

MISSISSIPPI STATE BOARD OF ARCHITECTURE
RULES AND REGULATIONS
Rule Revisions Filed April 1, 2016, Effective June 1, 2016

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Title 30: Professions and Occupations

Part 201: Mississippi State Board of Architecture

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CHAPTER I - Examinations

Rule 1.1 Applications for Examination.

~~Applicants for registration by examination must submit to and pass the Architect Registration Examination (ARE) as outlined in Rule 2.1. All such applicants must have been approved as a candidate for the examination by the Mississippi State Board of Architecture (Board).~~

~~In order to be admitted to the ARE, the applicant must:~~

- ~~A. submit to the jurisdiction of the Board; and~~
- ~~B. provide a record from the National Council of Architectural Boards (NCARB) which documents that the applicant has acquired:
 - ~~1. a professional degree in architecture from a school or college of architecture on the list of accredited schools issued by the National Architectural Accrediting Board (NAAB); and~~
 - ~~2. at least 1,880 training hours of the Intern Development Program (IDP) in accordance with the IDP guidelines approved by the Board, or satisfactory completion of the Canadian Intern Program; and~~
 - ~~3. after graduation from a NAAB accredited program, at least 6 months of experience under the direct supervision of an architect (except in the case of an applicant who has completed IDP prior to applying for examination).~~~~

~~Applicants for admittance to the Architect Registration Exam (the ARE) must provide an official record from the National Council of Architectural Registration Boards (NCARB) which documents that the applicant:~~

- ~~A. has acquired a professional degree in architecture from a school or college of architecture on the list of accredited schools issued by the National Architectural Accrediting Board (NAAB); and~~
- ~~B. is enrolled in the intern-architect development program approved by the Board, which is the Intern Development Program (IDP), in accordance with NCARB guidelines.~~

Rule 1.2 Intern Development Program.

~~The Intern Development Program (IDP) is the training intern-architect development program approved and required by the Board. IDP is administered by NCARB. Prior to applying for examination, an applicant must become enrolled in IDP and earn 1,880 training hours, among other provisions outlined in rule 1.1. Students may enroll in IDP in accordance with NCARB IDP requirements. In order to submit an application for registration by examination, applicants must complete all requirements of IDP.~~

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Rule 1.4 Schedules

Examinations will be administered in compliance with NCARB guidelines to approved candidates only. NCARB will provide the candidate with information on the procedure for scheduling a test session, the test content and instructions on taking the computer-based examination ~~after it receives the~~when notified of -candidate eligibility ~~notification form by~~from the Board.

Rule 1.10 Fees.

Each examination candidate shall pay a ~~\$60.00~~ one-time exam application fee, as prescribed in rule 2.4, to the Board. The examination fees for each division of the ARE will be paid to NCARB or the test vendor.

CHAPTER II - Registration Requirements

Rule 2.1 Registration by Examination.

2.1.1

~~Once a candidate has completed IDP in accordance with Chapter 1, has been admitted to the examination by the Board, has successfully passed the ARE, and has successfully passed the Mississippi jurisprudence exam, 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 the applicant's filing of an application for registration, the application becomes the sole and exclusive property of the Board.~~

Applicants for initial registration by examination must:

- A. submit to the jurisdiction of the Board; and
- B. provide an official record from NCARB which documents that the applicant has:
 1. acquired a professional degree in architecture from a school or college of architecture on the list of accredited schools issued by the National Architectural Accrediting Board (NAAB); and
 2. completed IDP, in accordance with NCARB guidelines; and
 3. passed all sections of the Architect Registration Exam (the ARE) in accordance with NCARB guidelines; and
- C. pay the fee prescribed in rule 2.4; and
- D. complete the required application; and
- E. successfully pass the Mississippi Jurisprudence Examination; and
- F. meet the requirements of Miss. Code Ann. §73-1-13 and §73-1-17.

2.1.2

Upon the applicant's 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.

Rule 2.2 Reciprocal Registration.

2.2.1

~~An individual requesting reciprocal registration shall submit an application for Mississippi registration to the Board, shall take and pass a state specific jurisprudence examination, and shall pay the fee prescribed in rule 2.4.~~

An individual with a current architectural license in another NCARB jurisdiction may apply for reciprocal registration in order to offer services or to practice architecture in this State.

Applicants for reciprocal registration must:

- A. submit to the jurisdiction of the Board; and
- B. take and pass the Mississippi jurisprudence examination; and
- C. provide an official record from NCARB which documents that the applicant has:
 - 1. an active NCARB certificate; and
 - 2. a professional degree in architecture from a school or college of architecture on the list of accredited schools issued by the National Architectural Accrediting Board (NAAB), unless the applicant is exempted from the degree requirement in accordance with Miss. Code Ann. §73-1-21 which provides that an individual who does not have a NAAB accredited degree, but who was licensed by another jurisdiction, or who was a qualified exam candidate in another jurisdiction prior to January 1, 1987, shall be exempted from the degree requirement (being a qualified exam candidate in another jurisdiction requires that the applicant must have completed the application process for the ARE and been approved by another NCARB jurisdiction to take the ARE); and
 - 3. completed IDP, in accordance with NCARB guidelines, or if the individual can provide sufficient and satisfactory evidence that the individual is unable to obtain certification that the applicant has completed IDP, the Board may accept in lieu thereof certification by NCARB that the applicant has met the IDP experience requirements through means that are determined to be equivalent to IDP by NCARB, with the additional requirement that the applicant has completed no less than three (3) continuous years of actual engagement in architectural work in the office or offices of a licensed architect or architects; and
 - 4. passed all sections of the ARE in accordance with NCARB guidelines; and
- D. pay the reciprocal application fee prescribed in rule 2.4; and
- E. complete the required application; and
- F. meet the requirements of Miss. Code Ann. §73-1-13 and §73-1-21.

2.2.2

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

2.2.23

~~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 denial of the application.

2.2.4

~~An 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. (i) An individual must hold a valid Certificate from NCARB which documents proof of a NAAB accredited degree, or reflects exemption from the degree requirement; or (ii) 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 exempted (being a qualified exam candidate in another jurisdiction requires that the applicant must have completed the application process for the ARE and been approved by their jurisdiction to take the ARE); and~~
- ~~B. (i) Must have completed the IDP program approved by the Board as provided in *Miss. Code Ann* §73-1-13; or (ii) 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 NCARB that the applicant has met the IDP experience requirements through means that are determined to be equivalent to IDP by NCARB, with the additional requirement that the applicant has completed no less than three (3) continuous years of actual engagement in architectural work in the office or offices of a licensed architect or architects; 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.~~

2.2.35

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

2.2.46

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.

Rule 2.3 Renewals and Reinstatement.

2.3.1

Certificates of registration shall be renewed on or before November 30, in odd numbered years. A renewal form will be mailed 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~~ the monthly late penalty fee prescribed in rule 2.4, in addition to the ~~normal~~ biennial renewal fee.

2.3.2

Licenses not renewed prior to the end of the two-year penalty period shall not be subject to renewal, but may be reinstated. 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~~ and payment of the reinstatement fee prescribed in rule 2.4 ~~of \$550~~; 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 applicant's license.
- (c) Certification that the applicant has complied with the mandatory continuing education requirements outlined in Chapter 6, having earned 12 CEH's per calendar year in the two calendar year's preceding the application for reinstatement. As an alternative to receiving 12 CEH's per calendar year, the Board will accept 24 CEH's in the two years immediately preceding the application for reinstatement, provided that such CEH's are otherwise in compliance with Chapter 6.

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 on or before November 30, of odd numbered years, continued practice after such date shall constitute unlawful practice and is grounds for discipline.

Rule 2.5 Emeritus Status

Architects who have been registered in this state for ten (10) consecutive years 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 if they are either sixty-five (65) years of age or older OR if they can provide, to the Board's satisfaction, documentation that they are physically or mentally unable to participate in active practice.

"Retired" means that the architect no longer practices architecture in Mississippi, in that the architect no longer stamps and certifies documents 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 continuing education requirements, fees and penalties, if applicable, for biennial registration-renewal 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." or "Architect Emeritus".

In order to return to active status, an emeritus status architect must follow the procedures and meet the requirements for reinstatement.

CHAPTER III - General Rules

3.2 Practice Procedures

3.2.17 In circumstances where a Mississippi registered architect or registered design professional can no longer provide services on a project due to death, retirement, incapacity, or disability, or mutual agreement to terminate a contract for architectural services, a successor architect, who is a registered Mississippi architect, may undertake to complete the architectural services including any necessary and appropriate changes provided:

- A. a legal transfer of the contractual work has occurred; and
- B. all references to the original architect (title block, seals, signatures, etc.) must be removed from all documents; and
- C. the successor architect accepts responsible control for the project; and
- D. the successor architect complies with all applicable statutes, rules and regulations of the State of Mississippi, including but not limited to the provisions of *Miss. Code Ann.* §73-1-19; and
- E. the successor architect notifies the Board, in writing, of any projects he is undertaking under the provisions of this rule.

Rule 3.3 Filing of Complaints.

Any person may file a complaint against a registered architect, or any individual, charging a violation of the Architect Registration law. Such complaints shall be filed with the Board, either verbally or in writing, and need not be signed or sworn to. ~~and~~ the Board shall proceed in accordance with Section 73-1-29. Contact the Board office or visit the Board's website for a copy of the complaint and disciplinary procedures.

Rule 3.5 Location and Organization of the Board and any Committees Assigned Thereto.

3.5.1 The Board office and the office of any advisory committee assigned thereto are located at 2 Professional Parkway #2B, Ridgeland, MS 39157. The Board's telephone number is 601-856-4652. The Board's website address is www.archbd.state.ms.us-msboa.ms.gov. The Board's general e-mail address is msboa@msboa.ms.gov.

CHAPTER IV - Professional Code of Conduct

4.1 Competence

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

Commentary - It should be noted that the rule is limited to applicable federal, state and local ~~municipal~~ building laws and regulations. Every major project being built in the United States is subject to a multitude of laws, in addition to the applicable building laws and regulations. As to these other laws, it may be negligent of the architect to have failed to take them into account, but the rule does not make the architect specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the architect may be required to seek the interpretation of other professionals. The rule permits the architect to rely on the advice of other such professionals.

4.1.5

A Mississippi licensed architect shall practice in accordance with the laws, rules and regulations governing the practice of architecture in the State of Mississippi at all times and on all projects, regardless of the size or dollar value of the project in question.

Comment: Miss. Code Ann. §73-1-39 exempts certain projects from requiring an architect, e.g., any building containing less than 5,000 square feet and is less than three stories in height. In most instances, unlicensed individuals preparing plans and specifications for buildings meeting this exemption are not under the jurisdiction of the Board and are not held to the same standard of care as an architect. However, an architect is held to the professional standard of care and that standard of care is not diminished by the fact the building may fall under one of the exemptions in §73-1-39. Accordingly, regardless of the type, size or dollar value of the project, a Mississippi licensed architect will follow all laws, rules and regulations governing the practice of architecture in the State of Mississippi including, but not limited to, those applicable to responsible control, use of the architect's seal, prototypical documents and construction administration.

4.2 Conflict of Interest

4.2.2 An architect shall not knowingly solicit or enter into a contract for professional services for any work which another architect or another registered design professional has been exclusively contracted to perform and with which work the other professional is no longer to provide any professional services, without first having been advised in writing by the architect's prospective client that the contract with the other professional has been terminated.

4.4 Full Disclosure

4.4.8 A licensee who has knowledge or reasonable grounds for believing that another individual or another member of the profession has violated any statute or rule regulating the practice of architecture shall have the duty of presenting such information to the Board. Failure to report such acts may result in disciplinary action by the Board.

Commentary - This rule has its analogue in the Code of Professional Responsibility for lawyers. Its thrust is consistent with the special responsibility which the public expects from architects.

4.5 Professional Conduct

4.5.13 Expert testimony.

In serving as an expert witness, an architect shall not make a statement the architect knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of another architect, engineer or landscape architect including, but not limited to, the standard of care performed with respect to a particular project, or knowingly misrepresent the law and rules of the Board.

Commentary: Architects are often asked to render expert opinions in civil litigation to assist the trier of fact in understanding the evidence or to determine a fact issue. The qualification of any architect as an expert is governed by the Mississippi Rules of Evidence. Regardless, the architect is expected to testify truthfully and impartially and not be bound to testify in one way solely because the architect is being paid to do so. This also mandates the architect not testify contrary to the law and rules of the Board. For example, an architect should not testify that an architect is required on single family residential projects as those projects are specifically exempted under Miss. Code Ann. §73-1-39 regardless of size.