

MISSISSIPPI STATE BOARD OF ARCHITECTURE RULE REVISIONS

Adopted by the Board of Architecture on June 10, 2008
To become effective September 1, 2008

CHAPTER I - EXAMINATIONS

1.01 Required

Applicants for registration by examination must submit to and pass the Architect Registration Examination (ARE) as outlined in Rule 2.01. All such applicants must have been approved as a candidate for the examination by the Mississippi State Board of Architecture (Board).

~~A pre-requisite for making application to take the ARE is completing the Intern Development Program (IDP) in accordance with the IDP guidelines approved by the Board and as developed under the auspices of the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects and administered by NCARB.~~

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:
 - (i) 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
 - (ii) at least 235 training units 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
 - (iii) after graduation from a NAAB accredited program, at least 6 months of experience under the direct supervision of an architect.

1.02 Applications Intern Development Program

The Intern Development Program approved by the Board is administered by NCARB. Prior to applying for examination, an applicant must become enrolled in IDP and earn 235 training units, among other provisions outlined in rule 1.01. Students can enroll in IDP after satisfactory completion of the third year of a NAAB program, or in accordance with NCARB IDP Guidelines.

~~The application packet for the ARE shall be considered by the Board under the following conditions:~~

- ~~(a) The completed Mississippi application form is submitted; and~~
- ~~(b) the applicant submits to the jurisdiction of the Board; and~~
- ~~(c) the applicant's NCARB Council Record documents the following:~~
 - ~~(i) 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~~
 - ~~(ii) completion of the IDP Training Requirements, or satisfactory completion of the Canadian Intern Program; and~~
- (a) (d) Interns shall record IDP training units only when actively enrolled in and participating in IDP. Interns will be given four (4) months to establish an NCARB Council Record after commencement of internship work. Employment Verification Forms/Training Unit Reports must be submitted to the Board at intervals not to exceed ~~420~~ 180 calendar days. Training Unit Reports cannot contain training units earned beyond the ~~four six~~ months immediately preceding the date the report is signed by the intern, and shall be submitted within ~~fifteen (15)~~ thirty (30) working days after having been signed by the intern. Training Unit Reports shall be filed with the Board in the manner recommended by NCARB. No retroactive documentation of work experience by resident interns is permitted, except in the case of post third year students enrolled in a co-op program in an accredited school of architecture or students who are employed part-time or full-time per NCARB IDP employment requirements, who will be granted credit for work experience upon graduation and/or enrollment in IDP; and
- ~~(b) (e)~~ an applicant who has become a resident of the state of Mississippi within two years of making application for examination will be allowed to retroactively document a maximum of 235 training units, as prescribed by NCARB, of prior credit toward the completion of IDP, except in the case of post third year students enrolled in a co-op program of an accredited school of architecture, or students who are employed part-time or full-time per NCARB IDP employment requirements, who will be granted credit for work experience upon graduation and/or enrollment in IDP; and
- ~~(c) (f)~~ the Board reserves the right at any time to require that an applicant produce substantiation for all or any part of the verified record of experience that the applicant asserts has been attained. The Board may, prior to admission to the examination, require substantiation of the quality and character of the training notwithstanding the fact that the applicant has complied with the technical training requirements set forth herein; and

- (d) ~~(g)~~ all Training Unit Reports must be signed by the intern's mentor and employer (direct supervisor responsible for the daily activity of the intern) and the State IDP Coordinator, prior to submission to NCARB. The Board will mail reports that have been approved and signed by the State IDP Coordinator to NCARB; and
- (e) ~~(h)~~ applicants transferring into Mississippi after having entered the exam process in another jurisdiction shall be admitted to Mississippi for the purpose of completing the exam only if their NCARB record documents ~~completion of IDP prior to beginning examination~~ that the applicant had satisfied the exam entrance requirements provided in rule 1.01 prior to beginning examination. Otherwise, the applicant must obtain licensure in another jurisdiction recognized by the Board and then apply for reciprocal registration in Mississippi in conformance with 2.02.

1.04 Schedules

Examinations will be administered in compliance with NCARB Guidelines to approved candidates only.

~~The NCARB Data Center will send candidate's~~ 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 candidate eligibility notification form from the Board.

CHAPTER III - GENERAL RULES

3.02.16

In circumstances where a Mississippi registered architect can no longer provide services on a project due to death, retirement, incapacity, or disability, 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 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.

CHAPTER IV - PROFESSIONAL CODE OF CONDUCT

4.05.12 In a Design/Build arrangement:

- (a) It shall be deemed unprofessional conduct for an architect, through employment by building contractors, or by another not holding a license to practice architecture issued by the Board, to enable the employer to offer or perform architectural services, except as provided in 3.02.6.
- (b) In design/build arrangements, the architect shall not be an employee of a person not licensed to practice architecture or engineering in Mississippi. The architect shall not be an employee of a licensed contractor or a person not licensed to practice architecture or engineering in Mississippi and must have a separate contract for architectural services either with the contractor or with the owner.
- (c) It shall be deemed unprofessional conduct for an architect to furnish limited services in such a manner as to enable owners, draftsmen, or others to evade the public health and safety requirements of the Mississippi Code.
- (d) When building plans are begun or contracted for by persons not properly licensed and qualified, it shall be deemed unprofessional conduct for an architect to take over, review, revise, or sign or seal such drawings or revisions thereof for such persons, or do any act to enable either such persons or the project owners, directly or indirectly, to evade the requirements of the Mississippi Code and/or the Rules and Regulations of the Board.

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 minimum disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees, applicants, interns, and exam candidates for violation of the above mentioned statutes and rules. The maximum penalty for any violation is a public reprimand, revocation, and a \$5,000 fine per violation.

- (a) Failure to stamp plans (4.05.5; 3.02.4)
Minimum Penalty-Letter of reprimand and ~~\$250.00~~ \$500 fine
- (b) Failure to sign over stamp (73-1-35; 3.02.4; 4.05.7)
Minimum Penalty-Same as (a) above
- (c) Providing work not competent to perform (4.01.1; 4.01.3)
Minimum Penalty-Reprimand and ~~\$1,000~~ \$2,500 fine
- (d) "Plan Stamping" (73-1-35; 3.02.4; 4.05.2; 4.05.5; 4.05.9)
Minimum Penalty-~~Same as (c) above~~ Suspension and \$2,500 fine
- (e) Attempting to procure a license by providing false, deceptive or misleading information (73-1-13diii; 73-1-29b; 4.04.5)
Minimum Penalty-Revocation and ~~\$1,000~~ \$2,500 fine if licensed (denial of license if application in process)
- (f) Licensee disciplined by another jurisdiction (4.03.1; 4.03.4)
Minimum Penalty-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 (73-1-29g; 4.03.1)
Minimum Penalty-Misdemeanor: reprimand and ~~\$1,000~~ \$2,500 fine
Minimum Penalty-Felony: One (1) year suspension ~~two (2), one (1)~~ years probation and ~~\$1,000~~ \$2,500 fine
- (h) Practice on suspended license resulting from disciplinary action by Board (73-1-29e)
Minimum Penalty-Revocation and ~~\$1,000~~ \$5,000 fine
- (i) Practice on inactive license (73-1-27; 73-1-29e; 2.03)
Minimum Penalty-Fine based on length of time in practice while inactive; ~~\$100/~~ \$1,000 per month ~~or \$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 (73-1-27; 73-1-29e; 2.03)
Minimum Penalty-Fine based on length of time in practice while revoked; ~~\$100/~~ \$1,000 per month ~~or \$5,000 maximum~~
- (k) Fraudulent, false, deceptive or misleading advertising (73-1-1; 3.02.2; 3.02.3; 3.02.8; 3.02.10)
Minimum Penalty-Cease and desist letter and public reprimand
- (l) Negligence (73-1-29c; 4.01.1; 4.01.3)
Minimum Penalty-Reprimand, ~~two (2)~~ one (1) years probation and ~~\$1,000~~ \$2,500 fine
~~Max-Revocation and \$5,000 fine~~
- (m) Fraud or Deceit (73-1-29h; 4.05.4)
Minimum Penalty-Reprimand, one (1) year suspension, ~~two (2)~~ one (1) years probation and ~~\$1,000~~ \$2,500 fine
~~Max \$5,000 fine and revocation and/or refer to Attorney General for criminal prosecution~~
- (n) Incompetence (mental or physical impairment) (4.01.4)
Minimum Penalty-Suspension until ability to practice proved, followed by probation
- (o) Bribery to obtain clients or commissions (4.03.3; 4.05.3)
Minimum Penalty-Revocation and ~~\$1,000~~ \$5,000 fine
- (p) Undisclosed conflict of interest (73-1-29i; 4.02.1)
Minimum Penalty-Reprimand, ~~\$1,000~~ \$2,500 fine and ~~two (2)~~ one (1) years probation
~~Max-Revocation and \$5,000 fine~~
- (q) Aiding unlicensed practice (3.02.6(c); 4.03.2; 4.04.7; 4.04.8)
Minimum Penalty-Reprimand and ~~\$1,000~~ Probation and \$2,500 fine
- (r) Practicing architecture without a license (73-1-1; 73-1-13(d)(v); 73-1-29(a); 2.02)
Minimum Penalty-Reprimand and ~~\$1,000~~ \$2,500 fine (denial of license if application in process)
~~Max \$5,000 fine and denial of license if application in process~~
- (s) Practicing architecture through a business corporation or through a business entity that is not provided on the architect's record with the Board (73-1-19; 3.02.11)
Minimum Penalty-\$2,500 fine and test on Board laws and rules
- (t) Violating the provisions of the construction administration rule (3.02.15)
Minimum Penalty-\$1,500 fine

The above range of penalties ~~are~~ is a guidelines only and ~~are~~ is not meant to address every disciplinary circumstance that might occur. The Board shall be able to add to or 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 maximum penalty for any violation is a public reprimand, revocation, and a \$5,000 fine per violation. The Board shall have the right to collect any legal, investigative, and/or administrative charges incurred by the Board during the course of the investigation. ~~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.