e)  
Min-Revocation and \$1,000 fine
- (i) Practice on inactive license (73-1-29e)  
Min-Fine based on length of time in practice while inactive; \$100/month or \$1,000 ~~\$5,000~~ maximum (penalty will require licensee to renew license or cease practice)
- (j) Practice on revoked license based on non-payment of renewal fee (73-1-29e)  
~~Min-Refer to Attorney General for criminal prosecution~~ Min-Fine based on length of time in practice while revoked; \$100/month or \$1,000 \$5,000 maximum
- (k) Fraudulent, false, deceptive or misleading advertising (~~R4.04.3~~) 73-1-1; 3.02.2; 3.02.3  
Min-Cease and desist letter and public reprimand  
Max-~~Reprimand, one (1) year probation and \$5,000 fine~~
- (l) Negligence 73-1-29c; Rule 4.01.1  
Min-Reprimand, two (2) years probation and \$1,000 fine  
Max-~~Reprimand, Revocation and \$5,000 fine five (5) years suspension and ten (10) years probation and/or refer to Attorney General for criminal prosecution~~
- (m) Fraud or Deceit (73-1-29h)  
Min-Reprimand, one (1) year suspension two (2) years probation and \$1,000 fine  
Max-\$5,000 fine and revocation and/or refer to Attorney General for criminal prosecution
- ~~(n) Misconduct as defined in Rule 4.05~~  
~~Min-Reprimand and \$1,000 fine~~  
~~Max-Reprimand, one (1) year suspension, two (2) year probation and \$5,000 fine~~

- ~~(e)~~–Incompetence (mental or physical impairment) (Rule 4.01.4)  
Min-Suspension-until ability to practice proved, followed by probation
- ~~(p)~~–Bribery to obtain clients or commissions (4.03.3; 4.05.3)  
Min-Revocation and \$1,000 fine
- (q) Undisclosed conflict of interest 73-1-29i; (4.02.1)  
Min-Reprimand, \$1,000 fine and two (2) years probation  
Max-Revocation and \$5,000 fine
- (r) Aiding unlicensed practice (4.04.8; 4.03.2)  
Min-Reprimand \$1,000 fine  
~~Max-Reprimand and one (1) year suspension and two (2) years probation~~

The Board shall be able to deviate from the above-mentioned guidelines upon showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of a final penalty. The Board shall also have the right to collect any legal and/or administrative charges incurred by the agency during the course of the investigation. In addition to the above sanctions the Board may also require the individual to take and complete the state law/rules examination as a condition precedent to final resolution of the disciplinary action.

**REMOVE Chapter VI (Cont. Ed.) in it's entirety from Rules**