

**MISSISSIPPI STATE BOARD OF ARCHITECTURE
PROPOSED RULE REVISIONS and RULE ADDITION
August 30, 2007**

(to become effective September 24, 2007)

2.01 Registration by Examination

Once a candidate has completed IDP, has been admitted to the examination by the Board, and has successfully passed the ARE, the candidate becomes eligible for registration as an Architect. The candidate must fill out an application supplied by the Board and pay the initial registration fee. Upon filing of an application for registration, the application becomes the sole and exclusive property of the Board. No application for registration may be withdrawn except upon the express written consent of the Board which consent shall be in the sole and exclusive discretion of the Board. In no event shall an application be allowed to be withdrawn if the Board has determined or has reasonable cause to believe that an applicant has violated any of the provisions of Miss. Code Ann. §§ 73-1-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by the Board.

Applications for licensure shall expire after a six (6) month interval during which there is no activity unless the Board is in the process of conducting an investigation into whether an applicant has violated any of the provisions of Miss. Code Ann. §§ 73-1-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by the Board.

2.02 Reciprocal Registration

An individual requesting reciprocal registration shall submit an application for Mississippi registration to the Board.

By submitting an application for reciprocal licensure, an individual is submitting to the jurisdiction of the Board.

Applications will be received at the Board office at all times. Upon filing of an application for reciprocal registration, the application becomes the sole and exclusive property of the Board. No application for reciprocal registration may be withdrawn except upon the express written consent of the Board which consent shall be in the sole and exclusive discretion of the Board. In no event shall an application be allowed to be withdrawn if the Board has determined or has reasonable cause to believe that an applicant has violated any of the provisions of Miss. Code Ann. §§ 73-1-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by the Board. 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 denial of the application.

A NCARB 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 NCARB which documents proof of a NAAB accredited degree, or reflects exemption from the degree requirement. (Individuals who do not hold the NAAB accredited 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. A qualified exam candidate is one who (1) met their jurisdiction's requirement to apply to take the ARE, and (2) completed the application process for the ARE, and (3) had been approved by their jurisdiction to take the ARE.); and
- (b) must have satisfied the IDP program approved by the Board, OR if the individual can provide sufficient and satisfactory evidence that the individual is unable to obtain the IDP certification, the Board may accept in lieu thereof certification by the individual that the individual has completed not less than thirty-six (36) continuous months of actual employment in architectural work in the office or offices of a licensed architect or architects. "Actual Employment in Architectural Work" shall mean participation in a diversified training program under the direct supervision of a registered architect or as a registered architect in a jurisdiction recognized by the Board; and
- (c) must have passed the applicable NCARB Examination, the ARE; and
- (d) the individual must be currently registered and in good standing in the individual's state of residence.

For reciprocal applicants, the phrase "Unable to obtain IDP" means that IDP was not available in the jurisdiction in which the applicant received a NAAB accredited degree and was not a requirement of the jurisdiction in which the applicant was initially licensed. The Board shall consider each applicant on a case by case basis and may request such information from the applicant regarding the applicant's failure to meet the IDP requirements, as the Board may in its sole discretion determine necessary. The Board may consider, among other things, the state in which the applicant earned an NAAB accredited degree, the applicant's state of residency and the applicant's initial state of licensure when determining if IDP was available upon initial licensure. Should the applicant have had access to an IDP program in the state where the applicant obtained an NAAB accredited degree, or in the state in which the applicant obtained initial licensure, or in the applicant's state of residency at time of initial licensure, then completion of the IDP program will be mandatory prior to licensure for any applicant graduating or entering the exam process on or after July 1, 1996.

Each non-resident applicant 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~~ denial of the application. Every applicant for reciprocity registration shall comply fully with the requirements of a resident applicant.

The fee for the reciprocal registration is set in 2.04.

Applications for licensure shall expire after a six (6) month interval during which there is no activity unless the Board is in the process of conducting an investigation into whether an applicant has violated any of the provisions of Miss. Code Ann. §§ 73-1-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by the Board.

3.02.14 As to interior architecture, the practice of architecture is defined at Miss. Code Ann. §73-1-3(c). This statute provides that a person is engaging in the practice of architecture if that person is held out as able to perform any professional service such as planning, design, including aesthetic and structural designs, and consultation in connection therewith, or responsible inspection of construction, in connection with any non-exempt buildings, structures, or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, functional planning, and the physical sciences.

As planning and design, including aesthetic and structural designs, encompass the entire structure, both interior and exterior, the board holds that engaging in only partial aspects of the definition of architecture remains the practice of architecture and may be performed only by one who is licensed as an architect in conformance with Miss. Code Ann. §§73-1-1 et seq. Thus, the practice of interior architecture in buildings is the practice of architecture. Accordingly, individuals who engage in the practice of planning and designing any life safety elements of the interior of any non-exempt buildings, including any aesthetic element, shall be considered practicing architecture.