MISSISSIPPI STATE BOARD OF ARCHITECTURE
RULE REVISIONS

To become effective November 15, 2009

1.02
The Intern Development Program is the training 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 235 training units, among other provisions outlined in rule 1.01. Students may enroll in IDP after satisfactory completion of the third year of a NAAB program, or in accordance with NCARB IDP Guidelines. In order to submit an application for registration by examination, applicants must complete all requirements of IDP.

2.01
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 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 No application for registration may be withdrawn except upon the express written consent of the Board which consent shall be in the sole and exclusive discretion of the Board. In no event shall an application be allowed to be withdrawn if the Board has determined or has reasonable cause to believe that an applicant has violated any of the provisions of Miss.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
An individual requesting reciprocal registration shall submit an application for Mississippi registration to the Board, and shall take and pass a state specific jurisprudence examination.

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 denial of the application.

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) 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 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.

2.03

Certificates of registration shall be renewed on or before 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 in 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 $500.00 until July 1, 2011, or $550.00 on and after July 1, 2011; 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.

(c) Certification that the applicant has acquired twenty-four (24) units of health, safety, welfare continuing education credit within a two (2) year period immediately prior to the application for reinstatement. Continuing education hours must be in accordance with the provisions set forth in these rules and regulations and reported in a format acceptable to the Board.

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.

2.04

Fees are non-refundable except in the case of an error resulting in an incorrect charge or duplicate charges.

RESIDENTS		Effective from and after July 1, 2011
Application/Registration Fee	$200.00	$250.00
Reinstatement Fee	$500.00	$550.00
Biennial Renewal Fee	$200.00	$250.00
NON-RESIDENTS		
Application/Registration Fee	$350.00	$400.00
Reinstatement Fee	$500.00	$550.00
Biennial Renewal Fee	$250.00	$300.00
OTHER FEES		
Exam Administration	$60.00	
Electronic File of Roster	$50.00	
Printed Copy of Roster	$50.00	
Duplicate Certificate	$25.00	
Non-Sufficient Funds Check	$50.00	
File Transfer Fee	$25.00	
Photo Copies (per single sided page)	$.25	
Laser Printed Pages (per single page)	$.25	

3.02.4
For the purpose of properly identifying drawings, specifications, and contract documents, each architect shall obtain a 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 or electronic signature of the architect and date of execution shall appear over the stamp on all documents prepared by the architect or under the architect's responsible control for use in the State of Mississippi.

3.02.7
In a design/build undertaking where the general contracting firm is owned by the architect of record, the general contracting firm and the architectural firm must be two distinct and separate entities and there must be separate contracts for both the construction and architectural services.

Rules 3.02.7-3.02.16 will re-numbered.

3.02.9
Architects shall seek employment as follows:

In regard to public projects, requirements for seeking professional employment on public projects are governed by a qualifications based selection procedure as defined by various public procurement statutes. Public entities must publicly announce requirements for architectural services, and procure these services on the basis of demonstrated competence and qualifications, and negotiate contracts at fair and reasonable prices after the most qualified firm has been selected.

In regard to private projects, architects are encouraged to seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. This procedure restricts the architect from submitting a price for services until the prospective client has selected, on the basis of qualifications and competence, one architect or firm for negotiations. However, competitive price proposals may be submitted or solicited for professional services ~~if~~ when all of the following guidelines are met:

(a) The prospective client has first sought statements of qualifications from interested licensees; and
(b) those licensees chosen by the client on the basis of qualifications and competence for proper accomplishment of the work have received in writing a comprehensive and specific Scope of Work; and
(c) assurances have been given by the prospective client that factors in addition to price will be considered in selecting the architect.

3.02.15

In regard to construction administration, if, under Mississippi law, an architect must prepare, or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, then construction administration for the project shall be conducted by an architect, or by a person working under the responsible control of an architect. Construction administration as defined herein constitutes the practice of architecture as defined by the Board.

For purposes of this rule, "construction administration" means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including, but not necessarily limited to, the following services:

(a) Visiting the construction site at intervals appropriate to the contractor's operations to determine that the work is proceeding generally in accordance with the technical submissions submitted to the owner and/or the building official at the time the building permit was issued; and
(b) Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
(c) Notifying an owner and any building official of any code violations; changes which affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code; major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions which the architect identifies as constituting a hazard to the public, which the architect observes in the course of performing the architect's duties.

On a project where the architect of record has not been engaged, or is no longer engaged, to perform construction administration services, as defined above, the architect of record shall report in writing that the architect has not been engaged or is no longer engaged to perform construction administration services, to the following parties:

(a) the building official; and
(b) the owner; and
(c) the client.