CLEAN
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Part 201: Mississippi State Board of Architecture

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Rule 1.1 Applications.
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).

Source: *Miss. Code Ann.* §§73-1-13 & 17

Rule 1.2 Intern Development Program.
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 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.

Source: *Miss. Code Ann. §73-1-13(b)*

Rule 1.3 Format.
Through a test vendor, the Board will administer the ARE as prepared by NCARB to all candidates who have been approved by the Board in accordance with the training and education requirements pertaining to registration by examination. This examination will be administered in compliance with those methods and procedures recommended by NCARB and adopted by the Board.

Source: *Miss. Code Ann. §73-1-17*

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 candidate eligibility notification form from the Board.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.5 Reporting.
Approved candidates shall appear personally for exams at the designated date, time and place, as specified by the test vendor.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.6 Grading.
The ARE shall be graded in accordance with the methods and procedures recommended by NCARB. In order for an exam candidate to achieve registration, all sections of the examination must be passed within the prescribed timeframe and with the minimum score specified by NCARB.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.7 Conditions.
The test vendor will monitor the computer sections of the ARE in strict compliance with the procedures approved by NCARB.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.8 Re-Examination.
A candidate is allowed unlimited retakes of the ARE.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.9 Score Reporting and Reviews.
Once the scores are released, the candidate shall receive an official Score Report from NCARB or the test vendor. A score of PASS must be achieved by exam candidates on all divisions of the ARE in order for that candidate to be considered for initial registration.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.10 Fees.
Each examination candidate shall pay a $60.00 one-time application fee to the Board. The examination fees for each division of the ARE will be paid to NCARB or the test vendor.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.11 Disabled Examinees.
Requests for modifications to the examination administration to accommodate physical or other disabilities must be made in writing to the Board. Such a request must be accompanied by a physician's report and/or a report by a diagnostic specialist, along with supporting data, confirming to the Board's satisfaction, the nature and extent of the disability. After receipt of the request from the applicant, the Board may require that the applicant supply further information

and/or that the applicant appear personally before the Board. It shall be the responsibility of the applicant to timely supply all further information as the Board may require. The Board shall determine what, if any, modifications will be made.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.12 Exam Candidates in Jurisdiction of the Board.
Exam candidates, as applicants before the Board, are subject to the jurisdiction of the Board.

Source: *Miss. Code Ann. §73-1-17*

Part 201 Chapter 2: Registration Requirements.

Rule 2.1 Registration by Examination.
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. 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.

Source: *Miss. Code Ann. §73-1-13*

*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.

2.2.2
By submitting an application for reciprocal licensure, an individual is submitting to the jurisdiction of the Board.

2.2.3
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.

2.2.5

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.

2.2.6

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.

Source: *Miss. Code Ann. §73-1-21*

Rule 2.3 Renewals.
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 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 $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 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. <u>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.</u>

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.

Source: Miss. Code Ann. §73-1-27

Rule 2.4 Fee Schedule.
Fees are non-refundable except in the case of an error resulting in an incorrect charge or duplicate charges.

RESIDENTS	
Application/Registration	$250.00
Reinstatement Fee	$550.00
Biennial Renewal Fee	$250.00
NON-RESIDENTS	
Application/Registration	$400.00
Reinstatement Fee	$550.00
Biennial Renewal Fee	$300.00
OTHER FEES	
Exam Administration	$60.00
Electronic Download 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

Source: *Miss. Code Ann. §§73-1-13, 17 & 27*

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

Source: *Miss. Code Ann. §73-1-13*

Rule 2.6 Intern Architect Status.
Individuals who possess a NAAB accredited professional degree in architecture, are actively enrolled with NCARB in IDP, and are working under the direct supervision of a registered architect may use the title "Intern Architect," but only in conjunction with the architectural firm for which the individual is employed as an intern.

Source: *Miss. Code Ann. §73-1-19*

Rule 2.7 Restrictions on Solicitation of Work Prior to Licensure.
A. An individual not licensed in Mississippi or an individual on inactive status with the Board who is seeking an architectural commission in Mississippi may offer or propose architectural services only if all of the following conditions are met:

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. prior to engaging in any activity that could result in an architectural commission, the applicant must notify the Board in writing that:
    a. the individual holds an NCARB Certificate and is not currently registered or active in the state, but will be offering or proposing architectural services in the state; and
    b. the individual will deliver a copy of the notice referred to in (3) to every potential client to whom the applicant offers or proposes to render architectural services; and
    c. the individual shall apply for a Mississippi license, license renewal or license reinstatement within 10 working days of notification to the Board; and
    d. the individual consents to the jurisdiction of the Board.

Only through this process may an individual perform the above architectural services prior to licensure. The individual shall be prohibited from rendering additional architectural services beyond the offer or proposal until the individual has an active license.

B. An individual seeking an architectural commission by participating in an architectural design competition for a project in Mississippi may enter 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 holds an NCARB Certificate; and
3. prior to participating in any architectural competition the individual must notify the Board in writing that:
    a. the individual is participating in the competition; and
    b. the individual holds an NCARB Certificate; and
    c. the individual shall apply for a Mississippi license within 10 working days of notification to the Board; and
    d. the individual shall not submit the competition entry until the individual has been duly licensed by the Board.

Source: *Miss. Code Ann. §§73-1-13 & 21*

Rule 2.8 Licensure on Federal Projects.
The term "employee of the United States" as contained in *Miss. Code Ann.* §73-1-39 (a) means a federal employee as defined in *5 United States Code Service (U.S.C.S.) Section 2101*.
Otherwise, an individual engaged to provide architectural services on a federal project or on

federal lands in Mississippi must be licensed in Mississippi in order to provide such services, unless otherwise exempted per *Miss. Code Ann.* §73-1-39.

Source: *Miss. Code Ann. §§73-1-1 & 39(a); and Federal Acquisition Regulations, Subpart 36-6; FAR 36-601-4*

Rule 2.9 Licensure of Military Trained Architects and Spouses of Members of the Military
2.9.1
A. Notwithstanding any other provision of law or the Rules and Regulations of the Board, the Board shall issue a license to a military-trained applicant who is a resident of Mississippi to allow the applicant to lawfully practice architecture in Mississippi if, upon application to the Board, the applicant satisfies the following conditions:

1. Has been awarded a military occupational specialty in architecture and has done all of the following at a level that is substantially equivalent to or exceeding the requirements for licensure as set forth in 73-1-21 and Rule 2.2:
    a. Completed a military program of training substantially equivalent to or exceeding a NAAB accredited architecture program; and
    b. Completed training substantially equivalent to or exceeding the IDP; and
    c. Completed testing substantially equivalent to or exceeding the ARE; and
    d. Has been engaged in the active practice of architecture for at least two (2) of the five (5) years preceding the date of the application; and
    e. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice architecture that occupation in this state at the time the act was committed, including those acts set forth in 73-1-13; and
    f. Pays the fees required for licensure.

B. To demonstrate the above requirements, the applicant shall furnish to the board:

1. Official NCARB Certificate and Record or official military documents describing the content and nature of the military training program in architecture and evidence of the applicant completing and passing such program; and
2. Official NCARB Certificate and Record or official military documents describing the military service requirements which must be met to be awarded a military occupational specialty in architecture sufficient for the board to assess the equivalence of such requirements to the licensure requirements of Mississippi; and
3. A sworn statement or statements by superior officers of the applicant attesting that the applicant has satisfactorily engaged in the active practice of architecture in the military; and
4. Official military or other documents demonstrating that the applicant has not been disciplined by any military branch or any jurisdiction for any act that would have constituted grounds for refusal, suspension, or revocation of a license to practice architecture in Mississippi; and
5. Official military documents showing that the applicant received an honorable discharge from the military; and
6. Other documentation which may be requested by the Board.

2.9.2

A. Notwithstanding any other provision of law, the Board shall issue a license to a military spouse applicant who is a resident of Mississippi to allow the military spouse to lawfully practice architecture in Mississippi if, upon application, the military spouse satisfies the following conditions:

1. Holds a current license from another jurisdiction recognized by the Board provided that the jurisdiction's requirements for licensure, certification or registration are substantially equivalent to or exceed the requirements for licensure in this state including;
    a. A degree from a NAAB accredited architecture program, or education substantially equivalent to or exceeding a NAAB accredited degree; and
    b. Professional examination substantially equivalent to or exceeding the ARE; and
    c. Work experience and training substantially equivalent to or exceeding the IDP; and
2. Can demonstrate competency in the practice of architecture through:
    a. Holding a current NCARB Certificate; or
    b. A record of education, experience and examination acceptable to the Board which must be equivalent to or exceeding the requirements of 73-1-13, and which must be provided by the licensure board or governing authority in the jurisdiction in which the applicant is licensed; and
3. Experience as a licensed architect for at least two (2) of the five (5) years preceding the date of the application under this section; and
4. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice architecture in this state at the time the act was committed, including those acts set forth in 73-1-13; and
5. Is in good standing in the jurisdiction(s) of licensure and has not been disciplined by the agency that had jurisdiction to issue the license; and
6. Pays the fees required for licensure.

B. To demonstrate the above requirements, the applicant shall furnish to the board:

7. Proof that the applicant is a military spouse; and
8. Official NCARB Certificate and Record, or an official educational transcript from the jurisdiction of licensure describing the content and nature of the applicant’s education, which must verify either a NAAB accredited degree or education substantially equivalent to or exceeding a NAAB accredited degree; and
9. Official NCARB Certificate and Record or an official record from the jurisdiction of licensure describing the applicant’s completion of IDP or verification of experience and training equivalent to or exceeding the IDP; and
10. Official NCARB Certificate and Record or an official record from the jurisdiction of licensure describing passage of the ARE or an equivalent professional examination; and
11. Official NCARB Certificate and Record, or an official record from the jurisdiction of licensure, or sworn statements attesting that the applicant has satisfactorily engaged in the active practice of architecture for two (2) of the five (5) years preceding the date of the application; and
12. Other documentation which may be requested by the Board.

Source: *Miss. Code Ann. §*73-1-21

Part 201 Chapter 3: General Rules

Rule 3.1 Records of the Board.
All records of the Board which deal with applications, examinations, ongoing investigations, personnel files and NCARB Certificates shall be kept confidential in view of the sensitive nature of the material contained herein.

Public records shall be made available, pursuant to the Mississippi Public Records Act, by written request with the Board responding to requests within fourteen (14) working days. Appropriate administrative costs in relation to the processing of such requests will apply and will be due from the requesting party prior to delivery of any public records.

Source: *Miss. Code Ann. §*25-61-1

Rule 3.2 Practice Procedures.
3.2.1 An architect can practice as a sole proprietor, or through a partnership, a professional corporation or a professional association pursuant to *Miss. Code Ann.* 79-10-1, et seq., as amended, or through a professional limited liability company pursuant to *Miss. Code Ann.* 79-29-901, et seq., as amended, subject to the following conditions:

A. As to a partnership, at least one active partner must hold a certificate to practice architecture in Mississippi and each active partner shall hold a certificate to practice architecture or engineering in that partner's state of residence.
B. As to a professional corporation (PC) or a professional association (PA), each must meet the following conditions:
    1. At least one active stockholder must hold a certificate to practice architecture in Mississippi; and
    2. each stockholder, director and officer shall hold a certificate to practice architecture or engineering in that person's state of residence; and
    3. no person shall be entitled to be a stockholder, officer or director of a PC or a PA offering architectural services in this state other than licensed architects and engineers.
C. As to a professional limited liability corporation (PLLC), each must meet the following conditions:
    1. At least one owner of a membership interest in the PLLC shall hold a certificate to practice architecture in Mississippi; and
    2. each owner of a membership interest and any managers of the PLLC shall hold a certificate to practice architecture or engineering in that person's state of residence; and
    3. no person shall be entitled to hold a membership interest in or be a manager of PLLC offering architectural services in this state other than licensed architects and engineers.

It is a specific purpose of this rule to restrict or condition the issuance of shares of a professional

corporation and the issuance of membership interests in a professional limited liability company which is to advertise or otherwise hold itself out to be an architect or to be authorized to practice architecture to only licensed architects or engineers.

3.2.2 All stationery, printed matter, title blocks, and listings of an architectural firm or business, including a sole proprietorship, shall contain the name of at least one (1) person who is registered as an architect in this state, and any firm or business name listed on such documents shall be the firm or business name(s) provided in conjunction with the architect's registration with the Board. No person shall be named on any card, stationery, title block, printed matter or listing of such a firm (partnership, professional corporation, professional association, or professional limited liability company) used in this state unless there is designated thereon whether or not such person is licensed in this state. Employees of a firm that are not registered as an architect or engineer in any jurisdiction are allowed to use business cards for that firm, provided that the job title of the individual is clearly stated and said title does not lead the public to believe the employee is a licensed architect in this state.

3.2.3 Registered architects are allowed to practice under or through a firm or business entity in compliance with Section 73-1-19 and all applicable rules. Allowable firm or business names are names which:

A. Contain the name of at least one individual who holds an active Mississippi license; or
B. contain no person's name, provided however, that the name of at least one individual licensed in Mississippi is disclosed on any announcement, stationery, printed matter, contract, title block or listing; or
C. contain the name or names of individuals who were once licensed architects (in any jurisdiction) but are now retired or deceased, provided however, that the name of at least one person licensed in Mississippi is disclosed on any announcement, stationery, printed matter, contract, title block or listing.

Firm and business names are considered improper if they contain the name or names of individuals actively licensed in another jurisdiction if none of the individuals named in the firm name are actively licensed in Mississippi.

EXAMPLES (Provided as guidelines only. This is not an exhaustive or complete listing of scenarios.):

ALLOWED	**NOT ALLOWED**
Smith and Jones Architecture (provided Smith and/or Jones are licensed architects and one or both is licensed as an architect in Mississippi)	Smith and Jones Architecture (when Smith and/or Jones are actively licensed in another jurisdiction, but neither is licensed in Mississippi)
Williams and James Architecture John Doe, Architect (only if both Williams and James are retired or deceased)	Williams and James Architecture (where Williams and/or James are actively licensed in another jurisdiction, but neither is licensed in Mississippi)
Architecture Unlimited John Doe, Architect	Architecture Unlimited (when the name of the architect licensed in Mississippi is not also provided)
Doe and Smith, Architects and Engineers John Doe, Architect (when Doe is licensed as an architect in Mississippi and there are multiple architects in the firm)	Doe and Smith, Architects and Engineers (the Mississippi architect must be identified)
ABC Architects and Engineers John Doe, Architect (when Doe is licensed as an architect in Mississippi and there are multiple architects in the firm)	ABC Architects and Engineers (when the name of the architect license in Mississippi is not also provided)

3.2.4 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.

3.2.5 "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, re-draws and issues the documents with the architect's title block and Mississippi seal (or the seals of engineering consultants as applicable), maintaining responsible control, as defined in rule 4.5.2, over the use of the final adapted documents as if they were the architect's original design, assuming full responsibility as the architect of record.

3.2.6 A licensed architect can combine with a duly licensed general contractor or a professional engineer in order to participate in a "Design/Build" undertaking whereby the architect prepares plans and specifications through individual or collective agreements with the owner or contractor in order to meet the owner's requirements for unified control in the design and construction services rendered under the following conditions:

A. That nothing herein shall be construed so as to allow the offering or other performance of any architectural services by anyone who is not duly licensed as an architect in this state; and
B. that full disclosure is made in writing to the owner as to the duties and responsibilities of each of the participating parties in such agreements; and
C. the architect shall not furnish any services in such a manner as to enable a contractor, owner or others to perform architectural services or to evade the public health and safety requirements; and
D. 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 the owner; and
E. the architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect as defined in 4.5.2; and
F. nothing in this rule shall prevent the administration of construction contracts by a licensed contractor or architect.

3.2.7 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.

3.2.8 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; 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 architect licensed in Mississippi; 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.

3.2.9 All architects holding ownership or supervisory positions in an architectural firm or other entity through which architectural services are offered or rendered shall be responsible for the conduct of all non-registered employees (and non-registered associates and contracted persons) under the control of the firm regarding acts, representations and services of the non-registrants, related to the practice of architecture and while acting for, or on behalf of, the firm, if said conduct constitutes a violation of Section 73-1-1 or the Professional Code of Conduct. Such individuals shall maintain responsible control of all representations made by, or in reference to, unlicensed individuals employed by the firm in order to ensure that the unlicensed individuals are not presented in a manner that may lead the public to assume they are licensed.

Commentary - It is common practice for architects to provide professional services in the setting of a firm consisting of other architects, other design professionals, and non-registered individuals such as draftspersons, marketers, clerical staff, construction administrators, interns and others. It is recognized that many such non-registered individuals perform many acts and services for the firm that constitute or support the practice of architecture, such as marketing, design, detailing, specification writing, client contact, and contract administration. In the interest of protecting the health, safety and welfare of the public, it is incumbent upon the registered professionals to maintain responsible control of the firm and its staff persons regarding their acts, duties and work product relating to the practice of architecture as defined by this act. The Board has long held that "responsible control" (previously "direct supervision") of the preparation of drawings and specifications was required in order for the architect to place the architect's seal. This rule clarifies that "responsible control" of other activities of the practice is required as well, such as firm marketing and representation of qualifications, pre-design activities, etc. The architect is not expected to be responsible for conduct or acts committed by non-registrants under the architect's employ or control when said conduct is related to activities or services performed outside of the firm (e.g. "moonlighting" by a draftsperson).

3.2.10 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 such as *Miss. Code Ann.* §31-7-13.2. 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.

3.2.11 No person may use the title "architect" or any form thereof without having have secured a license from the Board. In architectural practice, the person or persons licensed as architect(s) in Mississippi shall maintain responsible control of all work performed in Mississippi. This shall include, but is not limited to, signing contracts, sealing documents, and all services as described in Section 73-1-3.

3.2.12 No professional corporation, professional association, professional limited liability company, nor any partnership shall be entitled to a license to practice architecture in this state. Licensure is issued to individuals only. In conjunction with Mississippi licensure and renewal of licensure, an individual must provide information as to any and all business entities through which the architect may be practicing architecture in Mississippi.

3.2.13 No architect shall practice through a firm if the name of the firm is misleading as to the number of registrants or the licensure status of those individuals named in the firm. For example, a firm with one person licensed as an architect cannot use a name which includes the word "Architects". For purposes of determining plurality and the use of the word architects in a firm name, one should consider the number of individuals licensed as architects in Mississippi or in jurisdictions recognized by the Board.

EXAMPLES (Provided as guidelines only. This is not an exhaustive or complete listing of scenarios.):

Not Allowed:	**Allowed:**
John Doe Architects This is an improper firm name in a case where John Doe is the only individual in the firm licensed as an architect.	Smith, Jones and Doe, Architect and Engineers John Doe, Architect This is a proper name in a case where Doe is the only individual in the firm licensed as an architect. ABC Architects John Doe, Architect This is a proper use of a trade name if there are at least two (2) individuals in the firm who are licensed as architects, and if the name of at least one architect licensed in Mississippi is disclosed in conformance with 3.2.3.

3.2.14 In Mississippi, a "Registered Design Professional" is defined as an architect, an engineer, or a landscape architect who is registered or licensed to practice in the State of Mississippi, provided that the individual is practicing in compliance with that individual's registration laws.

3.2.15 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.

3.2.16 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.

A. 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:

1. 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
2. Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
3. 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.

B. 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:

1. the building official; and
2. the owner; and
3. the client; and
4. the contractor.

3.2.17 In circumstances where a Mississippi registered architect 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.

3.2.18

In the case where an architect is awarded the design contract for a public or private project which

will be competitively bid, neither the architect, nor any entity owned in whole or part by the architect, may bid for the construction of the project.

Commentary: The Board is of the opinion that such a situation creates a conflict of interest for the architect in that the architect is the designer and the contractor for the project, thus removing the checks and balances which assure that the project is constructed in accordance with the plans and specifications.

Sources: *Miss. Code Ann.§§73-1-1, 3, 13, 19, 29, & 35; 73-2-3.*

Rule 3.3 Filing of Complaints.
Any person may file a complaint against a registered architect, charging a violation of the Architect Registration law. Such complaints shall be filed with the Board and the Board shall proceed in accordance with Section 73-1-29. Contact the Board office for a copy of the complaint and disciplinary procedures.

Source: *Miss. Code Ann.§73-1-29(2)*

Rule 3.4 Seal of Registrant.
Upon official notification of registration, the architect shall secure an official seal or rubber stamp for use in this state. Seals are to be circular in form and 1 ½ inches in diameter. A copy of the design is shown below, and shall contain the following information: Name, registration number, and the words "Registered Architect State of Mississippi".

Example:

A sample of the seal impression or rubber stamp imprint shall be furnished to the Board within 60 days of the date shown on the Official Notice of Registration letter. The architect's license shall not be considered active, thus practice will not be allowable, until the Board or its designee has received and approved the architect's seal. Failure to provide proof of seal shall result in disciplinary action by the Board.

Architects may continue to use seals obtained prior to the adoption of this rule, which are in conformance with prior Board rules. All seals obtained subsequent to the adoption of this rule shall strictly conform to the requirements herein set forth.

It is the responsibility of the registrant to comply with the requirements for use of the seal.

Source: *Miss. Code Ann.§73-1-35*

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.

3.5.2 The public may obtain a description of the Board's and its committees' organization and their general course and method of operation from the Rules and Regulations of the Board/Committee currently on file with the Secretary of State and by reviewing Sections 73-1-1 and 73-2-1 which may be accessed on the Board's website as provided in 3.5.1.

3.5.3 The Board's/Committee's Rules and Regulations may also be viewed at the Board's website as provided in 3.5.1.

3.5.4 The public may request public information available through the Mississippi Open Records Act by contacting the Board at their regular business address as provided in 3.5.1.

Source: *Miss. Code Ann.§73-1-9*

Rule 3.6 Board and Committee Proceedings.

3.6.1 All information as to the rules of practice concerning all formal and informal proceedings is available by reviewing the rules and regulations of the Board currently on file with the Secretary of State. Further information may be obtained by viewing the Board website as provided in 3.5.1 us or by reviewing Sections 73-1-1 and 73-2-1 which may be accessed on the Board's website as provided in 3.5.1.

3.6.2 The Board and its committees meet at times and dates specified at the Board's office, the address of which is provided in 3.5.1. The schedule is available on the Board's website as provided in 3.5.1. Other meetings which may be called by the Board or its committees will be posted at the Board office.

Source: *Miss. Code Ann.§73-1-9*

Rule 3.7 Declaratory Opinions.

3.7.1 Any person with a substantial interest in the subject matter may petition the Board or any committees assigned thereto for a declaratory opinion by following the specified procedures.

3.7.2 The Board/Committee will issue declaratory opinions regarding the applicability to specified facts of:

A. A statute administered or enforceable by the Board/Committee; or
B. a rule promulgated by the Board/Committee; or
C. an order issued by the Board/Committee.

3.7.3 The Board/Committee will not issue a declaratory opinion regarding a statute, rule or order which is beyond the primary jurisdiction of the Board. "Primary jurisdiction to of the Board/Committee" means any one or all of the following:

A. The Board/Committee has a constitutional grant of authority in the subject matter.
B. The Board/Committee has a statutory grant of authority in the subject matter.
C. The Board/Committee has issued specific regulations impacting on the subject matter.
D. The Board/Committee has issued a specific order or orders impacting on the subject matter.

3.7.4 Declaratory opinions will be issued by the Board/Committee and prepared by the Executive Director.

3.7.5 The Board/Committee may, for good cause, refuse to issue a declaratory opinion. Without limiting the generality of the foregoing, the circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. The matter is outside the jurisdiction of the Board/Committee; or
B. there is a lack of clarity concerning the question presented; or
C. there is pending or anticipated litigation, administrative action, or other adjudication; or
D. the statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request; or
E. the facts presented in the request are not sufficient to answer the question presented; or
F. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules; or
G. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statue or order on which a declaratory opinion is sought; or
H. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute, rule, or order; or
I. the question presented by the request concerns the legal or constitutional validity of a statute, rule or order; or
J. the requestor has not suffered an injury or threatened injury fairly traceable to the application of the statute, rule or order; or
K. no clear answer is determinable; or
L. the question presented by the request involves the application of a criminal statute or sets of facts which may constitute a crime; or
M. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure; or
N. the question is currently the subject of an Attorney General's opinion request; or
O. the question has been answered by an Attorney General's opinion; or
P. the request is not made in good faith; or
Q. the request is harassing in nature or for any other unlawful purposes; or
R. a similar request is pending before this Board/Committee or any other agency or a

proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law; or

S. the opinion, if issued, may adversely affect the interests of the State, the Board/Committee, or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

3.7.6 A declaratory opinion shall not be binding or effective for any third party or person other than the Board/Committee and the person to whom the opinion is issued and shall not be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

3.7.7 Where a request for a declaratory opinion involves a question of law, the Board/Committee may refer to the matter to the State Attorney General.

3.7.8 Written requests are required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board/Committee or in the form of a pleading as might be addressed to a court. Oral and telephone requests are unacceptable.

3.7.9 All requests must be mailed or delivered to the Board/Committee, at its physical address as provided in 3.5.1. The request and its envelope shall clearly state that it is a request for a declaratory opinion. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request. The signing party shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative or judicial tribunal. A request must be limited to a single transaction or occurrence. Each request shall contain the following:

A. A clear identification of the statute, rule, or order at issue; and
B. a concise statement of the issue or question presented for the declaratory opinion; and
C. a full, complete, and accurate statement of all facts relevant to a resolution of the question presented; and
D. the identify of all other known persons involved in or impacted by the factual situation causing the request including their relationship to the facts, name, mailing address and telephone number; and
E. a statement sufficient to show that the person seeking relief is substantially affected by the rule; and
F. the terms of the proposed opinion suggested by the requestor may be submitted with the request or may be requested by the agency; and
G. a request may contain an argument by the requestor in support terms of the proposed opinion suggested by the requestor. The argument may be submitted in the form of a memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position of the requestor. The agency may request that argument and memorandum of authorities be submitted by any interested party.

3.7.10 Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board/Committee shall, in writing:

A. Issue an opinion declaring the applicability of the specified statute, rule, or order to the specified circumstances; or
B. decline to issue a declaratory opinion, stating the reasons for its action; or
C. agree to issue a declaratory opinion or a written statement declining to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or
D. The forty-five (45) day period shall begin running on the first State of Mississippi business day that the request is received in the Board/Committee.

3.7.11 The procedure which shall be followed after a request for a declaratory opinion is received is as follows:

A. The Board/Committee may give notice to any person that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from persons other than the requestor; and
B. the requestor, or the requestor's attorney, shall append to the request for a declaratory opinion a listing of all persons, with addresses, known to the requestor who may have an interest in the declaratory opinion sought to be issued, and shall mail a copy of the request to all such persons. The requestor or the requestor's attorney shall certify that a copy of the request was mailed to all such persons together with this statement: "Should you wish to participate in the proceedings of this request, or receive notice of such proceedings or the declaratory opinion issued as a result of this request, you should contact the Board/Committee within twenty days of the date of this request."

3.7.12 If the Board/Committee in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for declaratory opinion, the Board/Committee may schedule such hearing. Notice of the hearing shall be given to all interested parties unless waived. Notice mailed by first class mail seven calendar days prior to the hearing shall be deemed appropriate. The procedure for conducting a hearing, including but not limited to the manner of presentation, the time for presentation, and whether and how evidence may be taken, shall be within the discretion of the Board/Committee. The Board/Committee shall allow the requestor to participate in any hearing. The Board/Committee may allow any other persons or entities to participate in the hearing.

3.7.13 The Board/Committee will make declaratory opinions and requests for declaratory opinions available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is exempted from disclosure under the Mississippi Public Records Act or is otherwise confidential by law shall be exempt from this requirement.

3.7.14 Once the Board/Committee has issued its declaratory opinion, the Executive Director will then review the request for validity and prepare a response per the guidelines listed in this rule. The Executive Director will then forward the request and opinion to Board's legal counsel. After the Board's legal counsel reviews the opinion, legal counsel will forward the request and opinion

to the Executive Director. The Executive Director will index the opinions by name and subject and make available for public inspection. The Executive Director will mail the opinion back to the requestor and anyone else who has asked to participate.

Source: *Miss. Code Ann.§25-43-2.105*

Rule 3.8 Requirements for Public Hearings for Rule Making (for the Board and any Committees Assigned Thereto).

3.8.1 At the time a rule is filed with Secretary of State (SOS), the Executive Director must also publish where written submissions or written requests for an opportunity to make oral presentations on the proposed rule may be inspected.

3.8.2 A public hearing is required if, during the first 20 business days of the rule notice, written request for a public hearing is received from one of the following:

A. A political subdivision; or
B. an agency; or
C. 10 persons.

3.8.3 If a public hearing is required, the Executive Director will establish the time, date and location for the public hearing. The Executive Director shall then:

A. Ensure that the public hearing is not scheduled earlier than 23 business days after filing notice of oral proceeding with SOS; and
B. file notice of the time, date, and location of the public hearing with the SOS; and
C. within three (3) days of filing notice with SOS, mail or electronically transmit a copy of the notice to those who are on the notification list (their preference); and
D. the Board/Committee can charge for mail, but not electronic transmissions.

3.8.4 Public hearings shall be held at a place and time generally convenient for persons affected by the rule.

3.8.5 Conducting Public Hearings

A. Public Hearings must be open to the public; and
B. the President/Chairman of the Board/Committee will preside at the proceeding; and
C. the Board/Committee and/or Executive Director will be responsible for answering all questions regarding the rule; and
D. the Board/Committee may issue rules for conduct of oral proceedings.

3.8.6 Public Availability of Public Hearings

A. A verbatim written transcript of the oral proceedings at each public hearing shall be produced; and
B. this material will be available for public inspection and copying.

Source: *Miss. Code Ann.§§24-41-1 et. Seq. & 25-43-3.101, et seq.*

Rule 3.9 Final Orders: Indexing, Public Inspection and Precedent.

3.9.1 The Executive Director shall maintain all written final orders that affect the public and will be responsible for making them available for public inspection and copying. The order shall be indexed by name and subject. This is subject to any confidentiality provisions established by law.

3.9.2 The written final order cannot be precedent to the detriment of any person by the Board/Committee until it has been made available for public inspection and indexed. This is inapplicable to any person who has actual timely knowledge of the order.

Source: *Miss. Code Ann.§§25-43-3.101 et seq.*

Part 201 Chapter 4: Professional Code of Conduct
(Commentaries provided by the NCARB Professional Conduct Committee)

Rule 4.1 Competence.

4.1.1 In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

Commentary - Although many of the existing rules of conduct fail to mention standards of competence, it is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the license. 4.1.1 sets forth the common law standard which has existed in this country for a hundred years or more in judging the performance of architects. While some courts have stated that an architect, like the manufacturer of goods, impliedly warrants that the architect's design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but not always right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural situation.

4.1.2 In designing a project, an architect shall take into account all applicable state and municipal 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 state and 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.

4.1.3 An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultant, are qualified by education, training, and experience in the specific technical areas involved.

Commentary - While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations on the architect's own capacity and knowledge. Where an architect lacks experience, the rule supposes that the architect will retain consultants who can appropriately supplement the architect's own capacity. If an architect undertakes to do a project where the architect lacks knowledge and where the architect does not seek supplementing consultants, the architect has violated the rule.

4.1.4 No person shall be permitted to practice architecture if, in the Board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

Commentary - Here the Board is given the opportunity to revoke or suspend a license when the Board has suitable evidence that the license holder's professional competence is impaired by physical or mental disabilities. Thus, the Board need not wait until a building fails in order to revoke the license of an architect whose addiction to alcohol, for example, makes it impossible for the architect to perform the architect's professional services with necessary care.

Source: *Miss. Code Ann.§73-1-29(1)(d)*

Rule 4.2 Conflict of Interest.

4.2.1 An architect shall not accept compensation for architectural services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by all interested parties, such disclosure and agreement to be in writing.

Commentary - This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

4.2.2 An architect shall not knowingly solicit or enter into a contract for professional services for any work which another architect 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.

4.2.3 If an architect has any business association or a direct or indirect financial interest which is substantial enough to influence the architect's judgment in connection with the architect's

performance of professional services, the architect shall fully disclose in writing to the architect's client or employer the nature of the business association for financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

Commentary - Like 4.~~0~~2.1, this rule is directed at conflicts of interests. It requires disclosure by the architect of any interest which would affect the architect's performance.

4.2.4 An architect shall not solicit or accept compensation from contractors, or material or equipment suppliers in return for specifying or endorsing their companies or products.

Commentary - This rule appears in most of the existing state standards. It is absolute and does not provide for waiver by agreement.

4.2.5 When acting as the interpreter of building contract documents and/or the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

Commentary - This rule applies only when the architect is acting as the interpreter of building contract documents and the judge of contract performance. The rule recognizes that this is not an inevitable role and there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in those two roles. In general, however, the rule governs the customary construction industry relationship where the architect, though paid by the owner and owing the owner loyalty, is nonetheless required, in fulfilling the architect's role in the typical construction industry documents, to act with impartiality.

Source: *Miss. Code Ann.§73-1-29(1)(d)*

Rule 4.3 Compliance with Laws.

4.3.1 An architect shall not, in the conduct of the architect's architectural practice, knowingly violate any state or federal criminal law.

Commentary - This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant's professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant's architectural practice. It is intended, however, that 4.~~0~~5.5 will cover reprehensible conduct on the part of the architect not embraced by 4.~~0~~3.1. At present, there are several ways in which member boards have dealt with this sort of rule. Some have disregarded the requirement that the conduct be related to professional practice and have provided for discipline whenever the architect engages in a crime involving "moral turpitude." The committee declined the use of that phrase, as its meaning is by no means clear or uniformly understood. Some member boards discipline for felony crimes and not for misdemeanor crimes. While the distinction between the two was once the distinction between serious crimes and technical crimes, that distinction has been blurred in recent years. Accordingly, the Committee specifies crimes in the course of the architect's professional practice, and, under 4.~~0~~5.4, gives to

the member board discretion to deal other reprehensible conduct. Note that the rule is concerned only with violations of state or federal criminal law. The committee specifically decided against the illusion of violations of the law of other nations. Not only is it extremely difficult for a member board to obtain suitable evidence of the interpretation of foreign laws, it is not unusual for such laws to be at odds with the laws, or, at least, the policy of the United States of America. For example, the failure to follow the dictates of the "anti-Israel boycott' laws found in most Arab jurisdictions is a crime under the laws of most of those jurisdictions; while the anti-Israel boycott is contrary to the policy of the government of the United States and following its dictates is illegal under the laws of the United States.

4.3.2 The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade federal, state and local building laws and regulations, including building permit requirements.

4.3.3 An architect shall neither offer nor make any payments or gifts of substantial value to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

Commentary - 4.3.3 tracks a typical bribe statute. It is covered by the general language of 4.3.1, but it was the Committee's view that 4.3.3 should be explicitly set out in the Rules of Conduct. Note that all of the rules under this section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the state registration board, whether or not the architect has been convicted under the state criminal procedure.

4.3.4 An architect shall comply with the registration laws and regulations governing professional practice in any United States jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other United States jurisdiction.

4.3.5 Rule 4.~~0~~3.4 shall not prevent a person who is not currently registered in this state, but who is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector, acting in official capacity. “Emergency” shall mean an earthquake, eruption, flood, storm, hurricane, or other catastrophe that has been designated as a major disaster or emergency by the President of the United States or the Governor or other duly authorized official of the State of Mississippi. Any person providing uncompensated emergency services under this provision shall notify the Board on the form provided for that purpose and shall report to the Board all services rendered at such intervals as the Board may direct. This individual shall disclose to any person, company, or other entity requesting the individual’s services, that the individual is not licensed as an architect in the state of Mississippi. All contract documents must be prepared and sealed by an architect licensed in Mississippi.

Source: *Miss. Code Ann.§73-1-29(1)(d) & g*

Rule 4.4 Full Disclosure.

4.4.1 An architect, making public statements on architectural questions, shall disclose when the architect is being compensated for making such statement.

Commentary - Architects frequently and appropriately issue statements on questions affecting the environment and the architect's community. As citizens and as members of a profession acutely concerned with environmental change, they doubtlessly have an obligation to be heard on such questions. Many architects may, however, be representing the interests of potential developers when making statements on such issues. It is consistent with the probity which the public expects from members of the architectural profession that they not be allowed under the circumstances described in the rule to disguise the fact that they are not speaking on the particular issue as an independent professional but as a professional engaged to act behalf of a client.

4.4.2 An architect shall accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.

A. It shall be the responsibility of each registered architect to clearly and appropriately state prior professional experience of the architect and/or the firm the architect is representing in presenting qualifications to prospective clients, both public and private. If an architect uses visual representations of prior projects or experience, all architects-of-record must be clearly identified. Architect-of-record means persons or entities whose seal appear on plans, specifications and/or contract documents.
B. An architect who has been an employee of another architectural practice may not claim unconditional credit for projects contracted for in the name of the previous employer. The architect shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee, the time frame in which the project was performed, and identify the previous architectural firm. The architect shall also describe the nature and extent of the architect’s participation in the project.
C. An architect who was formerly a principal in a firm may legitimately make additional claims provided the architect discloses the nature of ownership in the previous architectural firm (e.g. stockholder, director or officer) and identifies with specificity the architect’s responsibilities for that project.
D. An architect who presents a project that has received awards recognition must comply with the requirements of 4.~~0~~4.2 with regard to project presentation to the public and prospective clients.
E. Projects which remain unconstructed and which are listed as credit shall be listed as “unbuilt” or a similar designation.

Commentary - Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their actual work performed. It should be noted that a young architect who develops experience working under a more senior

architect has every right to claim credit for the work which the young architect actually performed. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact. If a brochure represents an employee's involvement on a specific project, while employed by another firm, the brochure provided shall include the employee's specific responsibilities on the project and the architect of record for the project.

4.4.3 The registrant shall not falsify or permit misrepresentation of an associate's academic or professional qualifications. The architect shall not misrepresent or exaggerate the architect's degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, location of offices or residency, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing the architect's qualifications and/or work.

4.4.4 If, in the course of the architect's work on a project, an architect becomes aware of a decision taken by the architect's employer or client against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall:

A. report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations; and
B. refuse to consent to the decision; and
C. in circumstances where the architect reasonably believes that other such decisions will be taken
D. notwithstanding the architect's objection, terminate the architect's services with reference to the project.

Commentary - This rule holds the architect to the same standard of independence which has been applied to lawyers and accountants. In the circumstances described, the architect is compelled to report the matter to a public official even though to do so may substantially harm the architect's client. Note that the circumstances are a violation of building laws which adversely affect the safety to the public of the finished project. While a proposed technical violation of building laws (e.g., a violation which does not affect safety) will cause a responsible architect to take action to oppose its implementation, the Committee specifically does not make such a proposed violation trigger the provisions of this rule. The rule specifically intends to exclude safety problems during the course of construction which are traditionally the obligation of the contractor. There is no intent here to create a liability for the architect in this area. Clause (c) gives the architect the obligation to terminate services if professional control. The standard is that the architect reasonably believes that other such decisions will be taken notwithstanding the architect's objection. The rule goes on to provide that the architect shall not be liable for a termination made pursuant to clause (c). Such an exemption from contract liability is necessary if the architect is to be free to refuse to participate on a project in which such decisions are being made.

4.4.5 An architect shall not deliberately make a materially false statement or fail deliberately to

disclose accurately and completely a material fact requested in connection with the architect's application for registration or renewal or otherwise lawfully requested by the Board.

Commentary - The registration board which grants registration or renews registration on the basis of a misrepresentation by the applicant must have the power to revoke that registration.

4.4.6 A licensee shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

4.4.7 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

4.4.8 A licensee who has knowledge or reasonable grounds for believing that 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.

Source: *Miss. Code Ann .§73-1-13, 29*

4.5 Professional Conduct

4.5.1 Each office maintained for the preparation of drawings, specifications, reports or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work. No architect shall advertise or represent as an architectural office a location in which there is no architect resident and regularly employed.

Commentary - This rule addresses the subject of main, branch or satellite offices of an architectural firm and protects the public in that such offices are continually supervised by an architect registered in the jurisdiction where the office is located.

4.5.2 “Responsible control” shall be control over all phases of the practice of architecture as is ordinarily exercised by architects applying the required professional standard of care, including, but not limited to control over and detailed knowledge of the content of technical submissions throughout preparation by the architect and the architect’s employees.

An architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect; except that (i) the architect may sign or seal those portions of the professional work that were prepared by or under the responsible control of persons who are registered under the architectural registration laws of this jurisdiction if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into the architect’s work, and (ii) the architect

may sign or seal portions of the professional work that are not required by the architectural registration law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into the architect's work.

Commentary - This provision reflects current practice by which the architect's final construction documents may comprise the work of other professionals as well as work of the architect. It covers architects registered in this state who may be engaged to do a portion of the work without being subject to the principal architect's supervisory control. If an architect does not expect to be responsible for the adequacy of the architect's consultant's work, the architect should not sign or seal such work.

4.5.3 An architect shall neither make nor offer to make any gifts, other than gifts of nominal value (included, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

Commentary - 4.5.3 is the correlative of 4.3.3, but the latter describes criminal conduct under most state laws for it involves both "private bribes" (which are ordinarily not criminal in nature) and the unseemly conduct of using bribery to obtain work. Note that the rule realistically excludes reasonable entertainment and hospitality and other gifts of nominal value.

4.5.4 An architect shall not engage in conduct involving fraud or wanton disregard for the rights of others.

Commentary - Violations of this rule may involve criminal conduct not covered by 4.3.1, or other reprehensible conduct which the Board believes should warrant discipline. The Committee believes that a state board must, in any disciplinary matter, be able to point to a specific rule which has been violated. An architect who is continuously involved in nighttime burglaries (no connection to professional practice) is not covered by 4.3.1 (crimes committed "in the conduct of architectural practice"). The Committee believes that serious misconduct, even though not related to professional practice, may well be grounds for discipline. To that end, the Committee recommends this rule. Many persons who have reviewed and commented on the draft rules were troubled by the sententious character of 4.5.4. the Committee has, however, found that lawyers commenting on the rules had little trouble with the standard set in 4.5.4: it applies to conduct which would be characterized as wicked, as opposed to minor breaches of the law. While each board must "flesh out" the rule, the committee assumes that murder, rape, arson, burglary, extortion, grand larceny, and the like, would be conduct subject to the rule, while disorderly conduct, traffic violations, tax violations, and the like, would not be considered subject to the rule.

4.5.5 The architect shall stamp with the architect's seal the following documents when prepared under the architect's responsible control and supervision:

A. All original sheets of any bound or unbound set of working drawings or plans, except those sheets prepared by licensed consultants; and
B. the original cover or index page(s) identifying all specification pages covered.

4.5.6 All contract documents and technical submissions, including but not limited to contracts, drawings, and pay applications, shall be signed by an architect licensed in the State of Mississippi.

4.5.7 The signature (manual or electronic as defined below) of the registrant and date of signature shall be affixed to all documents listed in paragraph 4.~~0~~5.5 above.

A. A manual signature is the handwritten name of the registrant applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.
B. An electronic signature shall carry the same weight, authority, and effects as a manual signature. The electronic signature must be as follows:
    1. Unique to the person using it; and
    2. capable of verification; and
    3. under the sole control of the person using it; and
    4. linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

It is the responsibility of the architect sealing the document to provide adequate security when documents with electronic seals and/or signatures are distributed.

4.5.8 Any portions of working drawings or plans prepared by registered consultants shall bear the seal and the signature of the consultant responsible thereof.

4.5.9 No architect shall affix the architect’s seal and signature to documents having titles or identities excluding the registrant's name unless:

A. such documents were indeed developed by the registrant or under the registrant's immediate personal supervision and responsible control; and
B. the registrant has exercised full authority to determine their development.

4.5.10 Subject to the requirements of this rule, rubber stamp, embossed, transparent self-adhesive seals, or computer generated types may be used. Such stamps or seals shall not include the registrant's signature.

4.5.11 An architect, acting individually or through a firm, association or corporation shall not request, propose, or accept an agreement, contract, or commission for professional services on a "contingency basis" under which the architect’s professional judgment may be compromised or when a contingency provision is used as a device for promoting or securing an agreement, contract, or commission, either for additional commissions or projects or for performing further services on the project involved. For purposes of adjudging the provisions of this section "contingency basis" will also be interpreted to include the preparation of preliminary reports and/or applications for funds or for reviewing for approval where the fee involved is to be paid only after such submission or approval, or in an amount substantially below the cost of performing the services.

Commentary - This provision reflects directly on the increasing practice of soliciting submittals from architects with compensation to the architect contingent upon the occurrence of a particular event, i.e.: the passage of a bond issue or funding of the project. The architect is requested to provide services with the possibility of receiving no, or a substantially reduced, fee. If this occurs, selection of the architect is based upon conditions other than qualifications. Additionally, this encourages the architect to perform substandard or inadequate work which may endanger the life, health or safety of the public.

4.5.12 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.~~0~~2.6.
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.

Source: *Miss. Code Ann.§§73-1-1, 13, 19, 29(1)(d), 35*

Part 201 Chapter 5: Disciplinary Guidelines, Range of Penalties, Aggravating and Mitigating Circumstances

Rule 5.1 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 (4.5.5; 3.2.4):
   Minimum Penalty-Letter of reprimand and $500 fine
B. Failure to sign over stamp (73-1-35; 3.2.4; 4.5.7):
   Minimum Penalty-Same as (A) above
C. Providing work not competent to perform (4.1.1; 4.1.3):
   Minimum Penalty-Reprimand and $2,500 fine
D. "Plan Stamping" (73-1-35; 3.2.4; 4.5.2; 4.5.5; 4.5.9):
   Minimum Penalty-Suspension and $2,500 fine
E. Attempting to procure a license by providing false, deceptive or misleading information (73-1-13diii; 73-1-29b; 4.4.5):
   Minimum Penalty-Revocation and $2,500 fine if licensed (denial of license if application in process)
F. Licensee disciplined by another jurisdiction (4.3.1; 4.3.4):
   Minimum Penalty-Board discretion
G. Criminal conviction relating to architecture (73-1-29g; 4.3.1):
   Minimum Penalty-Misdemeanor: reprimand and $2,500 fine
   Minimum Penalty-Felony: One (1) year suspension, one (1) year probation and $2,500 fine
H. Practice on suspended license resulting from disciplinary action by Board (73-1-29e):
   Minimum Penalty-Revocation and $5,000 fine
I. Practice on inactive license (73-1-27; 73-1-29e; 2.3):
   Minimum Penalty-Fine based on length of time in practice while inactive; $1,000 per month (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; 2.3):
   Minimum Penalty-Fine based on length of time in practice while revoked; $1,000 per month
K. Fraudulent, false, deceptive or misleading advertising (73-1-1; 3.2.2; 3.2.3; 3.2.9; 3.2.11):
   Minimum Penalty-Cease and desist letter and public reprimand
L. Negligence (73-1-29c; 4.1.1; 4.1.3):
   Minimum Penalty-Reprimand, one (1) year probation and $2,500 fine
M. Fraud or Deceit (73-1-29h; 4.5.4):
   Minimum Penalty-Reprimand, one (1) year suspension, one (1) year probation and $2,500 fine
N. Incompetence (mental or physical impairment) (4.1.4):
   Minimum Penalty-Suspension until ability to practice proved, followed by probation
O. Bribery to obtain clients or commissions (4.3.3; 4.5.3):
   Minimum Penalty-Revocation and $5,000 fine
P. Undisclosed conflict of interest (73-1-29i; 4.2.1):
   Minimum Penalty-Reprimand, $2,500 fine and one (1) year probation
Q. Aiding unlicensed practice (3.2.6(c); 4.3.2; 4.4.7; 4.4.8):
   Minimum Penalty-Probation and $2,500 fine
R. Practicing architecture without a license (73-1-1; 73-1-13d/v; 73-1-29a; 2.2):

Minimum Penalty-Reprimand and $2,500 fine (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; 3.2.12):
   Minimum Penalty-$2,500 fine and test on Board laws and rules

T. Violating the provisions of the construction administration rule (3.2.16):
   Minimum Penalty-$1,500 fine

The above range of penalties is a guideline only and 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. 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.

Source: *Miss. Code Ann.§73-1-29(4)*

Part 201 Chapter 6: Mandatory Continuing Education Guidelines

Introduction. The timeline of these guidelines shall be effective for the 2013 renewal period and thereafter. For the 2013 renewal only, any CEHs earned during the month of December 2011 may be counted toward the calendar year 2012 requirement.

Rule 6.1 Purpose
Continuing Education (CE) is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare. Each registrant shall be required to meet the continuing education requirements of these guidelines. These guidelines provide for a mandatory continuing education program to insure that registered architects remain informed of those technical and professional subjects the Board deems appropriate to safeguard life, health and promote the public welfare.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.2 Requirements

A Continuing Education Hour (CEH) is one continuous instructional hour (50 to 60 minutes of con-tact) spent in Structured Educational Activities intended to increase or update the architect's knowledge and competence in health, safety, and welfare subjects. If the provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for Continuing Education Hour purposes irrespective of actual time spent on the activity.

Each Mississippi registered architect shall complete a minimum twelve (12) CEHs per calendar year, which shall total twenty-four (24) CEHs to be reported with each biennial (every two years) renewal. All CEHs must be in structured continuing education activities as defined in 6.4, and shall be in health, safety and welfare topics as defined in 6.5.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.3 Policy and Administration

In regard to continuing education, the Board shall have the following duties:

A. To exercise general supervisory authority over the administration of these rules; and
B. to establish regulations consistent with these rules; and
C. to organize sub-committees and delegate executive authority.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.4 Structured Continuing Education

Structured continuing educational activities are those in which at least 75 percent of an activity's content and instructional time must be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

Structured course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study. Structured Continuing Education shall include the following types of activities:

A. Attending professional or technical presentations at meetings, conventions, or conferences.
B. Attending in-house programs sponsored by corporations or other organizations.
C. Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses.
D. Successfully completing college or university sponsored courses.
E. Successfully completing courses that are awarded continuing education credits.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.5 Health, Safety, and Welfare Subjects

Technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

A. Building systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection
B. Construction Contract Administration: Contracts, Bidding, Contract Negotiations
C. Construction Documents: Drawings, Specifications, Delivery Methods
D. Design: Urban Planning, Master Planning, Building Design, Site Design,

Interiors, Safety and Security Measures

E. Environment: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
F. Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public
G. Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
H. Preservation: Historic, Reuse, Adaptation

Source: *Miss. Code Ann.§73-1-9*

Rule 6.6 Computation of Credit

A. Successfully completing one (1) hour professional development education (50 to 60 minutes actual course or contact time) shall be the equivalent of one (1) CEH. No credit will be allowed for introductory remarks, meals, breaks, or business/administration matters related to courses of study.
B. The Board has final authority with respect to approval of courses, credits, and continuing education hours for courses and any other method of earning credit.
C. Hours claimed for continuing education credit must be in addition to or outside of the registrant's normal day-to-day business activities.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.7 Scope and Exemptions

A. Scope: These guidelines shall apply to all architects registered by the Board. Failure to obtain CEHs in conformance with these rules shall subject the architect to disciplinary action.
B. Exemptions:
    1. A first-time new registrant by exam or reciprocity will be exempt for the first renewal period. NOTE: This exemption does not apply on applications for reinstatement of registration.
    2. Registrant is an emeritus status architect on record with this Board.
    3. Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the two year reporting period. (This does not include a career military person who is reassigned overseas, etc.).
    4. Resident registrants of any other NCARB jurisdiction with either a mandatory or voluntary continuing education program provided that same jurisdiction accepts the Mississippi continuing education requirement as satisfying their continuing education requirement, and provided that the registrant truthfully certifies by affidavit and annual report that all requirements of that jurisdiction for current continuing education compliance and registration have been met. For continuing education purposes, the address of record on file with the Board will determine "residence". Registrant must attach to the annual report form a copy of the most recently-issued wallet card, letter of good standing, or certificate.

5. Personal or medical hardship will be considered on an individual basis. Requests must be received at the Board office no later than November 1 of the renewal year.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.8 Reporting

A. The continuing education section of the renewal application must be completed in full in order to process the registration renewal. Do not send documentation with renewal. A random audit of annual reports will be conducted post renewal to ensure accuracy and compliance.
B. Each registrant, at renewal of registration time, shall submit the required continuing education information, which shall include an affidavit attesting to the registrant's fulfillment of these continuing education requirements. No carryover of continuing education hours is permitted.
C. Each affidavit shall be reviewed by the Board and may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of six (6) years after submission in the event that the affidavit and annual report is selected for audit. The Board may require a detailed synopsis or report for verification of CEHs claimed.
D. The Board may, upon audit for verification of compliance, disallow claimed credit for continuing education units. The registrant shall have sixty (60) calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEHs credit which fulfills minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the 60 calendar days shall invalidate the renewal and the respondent's license shall be immediately rendered inactive.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.9 Recordkeeping

A. The registrant is responsible for retaining proof of participation in continuing education activities. Supporting documents may include but are not limited to:
   1. a log showing activity claimed, sponsoring organization, location, duration, etc.;
   2. attendance certificates;
   3. signed attendance receipts;
   4. paid receipts;
   5. sponsor's list of attendees (signed by a person in responsible charge of the activity);
   6. an AIA transcript for the prescribed period.
B. Registrants who claim CEHs for videotaped instructional materials and self-study courses must retain information which:
   1. accounts for the amount of time spent completing the activity;
   2. summarizes the content of the activity; and
   3. relates the activity to the health, safety, and welfare of the public.
C. These records must be retained for a period of six (6) years from the date of report.

Copies must be furnished to the Board for audit purposes if requested.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.10 Disallowances
If continuing education credits are disallowed, the registrant shall have sixty (60) calendar days after notification to substantiate the original claim or earn other continuing education credits to meet the minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the 60 calendar days shall invalidate the renewal and the respondent's license shall be immediately rendered inactive.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.11 Penalty for Late Units
The base penalty for CEHs earned late for any calendar year shall be $200, to which will be added a penalty fee of $25 per late CEH per month for each month beyond the preceding calendar year, ending on December 31. Any of the required 12 CEHs to be earned annually that are earned after December 31 shall be considered late.

The penalty fee formula is as follows:
Base penalty of $200.00 + ($25 penalty x no. of CEHs late x no. of months late) = late CEH penalty.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.12 Noncompliance and Sanctions
Failure to fulfill the continuing education requirements and to file a properly completed and signed annual report shall result in non-renewal of the architect's certificate of registration. Submission of a false statement in regard to continuing education could subject the licensee to discipline for a violation of this section as well as 73-1-29 (b) and/or 4.4.5.

Source: *Miss. Code Ann.§73-1-9*

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Title 30: Professions and Occupations

Part 201: Mississippi State Board of Architecture

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Rule 1.1 Applications.
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).

Source: *Miss. Code Ann.* §§73-1-13 & 17

Rule 1.2 Intern Development Program.
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 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.

Source: *Miss. Code Ann. §73-1-13(b)*

Rule 1.3 Format.
Through a test vendor, the Board will administer the ARE as prepared by NCARB to all candidates who have been approved by the Board in accordance with the training and education requirements pertaining to registration by examination. This examination will be administered in compliance with those methods and procedures recommended by NCARB and adopted by the Board.

Source: *Miss. Code Ann. §73-1-17*

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 candidate eligibility notification form from the Board.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.5 Reporting.
Approved candidates shall appear personally for exams at the designated date, time and place, as specified by the test vendor.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.6 Grading.
The ARE shall be graded in accordance with the methods and procedures recommended by NCARB. In order for an exam candidate to achieve registration, all sections of the examination must be passed within the prescribed timeframe and with the minimum score specified by NCARB.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.7 Conditions.
The test vendor will monitor the computer sections of the ARE in strict compliance with the procedures approved by NCARB.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.8 Re-Examination.
A candidate is allowed unlimited retakes of the ARE.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.9 Score Reporting and Reviews.
Once the scores are released, the ~~Board will advise each~~ candidate shall receive an official Score Report from NCARB or the test vendor. A score of PASS must be achieved by exam candidates on all divisions of the ARE in order for that candidate to be considered for initial registration.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.10 Fees.
Each examination candidate shall pay a $60.00 one-time application fee to the Board. The examination fees for each division of the ARE will be paid to NCARB or the test vendor.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.11 Disabled Examinees.
Requests for modifications to the examination administration to accommodate physical or other disabilities must be made in writing to the Board. Such a request must be accompanied by a physician's report and/or a report by a diagnostic specialist, along with supporting data, confirming to the Board's satisfaction, the nature and extent of the disability. After receipt of the request from the applicant, the Board may require that the applicant supply further information

and/or that the applicant appear personally before the Board. It shall be the responsibility of the applicant to timely supply all further information as the Board may require. The Board shall determine what, if any, modifications will be made.

Source: *Miss. Code Ann. §73-1-17*

Rule 1.12 Exam Candidates in Jurisdiction of the Board.
Exam candidates, as applicants before the Board, are subject to the jurisdiction of the Board.

Source: *Miss. Code Ann. §73-1-17*

Part 201 Chapter 2: Registration Requirements.

Rule 2.1 Registration by Examination.
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. 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.

Source: *Miss. Code Ann. §73-1-13*

Rule 2.2 Reciprocal Registration.
2.2.1
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, and shall pay the fee prescribed in rule 2.4.

2.2.2
By submitting an application for reciprocal licensure, an individual is submitting to the jurisdiction of the Board.

2.2.3
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.

~~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.~~

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.

2.2.5
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 2.4.~~

2.2.6
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.

Source: *Miss. Code Ann. §73-1-21*

Rule 2.3 Renewals.
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 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 $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 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.

Source: Miss. Code Ann. §73-1-27

Rule 2.4 Fee Schedule.
Fees are non-refundable except in the case of an error resulting in an incorrect charge or duplicate charges.

RESIDENTS	
Application/Registration	$250.00
Reinstatement Fee	$550.00
Biennial Renewal Fee	$250.00
NON-RESIDENTS	
Application/Registration	$400.00
Reinstatement Fee	$550.00
Biennial Renewal Fee	$300.00
OTHER FEES	
Exam Administration	$60.00
Electronic Download ~~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

Source: *Miss. Code Ann. §§73-1-13, 17 & 27*

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

Source: *Miss. Code Ann. §73-1-13*

Rule 2.6 Intern Architect Status.
Individuals who possess a NAAB accredited professional degree in architecture, are actively enrolled with NCARB in IDP, and are working under the direct supervision of a registered architect may use the title "Intern Architect," but only in conjunction with the architectural firm for which the individual is employed as an intern.

Source: *Miss. Code Ann. §73-1-19*

Rule 2.7 Restrictions on Solicitation of Work Prior to Licensure.
A. An individual not licensed in Mississippi or an individual on inactive status with the Board who is seeking an architectural commission in Mississippi may offer or propose architectural services only if all of the following conditions are met:

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. prior to engaging in any activity that could result in an architectural commission, the applicant must notify the Board in writing that:
    a. the individual holds an NCARB Certificate and is not currently registered or active in the state, but will be offering or proposing architectural services in the state; and
    b. the individual will deliver a copy of the notice referred to in (3) to every potential client to whom the applicant offers or proposes to render architectural services; and
    c. the individual shall apply for a Mississippi license, license renewal or license reinstatement within 10 working days of notification to the Board; and
    d. the individual consents to the jurisdiction of the Board.

Only through this process may an individual perform the above architectural services prior to licensure. The individual shall be prohibited from rendering additional architectural services beyond the offer or proposal until the individual has an active license.

B. An individual seeking an architectural commission by participating in an architectural design competition for a project in Mississippi may enter 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 holds an NCARB Certificate; and
3. prior to participating in any architectural competition the individual must notify the Board in writing that:
    a. the individual is participating in the competition; and
    b. the individual holds an NCARB Certificate; and
    c. the individual shall apply for a Mississippi license within 10 working days of notification to the Board; and
    d. the individual shall not submit the competition entry until the individual has been duly licensed by the Board.

Source: *Miss. Code Ann. §§73-1-13 & 21*

Rule 2.8 Licensure on Federal Projects.
The term "employee of the United States" as contained in *Miss. Code Ann.* §73-1-39 (a) means a federal employee as defined in *5 United States Code Service (U.S.C.S.) Section 2101*.

Otherwise, an individual engaged to provide architectural services on a federal project or on federal lands in Mississippi must be licensed in Mississippi in order to provide such services, unless otherwise exempted per *Miss. Code Ann.* §73-1-39.

Source: *Miss. Code Ann. §§73-1-1 & 39(a); and Federal Acquisition Regulations, Subpart 36-6; FAR 36-601-4*

Rule 2.9 Licensure of Military Trained Architects and Spouses of Members of the Military

2.9.1

A. Notwithstanding any other provision of law or the Rules and Regulations of the Board, the Board shall issue a license to a military-trained applicant who is a resident of Mississippi to allow the applicant to lawfully practice architecture in Mississippi if, upon application to the Board, the applicant satisfies the following conditions:

1. Has been awarded a military occupational specialty in architecture and has done all of the following at a level that is substantially equivalent to or exceeding the requirements for licensure as set forth in 73-1-21 and Rule 2.2:
    a. Completed a military program of training substantially equivalent to or exceeding a NAAB accredited architecture program; and
    b. Completed training substantially equivalent to or exceeding the IDP; and
    c. Completed testing substantially equivalent to or exceeding the ARE; and
    d. Has been engaged in the active practice of architecture for at least two (2) of the five (5) years preceding the date of the application; and
    e. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice architecture that occupation in this state at the time the act was committed, including those acts set forth in 73-1-13; and
    f. Pays the fees required for licensure.

B. To demonstrate the above requirements, the applicant shall furnish to the board:

1. Official NCARB Certificate and Record or official military documents describing the content and nature of the military training program in architecture and evidence of the applicant completing and passing such program; and
2. Official NCARB Certificate and Record or official military documents describing the military service requirements which must be met to be awarded a military occupational specialty in architecture sufficient for the board to assess the equivalence of such requirements to the licensure requirements of Mississippi; and
3. A sworn statement or statements by superior officers of the applicant attesting that the applicant has satisfactorily engaged in the active practice of architecture in the military; and
4. Official military or other documents demonstrating that the applicant has not been disciplined by any military branch or any jurisdiction for any act that would have constituted grounds for refusal, suspension, or revocation of a license to practice architecture in Mississippi; and
5. Official military documents showing that the applicant received an honorable discharge from the military; and
6. Other documentation which may be requested by the Board.

2.9.2

A. Notwithstanding any other provision of law, the Board shall issue a license to a military spouse applicant who is a resident of Mississippi to allow the military spouse to lawfully practice architecture in Mississippi if, upon application, the military spouse satisfies the following conditions:

1. Holds a current license from another jurisdiction recognized by the Board provided that the jurisdiction's requirements for licensure, certification or registration are substantially equivalent to or exceed the requirements for licensure in this state including;
   a. A degree from a NAAB accredited architecture program, or education substantially equivalent to or exceeding a NAAB accredited degree; and
   b. Professional examination substantially equivalent to or exceeding the ARE; and
   c. Work experience and training substantially equivalent to or exceeding the IDP; and
2. Can demonstrate competency in the practice of architecture through:
   a. Holding a current NCARB Certificate; or
   b. A record of education, experience and examination acceptable to the Board which must be equivalent to or exceeding the requirements of 73-1-13, and which must be provided by the licensure board or governing authority in the jurisdiction in which the applicant is licensed; and
3. Experience as a licensed architect for at least two (2) of the five (5) years preceding the date of the application under this section; and
4. Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice architecture in this state at the time the act was committed, including those acts set forth in 73-1-13; and
5. Is in good standing in the jurisdiction(s) of licensure and has not been disciplined by the agency that had jurisdiction to issue the license; and
6. Pays the fees required for licensure.

B. To demonstrate the above requirements, the applicant shall furnish to the board:

7. Proof that the applicant is a military spouse; and
8. Official NCARB Certificate and Record, or an official educational transcript from the jurisdiction of licensure describing the content and nature of the applicant’s education, which must verify either a NAAB accredited degree or education substantially equivalent to or exceeding a NAAB accredited degree; and
9. Official NCARB Certificate and Record or an official record from the jurisdiction of licensure describing the applicant’s completion of IDP or verification of experience and training equivalent to or exceeding the IDP; and
10. Official NCARB Certificate and Record or an official record from the jurisdiction of licensure describing passage of the ARE or an equivalent professional examination; and
11. Official NCARB Certificate and Record, or an official record from the jurisdiction of licensure, or sworn statements attesting that the applicant has satisfactorily engaged in the active practice of architecture for two (2) of the five (5) years preceding the date of the application; and

12. Other documentation which may be requested by the Board.

Source: *Miss. Code Ann. §*73-1-21

Part 201 Chapter 3: General Rules

Rule 3.1 Records of the Board.
All records of the Board which deal with applications, examinations, ongoing investigations, personnel files and NCARB Certificates shall be kept confidential in view of the sensitive nature of the material contained herein.

Public records shall be made available, pursuant to the Mississippi Public Records Act, by written request with the Board responding to requests within fourteen (14) working days. Appropriate administrative costs in relation to the processing of such requests will apply and will be due from the requesting party prior to delivery of any public records.

Source: *Miss. Code Ann. §*25-61-1

Rule 3.2 Practice Procedures.
3.2.1 An architect can practice as a sole proprietor, or through a partnership, a professional corporation or a professional association pursuant to *Miss. Code Ann.* 79-10-1, et seq., as amended, or through a professional limited liability company pursuant to *Miss. Code Ann.* 79-29-901, et seq., as amended, subject to the following conditions:

A. As to a partnership, at least one active partner must hold a certificate to practice architecture in Mississippi and each active partner shall hold a certificate to practice architecture or engineering in that partner's state of residence.
B. As to a professional corporation (PC) or a professional association (PA), each must meet the following conditions:
    1. At least one active stockholder must hold a certificate to practice architecture in Mississippi; and
    2. each stockholder, director and officer shall hold a certificate to practice architecture or engineering in that person's state of residence; and
    3. no person shall be entitled to be a stockholder, officer or director of a PC or a PA offering architectural services in this state other than licensed architects and engineers.
C. As to a professional limited liability corporation (PLLC), each must meet the following conditions:
    1. At least one owner of a membership interest in the PLLC shall hold a certificate to practice architecture in Mississippi; and
    2. each owner of a membership interest and any managers of the PLLC shall hold a certificate to practice architecture or engineering in that person's state of residence; and
    3. no person shall be entitled to hold a membership interest in or be a manager of PLLC offering architectural services in this state other than licensed architects and engineers.

It is a specific purpose of this rule to restrict or condition the issuance of shares of a professional corporation and the issuance of membership interests in a professional limited liability company which is to advertise or otherwise hold itself out to be an architect or to be authorized to practice architecture to only licensed architects or engineers.

3.2.2 All stationery, printed matter, title blocks, and listings of an architectural firm or business, including a sole proprietorship, shall contain the name of at least one (1) person who is registered as an architect in this state, and any firm or business name listed on such documents shall be the firm or business name(s) provided in conjunction with the architect's registration with the Board. No person shall be named on any card, stationery, title block, printed matter or listing of such a firm (partnership, professional corporation, professional association, or professional limited liability company) used in this state unless there is designated thereon whether or not such person is licensed in this state. Employees of a firm that are not registered as an architect or engineer in any jurisdiction are allowed to use business cards for that firm, provided that the job title of the individual is clearly stated and said title does not lead the public to believe the employee is a licensed architect in this state.

3.2.3 Registered architects are allowed to practice under or through a firm or business entity in compliance with Section 73-1-19 and all applicable rules. Allowable firm or business names are names which:

A. Contain the name of at least one individual who holds an active Mississippi license; or
B. contain no person's name, provided however, that the name of at least one individual licensed in Mississippi is disclosed on any announcement, stationery, printed matter, contract, title block or listing; or
C. contain the name or names of individuals who were once licensed architects (in any jurisdiction) but are now retired or deceased, provided however, that the name of at least one person licensed in Mississippi is disclosed on any announcement, stationery, printed matter, contract, title block or listing.

Firm and business names are considered improper if they contain the name or names of individuals actively licensed in another jurisdiction if none of the individuals named in the firm name are actively licensed in Mississippi.

EXAMPLES (Provided as guidelines only. This is not an exhaustive or complete listing of scenarios.):

ALLOWED	**NOT ALLOWED**
Smith and Jones Architecture (provided Smith and/or Jones are licensed architects and one or both is licensed as an architect in Mississippi)	Smith and Jones Architecture (when Smith and/or Jones are actively licensed in another jurisdiction, but neither is licensed in Mississippi)
Williams and James Architecture John Doe, Architect (only if both Williams and James are retired or deceased)	Williams and James Architecture (where Williams and/or James are actively licensed in another jurisdiction, but neither is licensed in Mississippi)
Architecture Unlimited John Doe, Architect	Architecture Unlimited (when the name of the architect licensed in Mississippi is not also provided)
Doe and Smith, Architects and Engineers John Doe, Architect (when Doe is licensed as an architect in Mississippi and there are multiple architects in the firm)	Doe and Smith, Architects and Engineers (the Mississippi architect must be identified)
ABC Architects and Engineers John Doe, Architect (when Doe is licensed as an architect in Mississippi and there are multiple architects in the firm)	ABC Architects and Engineers (when the name of the architect license in Mississippi is not also provided)

3.2.4 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.

3.2.5 "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, re-draws and issues the documents with the architect's title block and Mississippi seal (or the seals of engineering consultants as applicable), maintaining responsible control, as defined in rule 4.5.2, over the use of the final adapted documents as if they were the architect's original design, assuming full responsibility as the architect of record.

3.2.6 A licensed architect can combine with a duly licensed general contractor or a professional engineer in order to participate in a "Design/Build" undertaking whereby the architect prepares plans and specifications through individual or collective agreements with the owner or contractor in order to meet the owner's requirements for unified control in the design and construction services rendered under the following conditions:

A. That nothing herein shall be construed so as to allow the offering or other performance of any architectural services by anyone who is not duly licensed as an architect in this state; and
B. that full disclosure is made in writing to the owner as to the duties and responsibilities of each of the participating parties in such agreements; and
C. the architect shall not furnish any services in such a manner as to enable a contractor, owner or others to perform architectural services or to evade the public health and safety requirements; and
D. 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 the owner; and
E. the architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect as defined in 4.5.2; and
F. nothing in this rule shall prevent the administration of construction contracts by a licensed contractor or architect.

3.2.7 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.

3.2.8 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; 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 architect licensed in Mississippi; 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.

3.2.9 All architects holding ownership or supervisory positions in an architectural firm or other entity through which architectural services are offered or rendered shall be responsible for the conduct of all non-registered employees (and non-registered associates and contracted persons) under the control of the firm regarding acts, representations and services of the non-registrants, related to the practice of architecture and while acting for, or on behalf of, the firm, if said conduct constitutes a violation of Section 73-1-1 or the Professional Code of Conduct. Such individuals shall maintain responsible control of all representations made by, or in reference to, unlicensed individuals employed by the firm in order to ensure that the unlicensed individuals are not presented in a manner that may lead the public to assume they are licensed.

Commentary - It is common practice for architects to provide professional services in the setting of a firm consisting of other architects, other design professionals, and non-registered individuals such as draftspersons, marketers, clerical staff, construction administrators, interns and others. It is recognized that many such non-registered individuals perform many acts and services for the firm that constitute or support the practice of architecture, such as marketing, design, detailing, specification writing, client contact, and contract administration. In the interest of protecting the health, safety and welfare of the public, it is incumbent upon the registered professionals to maintain responsible control of the firm and its staff persons regarding their acts, duties and work product relating to the practice of architecture as defined by this act. The Board has long held that "responsible control" (previously "direct supervision") of the preparation of drawings and specifications was required in order for the architect to place the architect's seal. This rule clarifies that "responsible control" of other activities of the practice is required as well, such as firm marketing and representation of qualifications, pre-design activities, etc. The architect is not expected to be responsible for conduct or acts committed by non-registrants under the architect's employ or control when said conduct is related to activities or services performed outside of the firm (e.g. "moonlighting" by a draftsperson).

3.2.10 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 such as *Miss. Code Ann.* §31-7-13.2. 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.

3.2.11 No person may use the title "architect" or any form thereof without having have secured a license from the Board. In architectural practice, the person or persons licensed as architect(s) in Mississippi shall maintain responsible control of all work performed in Mississippi. This shall include, but is not limited to, signing contracts, sealing documents, and all services as described in Section 73-1-3.

3.2.12 No professional corporation, professional association, professional limited liability company, nor any partnership shall be entitled to a license to practice architecture in this state. Licensure is issued to individuals only. In conjunction with Mississippi licensure and renewal of licensure, an individual must provide information as to any and all business entities through which the architect may be practicing architecture in Mississippi.

3.2.13 No architect shall practice through a firm if the name of the firm is misleading as to the number of registrants or the licensure status of those individuals named in the firm. For example, a firm with one person licensed as an architect cannot use a name which includes the word "Architects". For purposes of determining plurality and the use of the word architects in a firm name, one should consider the number of individuals licensed as architects in Mississippi or in jurisdictions recognized by the Board.

EXAMPLES (Provided as guidelines only. This is not an exhaustive or complete listing of scenarios.):

Not Allowed:	**Allowed:**
John Doe Architects This is an improper firm name in a case where John Doe is the only individual in the firm licensed as an architect.	Smith, Jones and Doe, Architect and Engineers John Doe, Architect This is a proper name in a case where Doe is the only individual in the firm licensed as an architect. ABC Architects John Doe, Architect This is a proper use of a trade name if there are at least two (2) individuals in the firm who are licensed as architects, and if the name of at least one architect licensed in Mississippi is disclosed in conformance with 3.2.3.

3.2.14 In Mississippi, a "Registered Design Professional" is defined as an architect, an engineer, or a landscape architect who is registered or licensed to practice in the State of Mississippi, provided that the individual is practicing in compliance with that individual's registration laws.

3.2.15 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.

3.2.16 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.

A. 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:

1. 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
2. Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
3. 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.

B. 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:

1. the building official; and
2. the owner; and
3. the client; and
4. the contractor.

3.2.17 In circumstances where a Mississippi registered architect can no longer provide services on a project due to death, retirement, incapacity, or disability, <u>or mutual agreement to terminate a contract for architectural services,</u> 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.

<u>*3.2.18*</u>
<u>In the case where an architect is awarded the design contract for a public or private project which</u>

will be competitively bid, neither the architect, nor any entity owned in whole or part by the architect, may bid for the construction of the project.

Commentary: The Board is of the opinion that such a situation creates a conflict of interest for the architect in that the architect is the designer and the contractor for the project, thus removing the checks and balances which assure that the project is constructed in accordance with the plans and specifications.

Sources: *Miss. Code Ann.§§73-1-1, 3, 13, 19, 29, & 35; 73-2-3.*

Rule 3.3 Filing of Complaints.
Any person may file a complaint against a registered architect, charging a violation of the Architect Registration law. Such complaints shall be filed with the Board and the Board shall proceed in accordance with Section 73-1-29. Contact the Board office for a copy of the complaint and disciplinary procedures.

Source: *Miss. Code Ann.§73-1-29(2)*

Rule 3.4 Seal of Registrant.
Upon official notification of registration, the architect shall secure an official seal or rubber stamp for use in this state. Seals are to be circular in form and 1 ½ inches in diameter. A copy of the design is shown below, and shall contain the following information: Name, registration number, and the words "Registered Architect State of Mississippi".

Example:

A sample of the seal impression or rubber stamp imprint shall be furnished to the Board within 60 days of the date shown on the Official Notice of Registration letter. The architect's license shall not be considered active, thus practice will not be allowable, until the Board or its designee has received and approved the architect's seal. Failure to provide proof of seal shall result in disciplinary action by the Board.

Architects may continue to use seals obtained prior to the adoption of this rule, which are in conformance with prior Board rules. All seals obtained subsequent to the adoption of this rule shall strictly conform to the requirements herein set forth.

It is the responsibility of the registrant to comply with the requirements for use of the seal.

Source: *Miss. Code Ann.§73-1-35*

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.

3.5.2 The public may obtain a description of the Board's and its committees' organization and their general course and method of operation from the Rules and Regulations of the Board/Committee currently on file with the Secretary of State and by reviewing Sections 73-1-1 and 73-2-1 which may be accessed on the Board's website as provided in 3.5.1.

3.5.3 The Board's/Committee's Rules and Regulations may also be viewed at the Board's website as provided in 3.5.1.

3.5.4 The public may request public information available through the Mississippi Open Records Act by contacting the Board at their regular business address as provided in 3.5.1.

Source: *Miss. Code Ann.§73-1-9*

Rule 3.6 Board and Committee Proceedings.

3.6.1 All information as to the rules of practice concerning all formal and informal proceedings is available by reviewing the rules and regulations of the Board currently on file with the Secretary of State. Further information may be obtained by viewing the Board website as provided in 3.5.1 us or by reviewing Sections 73-1-1 and 73-2-1 which may be accessed on the Board's website as provided in 3.5.1.

3.6.2 The Board and its committees meet at times and dates specified at the Board's office, the address of which is provided in 3.5.1. The schedule is available on the Board's website as provided in 3.5.1. Other meetings which may be called by the Board or its committees will be posted at the Board office.

Source: *Miss. Code Ann.§73-1-9*

Rule 3.7 Declaratory Opinions.

3.7.1 Any person with a substantial interest in the subject matter may petition the Board or any committees assigned thereto for a declaratory opinion by following the specified procedures.

3.7.2 The Board/Committee will issue declaratory opinions regarding the applicability to specified facts of:

A. A statute administered or enforceable by the Board/Committee; or
B. a rule promulgated by the Board/Committee; or
C. an order issued by the Board/Committee.

3.7.3 The Board/Committee will not issue a declaratory opinion regarding a statute, rule or order which is beyond the primary jurisdiction of the Board. "Primary jurisdiction to of the Board/Committee" means any one or all of the following:

A. The Board/Committee has a constitutional grant of authority in the subject matter.
B. The Board/Committee has a statutory grant of authority in the subject matter.
C. The Board/Committee has issued specific regulations impacting on the subject matter.
D. The Board/Committee has issued a specific order or orders impacting on the subject matter.

3.7.4 Declaratory opinions will be issued by the Board/Committee and prepared by the Executive Director.

3.7.5 The Board/Committee may, for good cause, refuse to issue a declaratory opinion. Without limiting the generality of the foregoing, the circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. The matter is outside the jurisdiction of the Board/Committee; or
B. there is a lack of clarity concerning the question presented; or
C. there is pending or anticipated litigation, administrative action, or other adjudication; or
D. the statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request; or
E. the facts presented in the request are not sufficient to answer the question presented; or
F. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules; or
G. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statue or order on which a declaratory opinion is sought; or
H. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute, rule, or order; or
I. the question presented by the request concerns the legal or constitutional validity of a statute, rule or order; or
J. the requestor has not suffered an injury or threatened injury fairly traceable to the application of the statute, rule or order; or
K. no clear answer is determinable; or
L. the question presented by the request involves the application of a criminal statute or sets of facts which may constitute a crime; or
M. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure; or
N. the question is currently the subject of an Attorney General's opinion request; or
O. the question has been answered by an Attorney General's opinion; or
P. the request is not made in good faith; or
Q. the request is harassing in nature or for any other unlawful purposes; or
R. a similar request is pending before this Board/Committee or any other agency or a

proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law; or

S. the opinion, if issued, may adversely affect the interests of the State, the Board/Committee, or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

3.7.6 A declaratory opinion shall not be binding or effective for any third party or person other than the Board/Committee and the person to whom the opinion is issued and shall not be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

3.7.7 Where a request for a declaratory opinion involves a question of law, the Board/Committee may refer to the matter to the State Attorney General.

3.7.8 Written requests are required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board/Committee or in the form of a pleading as might be addressed to a court. Oral and telephone requests are unacceptable.

3.7.9 All requests must be mailed or delivered to the Board/Committee, at its physical address as provided in 3.5.1. The request and its envelope shall clearly state that it is a request for a declaratory opinion. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request. The signing party shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative or judicial tribunal. A request must be limited to a single transaction or occurrence. Each request shall contain the following:

A. A clear identification of the statute, rule, or order at issue; and
B. a concise statement of the issue or question presented for the declaratory opinion; and
C. a full, complete, and accurate statement of all facts relevant to a resolution of the question presented; and
D. the identify of all other known persons involved in or impacted by the factual situation causing the request including their relationship to the facts, name, mailing address and telephone number; and
E. a statement sufficient to show that the person seeking relief is substantially affected by the rule; and
F. the terms of the proposed opinion suggested by the requestor may be submitted with the request or may be requested by the agency; and
G. a request may contain an argument by the requestor in support terms of the proposed opinion suggested by the requestor. The argument may be submitted in the form of a memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position of the requestor. The agency may request that argument and memorandum of authorities be submitted by any interested party.

3.7.10 Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board/Committee shall, in writing:

A. Issue an opinion declaring the applicability of the specified statute, rule, or order to the specified circumstances; or
B. decline to issue a declaratory opinion, stating the reasons for its action; or
C. agree to issue a declaratory opinion or a written statement declining to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or
D. The forty-five (45) day period shall begin running on the first State of Mississippi business day that the request is received in the Board/Committee.

3.7.11 The procedure which shall be followed after a request for a declaratory opinion is received is as follows:

A. The Board/Committee may give notice to any person that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from persons other than the requestor; and
B. the requestor, or the requestor's attorney, shall append to the request for a declaratory opinion a listing of all persons, with addresses, known to the requestor who may have an interest in the declaratory opinion sought to be issued, and shall mail a copy of the request to all such persons. The requestor or the requestor's attorney shall certify that a copy of the request was mailed to all such persons together with this statement: "Should you wish to participate in the proceedings of this request, or receive notice of such proceedings or the declaratory opinion issued as a result of this request, you should contact the Board/Committee within twenty days of the date of this request."

3.7.12 If the Board/Committee in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for declaratory opinion, the Board/Committee may schedule such hearing. Notice of the hearing shall be given to all interested parties unless waived. Notice mailed by first class mail seven calendar days prior to the hearing shall be deemed appropriate. The procedure for conducting a hearing, including but not limited to the manner of presentation, the time for presentation, and whether and how evidence may be taken, shall be within the discretion of the Board/Committee. The Board/Committee shall allow the requestor to participate in any hearing. The Board/Committee may allow any other persons or entities to participate in the hearing.

3.7.13 The Board/Committee will make declaratory opinions and requests for declaratory opinions available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is exempted from disclosure under the Mississippi Public Records Act or is otherwise confidential by law shall be exempt from this requirement.

3.7.14 Once the Board/Committee has issued its declaratory opinion, the Executive Director will then review the request for validity and prepare a response per the guidelines listed in this rule. The Executive Director will then forward the request and opinion to Board's legal counsel. After the Board's legal counsel reviews the opinion, legal counsel will forward the request and opinion

to the Executive Director. The Executive Director will index the opinions by name and subject and make available for public inspection. The Executive Director will mail the opinion back to the requestor and anyone else who has asked to participate.

Source: *Miss. Code Ann.§25-43-2.105*

Rule 3.8 Requirements for Public Hearings for Rule Making (for the Board and any Committees Assigned Thereto).

3.8.1 At the time a rule is filed with Secretary of State (SOS), the Executive Director must also publish where written submissions or written requests for an opportunity to make oral presentations on the proposed rule may be inspected.

3.8.2 A public hearing is required if, during the first 20 business days of the rule notice, written request for a public hearing is received from one of the following:

A. A political subdivision; or
B. an agency; or
C. 10 persons.

3.8.3 If a public hearing is required, the Executive Director will establish the time, date and location for the public hearing. The Executive Director shall then:

A. Ensure that the public hearing is not scheduled earlier than 23 business days after filing notice of oral proceeding with SOS; and
B. file notice of the time, date, and location of the public hearing with the SOS; and
C. within three (3) days of filing notice with SOS, mail or electronically transmit a copy of the notice to those who are on the notification list (their preference); and
D. the Board/Committee can charge for mail, but not electronic transmissions.

3.8.4 Public hearings shall be held at a place and time generally convenient for persons affected by the rule.

3.8.5 Conducting Public Hearings

A. Public Hearings must be open to the public; and
B. the President/Chairman of the Board/Committee will preside at the proceeding; and
C. the Board/Committee and/or Executive Director will be responsible for answering all questions regarding the rule; and
D. the Board/Committee may issue rules for conduct of oral proceedings.

3.8.6 Public Availability of Public Hearings

A. A verbatim written transcript of the oral proceedings at each public hearing shall be produced; and
B. this material will be available for public inspection and copying.

Source: *Miss. Code Ann.§§24-41-1 et. Seq. & 25-43-3.101, et seq.*

Rule 3.9 Final Orders: Indexing, Public Inspection and Precedent.

3.9.1 The Executive Director shall maintain all written final orders that affect the public and will be responsible for making them available for public inspection and copying. The order shall be indexed by name and subject. This is subject to any confidentiality provisions established by law.

3.9.2 The written final order cannot be precedent to the detriment of any person by the Board/Committee until it has been made available for public inspection and indexed. This is inapplicable to any person who has actual timely knowledge of the order.

Source: *Miss. Code Ann.§§25-43-3.101 et seq.*

Part 201 Chapter 4: Professional Code of Conduct
(Commentaries provided by the NCARB Professional Conduct Committee)

Rule 4.1 Competence.

4.1.1 In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

Commentary - Although many of the existing rules of conduct fail to mention standards of competence, it is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the license. 4.1.1 sets forth the common law standard which has existed in this country for a hundred years or more in judging the performance of architects. While some courts have stated that an architect, like the manufacturer of goods, impliedly warrants that the architect's design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but not always right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural situation.

4.1.2 In designing a project, an architect shall take into account all applicable state and municipal 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 state and 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.

4.1.3 An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultant, are qualified by education, training, and experience in the specific technical areas involved.

Commentary - While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations on the architect's own capacity and knowledge. Where an architect lacks experience, the rule supposes that the architect will retain consultants who can appropriately supplement the architect's own capacity. If an architect undertakes to do a project where the architect lacks knowledge and where the architect does not seek supplementing consultants, the architect has violated the rule.

4.1.4 No person shall be permitted to practice architecture if, in the Board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

Commentary - Here the Board is given the opportunity to revoke or suspend a license when the Board has suitable evidence that the license holder's professional competence is impaired by physical or mental disabilities. Thus, the Board need not wait until a building fails in order to revoke the license of an architect whose addiction to alcohol, for example, makes it impossible for the architect to perform the architect's professional services with necessary care.

Source: *Miss. Code Ann.§73-1-29(1)(d)*

Rule 4.2 Conflict of Interest.

4.2.1 An architect shall not accept compensation for architectural services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by all interested parties, such disclosure and agreement to be in writing.

Commentary - This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

4.2.2 An architect shall not knowingly solicit or enter into a contract for professional services for any work which another architect 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.

4.2.3 If an architect has any business association or a direct or indirect financial interest which is substantial enough to influence the architect's judgment in connection with the architect's

performance of professional services, the architect shall fully disclose in writing to the architect's client or employer the nature of the business association for financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

Commentary - Like 4.~~0~~2.1, this rule is directed at conflicts of interests. It requires disclosure by the architect of any interest which would affect the architect's performance.

4.2.4 An architect shall not solicit or accept compensation from contractors, or material or equipment suppliers in return for specifying or endorsing their companies or products.

Commentary - This rule appears in most of the existing state standards. It is absolute and does not provide for waiver by agreement.

4.2.5 When acting as the interpreter of building contract documents and/or the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

Commentary - This rule applies only when the architect is acting as the interpreter of building contract documents and the judge of contract performance. The rule recognizes that this is not an inevitable role and there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in those two roles. In general, however, the rule governs the customary construction industry relationship where the architect, though paid by the owner and owing the owner loyalty, is nonetheless required, in fulfilling the architect's role in the typical construction industry documents, to act with impartiality.

Source: *Miss. Code Ann.§73-1-29(1)(d)*

Rule 4.3 Compliance with Laws.

4.3.1 An architect shall not, in the conduct of the architect's architectural practice, knowingly violate any state or federal criminal law.

Commentary - This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant's professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant's architectural practice. It is intended, however, that 4.~~0~~5.5 will cover reprehensible conduct on the part of the architect not embraced by 4.~~0~~3.1. At present, there are several ways in which member boards have dealt with this sort of rule. Some have disregarded the requirement that the conduct be related to professional practice and have provided for discipline whenever the architect engages in a crime involving "moral turpitude." The committee declined the use of that phrase, as its meaning is by no means clear or uniformly understood. Some member boards discipline for felony crimes and not for misdemeanor crimes. While the distinction between the two was once the distinction between serious crimes and technical crimes, that distinction has been blurred in recent years. Accordingly, the Committee specifies crimes in the course of the architect's professional practice, and, under 4.~~0~~5.4, gives to

the member board discretion to deal other reprehensible conduct. Note that the rule is concerned only with violations of state or federal criminal law. The committee specifically decided against the illusion of violations of the law of other nations. Not only is it extremely difficult for a member board to obtain suitable evidence of the interpretation of foreign laws, it is not unusual for such laws to be at odds with the laws, or, at least, the policy of the United States of America. For example, the failure to follow the dictates of the "anti-Israel boycott' laws found in most Arab jurisdictions is a crime under the laws of most of those jurisdictions; while the anti-Israel boycott is contrary to the policy of the government of the United States and following its dictates is illegal under the laws of the United States.

4.3.2 The registrant shall not furnish limited services in such a manner as to enable unregistered persons to evade federal, state and local building laws and regulations, including building permit requirements.

4.3.3 An architect shall neither offer nor make any payments or gifts of substantial value to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

Commentary - 4.3.3 tracks a typical bribe statute. It is covered by the general language of 4.3.1, but it was the Committee's view that 4.3.3 should be explicitly set out in the Rules of Conduct. Note that all of the rules under this section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the state registration board, whether or not the architect has been convicted under the state criminal procedure.

4.3.4 An architect shall comply with the registration laws and regulations governing professional practice in any United States jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other United States jurisdiction.

4.3.5 Rule 4.~~0~~3.4 shall not prevent a person who is not currently registered in this state, but who is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector, acting in official capacity. “Emergency” shall mean an earthquake, eruption, flood, storm, hurricane, or other catastrophe that has been designated as a major disaster or emergency by the President of the United States or the Governor or other duly authorized official of the State of Mississippi. Any person providing uncompensated emergency services under this provision shall notify the Board on the form provided for that purpose and shall report to the Board all services rendered at such intervals as the Board may direct. This individual shall disclose to any person, company, or other entity requesting the individual’s services, that the individual is not licensed as an architect in the state of Mississippi. All contract documents must be prepared and sealed by an architect licensed in Mississippi.

Source: *Miss. Code Ann.§73-1-29(1)(d) & g*

Rule 4.4 Full Disclosure.

4.4.1 An architect, making public statements on architectural questions, shall disclose when the architect is being compensated for making such statement.

Commentary - Architects frequently and appropriately issue statements on questions affecting the environment and the architect's community. As citizens and as members of a profession acutely concerned with environmental change, they doubtlessly have an obligation to be heard on such questions. Many architects may, however, be representing the interests of potential developers when making statements on such issues. It is consistent with the probity which the public expects from members of the architectural profession that they not be allowed under the circumstances described in the rule to disguise the fact that they are not speaking on the particular issue as an independent professional but as a professional engaged to act behalf of a client.

4.4.2 An architect shall accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.

A. It shall be the responsibility of each registered architect to clearly and appropriately state prior professional experience of the architect and/or the firm the architect is representing in presenting qualifications to prospective clients, both public and private. If an architect uses visual representations of prior projects or experience, all architects-of-record must be clearly identified. Architect-of-record means persons or entities whose seal appear on plans, specifications and/or contract documents.
B. An architect who has been an employee of another architectural practice may not claim unconditional credit for projects contracted for in the name of the previous employer. The architect shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee, the time frame in which the project was performed, and identify the previous architectural firm. The architect shall also describe the nature and extent of the architect’s participation in the project.
C. An architect who was formerly a principal in a firm may legitimately make additional claims provided the architect discloses the nature of ownership in the previous architectural firm (e.g. stockholder, director or officer) and identifies with specificity the architect’s responsibilities for that project.
D. An architect who presents a project that has received awards recognition must comply with the requirements of 4.~~0~~4.2 with regard to project presentation to the public and prospective clients.
E. Projects which remain unconstructed and which are listed as credit shall be listed as “unbuilt” or a similar designation.

Commentary - Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their actual work performed. It should be noted that a young architect who develops experience working under a more senior

architect has every right to claim credit for the work which the young architect actually performed. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact. If a brochure represents an employee's involvement on a specific project, while employed by another firm, the brochure provided shall include the employee's specific responsibilities on the project and the architect of record for the project.

4.4.3 The registrant shall not falsify or permit misrepresentation of an associate's academic or professional qualifications. The architect shall not misrepresent or exaggerate the architect's degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, location of offices or residency, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing the architect's qualifications and/or work.

4.4.4 If, in the course of the architect's work on a project, an architect becomes aware of a decision taken by the architect's employer or client against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall:

A. report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations; and
B. refuse to consent to the decision; and
C. in circumstances where the architect reasonably believes that other such decisions will be taken
D. notwithstanding the architect's objection, terminate the architect's services with reference to the project.

Commentary - This rule holds the architect to the same standard of independence which has been applied to lawyers and accountants. In the circumstances described, the architect is compelled to report the matter to a public official even though to do so may substantially harm the architect's client. Note that the circumstances are a violation of building laws which adversely affect the safety to the public of the finished project. While a proposed technical violation of building laws (e.g., a violation which does not affect safety) will cause a responsible architect to take action to oppose its implementation, the Committee specifically does not make such a proposed violation trigger the provisions of this rule. The rule specifically intends to exclude safety problems during the course of construction which are traditionally the obligation of the contractor. There is no intent here to create a liability for the architect in this area. Clause (c) gives the architect the obligation to terminate services if professional control. The standard is that the architect reasonably believes that other such decisions will be taken notwithstanding the architect's objection. The rule goes on to provide that the architect shall not be liable for a termination made pursuant to clause (c). Such an exemption from contract liability is necessary if the architect is to be free to refuse to participate on a project in which such decisions are being made.

4.4.5 An architect shall not deliberately make a materially false statement or fail deliberately to

disclose accurately and completely a material fact requested in connection with the architect's application for registration or renewal or otherwise lawfully requested by the Board.

Commentary - The registration board which grants registration or renews registration on the basis of a misrepresentation by the applicant must have the power to revoke that registration.

4.4.6 A licensee shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

4.4.7 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

4.4.8 A licensee who has knowledge or reasonable grounds for believing that 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.

Source: *Miss. Code Ann .§73-1-13, 29*

4.5 Professional Conduct

4.5.1 Each office maintained for the preparation of drawings, specifications, reports or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work. No architect shall advertise or represent as an architectural office a location in which there is no architect resident and regularly employed.

Commentary - This rule addresses the subject of main, branch or satellite offices of an architectural firm and protects the public in that such offices are continually supervised by an architect registered in the jurisdiction where the office is located.

4.5.2 “Responsible control” shall be control over all phases of the practice of architecture as is ordinarily exercised by architects applying the required professional standard of care, including, but not limited to control over and detailed knowledge of the content of technical submissions throughout preparation by the architect and the architect’s employees.

An architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect; except that (i) the architect may sign or seal those portions of the professional work that were prepared by or under the responsible control of persons who are registered under the architectural registration laws of this jurisdiction if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into the architect’s work, and (ii) the architect

may sign or seal portions of the professional work that are not required by the architectural registration law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into the architect's work.

Commentary - This provision reflects current practice by which the architect's final construction documents may comprise the work of other professionals as well as work of the architect. ~~The reference to "registered under this or another professional registration law" means of course the laws of the state whose state board has published these rules. The reference is most commonly to persons licensed under the engineering registration law and in some states under the registration law for landscape architects. Although it~~ It covers ~~registered~~ architects registered in this state ~~as well,~~ who may be engaged to do a portion of the work without being subject to the principal architect's supervisory control. If an architect does not expect to be responsible for the adequacy of the architect's consultant's work, the architect should not sign or seal such work ~~and should otherwise comply with the law of the jurisdiction in order to avoid responsibility~~.

4.5.3 An architect shall neither make nor offer to make any gifts, other than gifts of nominal value (included, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

Commentary - 4.5.3 is the correlative of 4.3.3, but the latter describes criminal conduct under most state laws for it involves both "private bribes" (which are ordinarily not criminal in nature) and the unseemly conduct of using bribery to obtain work. Note that the rule realistically excludes reasonable entertainment and hospitality and other gifts of nominal value.

4.5.4 An architect shall not engage in conduct involving fraud or wanton disregard for the rights of others.

Commentary - Violations of this rule may involve criminal conduct not covered by 4.3.1, or other reprehensible conduct which the Board believes should warrant discipline. The Committee believes that a state board must, in any disciplinary matter, be able to point to a specific rule which has been violated. An architect who is continuously involved in nighttime burglaries (no connection to professional practice) is not covered by 4.3.1 (crimes committed "in the conduct of architectural practice"). The Committee believes that serious misconduct, even though not related to professional practice, may well be grounds for discipline. To that end, the Committee recommends this rule. Many persons who have reviewed and commented on the draft rules were troubled by the sententious character of 4.5.4. the Committee has, however, found that lawyers commenting on the rules had little trouble with the standard set in 4.5.4: it applies to conduct which would be characterized as wicked, as opposed to minor breaches of the law. While each board must "flesh out" the rule, the committee assumes that murder, rape, arson, burglary, extortion, grand larceny, and the like, would be conduct subject to the rule, while disorderly conduct, traffic violations, tax violations, and the like, would not be considered subject to the rule.

4.5.5 The architect shall stamp with the architect's seal the following documents when prepared

under the architect's responsible control and supervision:

A. All original sheets of any bound or unbound set of working drawings or plans, except those sheets prepared by licensed consultants; and
B. the original cover or index page(s) identifying all specification pages covered.

4.5.6 All contract documents and technical submissions, including but not limited to contracts, drawings, and pay applications, shall be signed by an architect licensed in the State of Mississippi.

4.5.7 The signature (manual or electronic as defined below) of the registrant and date of signature shall be affixed to all documents listed in paragraph 4.~~0~~5.5 above.

A. A manual signature is the handwritten name of the registrant applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.
B. An electronic signature ~~is a digital authentication process attached to or logically associated with an electronic document and~~ shall carry the same weight, authority, and effects as a manual signature. The electronic signature~~, which can be generated by using either public key infrastructure or signature dynamics technology,~~ must be as follows:
   1. Unique to the person using it; and
   2. capable of verification; and
   3. under the sole control of the person using it; and
   4. linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

<u>It is the responsibility of the architect sealing the document to provide adequate security when documents with electronic seals and/or signatures are distributed.</u>

4.5.8 Any portions of working drawings or plans prepared by registered consultants shall bear the seal and the signature of the consultant responsible thereof.

4.5.9 No architect shall affix the architect's seal and signature to documents having titles or identities excluding the registrant's name unless:

A. such documents were indeed developed by the registrant or under the registrant's immediate personal supervision and responsible control; and
B. the registrant has exercised full authority to determine their development.

4.5.10 Subject to the requirements of this rule, rubber stamp, embossed, transparent self-adhesive seals, or computer generated types may be used. Such stamps or seals shall not include the registrant's signature.

4.5.11 An architect, acting individually or through a firm, association or corporation shall not request, propose, or accept an agreement, contract, or commission for professional services on a "contingency basis" under which the architect's professional judgment may be compromised or when a contingency provision is used as a device for promoting or securing an agreement,

contract, or commission, either for additional commissions or projects or for performing further services on the project involved. For purposes of adjudging the provisions of this section "contingency basis" will also be interpreted to include the preparation of preliminary reports and/or applications for funds or for reviewing for approval where the fee involved is to be paid only after such submission or approval, or in an amount substantially below the cost of performing the services.

Commentary - This provision reflects directly on the increasing practice of soliciting submittals from architects with compensation to the architect contingent upon the occurrence of a particular event, i.e.: the passage of a bond issue or funding of the project. The architect is requested to provide services with the possibility of receiving no, or a substantially reduced, fee. If this occurs, selection of the architect is based upon conditions other than qualifications. Additionally, this encourages the architect to perform substandard or inadequate work which may endanger the life, health or safety of the public.

4.5.12 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.~~0~~2.6.
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.

Source: *Miss. Code Ann.§§73-1-1, 13, 19, 29(1)(d), 35*

Part 201 Chapter 5: Disciplinary Guidelines, Range of Penalties, Aggravating and Mitigating Circumstances

Rule 5.1 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 (4.5.5; 3.2.4):
   Minimum Penalty-Letter of reprimand and $500 fine
B. Failure to sign over stamp (73-1-35; 3.2.4; 4.5.7):
   Minimum Penalty-Same as (A) above
C. Providing work not competent to perform (4.1.1; 4.1.3):
   Minimum Penalty-Reprimand and $2,500 fine
D. "Plan Stamping" (73-1-35; 3.2.4; 4.5.2; 4.5.5; 4.5.9):
   Minimum Penalty-Suspension and $2,500 fine
E. Attempting to procure a license by providing false, deceptive or misleading information (73-1-13diii; 73-1-29b; 4.4.5):
   Minimum Penalty-Revocation and $2,500 fine if licensed (denial of license if application in process)
F. Licensee disciplined by another jurisdiction (4.3.1; 4.3.4):
   Minimum Penalty-Board discretion
G. Criminal conviction relating to architecture (73-1-29g; 4.3.1):
   Minimum Penalty-Misdemeanor: reprimand and $2,500 fine
   Minimum Penalty-Felony: One (1) year suspension, one (1) year probation and $2,500 fine
H. Practice on suspended license resulting from disciplinary action by Board (73-1-29e):
   Minimum Penalty-Revocation and $5,000 fine
I. Practice on inactive license (73-1-27; 73-1-29e; 2.3):
   Minimum Penalty-Fine based on length of time in practice while inactive; $1,000 per month (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; 2.3):
   Minimum Penalty-Fine based on length of time in practice while revoked; $1,000 per month
K. Fraudulent, false, deceptive or misleading advertising (73-1-1; 3.2.2; 3.2.3; 3.2.9; 3.2.11):
   Minimum Penalty-Cease and desist letter and public reprimand
L. Negligence (73-1-29c; 4.1.1; 4.1.3):
   Minimum Penalty-Reprimand, one (1) year probation and $2,500 fine
M. Fraud or Deceit (73-1-29h; 4.5.4):
   Minimum Penalty-Reprimand, one (1) year suspension, one (1) year probation and $2,500 fine
N. Incompetence (mental or physical impairment) (4.1.4):
   Minimum Penalty-Suspension until ability to practice proved, followed by probation

O. Bribery to obtain clients or commissions (4.3.3; 4.5.3):
   Minimum Penalty-Revocation and $5,000 fine
P. Undisclosed conflict of interest (73-1-29i; 4.2.1):
   Minimum Penalty-Reprimand, $2,500 fine and one (1) year probation
Q. Aiding unlicensed practice (3.2.6(c); 4.3.2; 4.4.7; 4.4.8):
   Minimum Penalty-Probation and $2,500 fine
R. Practicing architecture without a license (73-1-1; 73-1-13d/v; 73-1-29a; 2.2):
   Minimum Penalty-Reprimand and $2,500 fine (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; 3.2.12):
   Minimum Penalty-$2,500 fine and test on Board laws and rules
T. Violating the provisions of the construction administration rule (3.2.16):
   Minimum Penalty-$1,500 fine

The above range of penalties is a guideline only and 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. 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.

Source: *Miss. Code Ann.§73-1-29(4)*

Part 201 Chapter 6: Mandatory Continuing Education Guidelines

Introduction. The timeline of these guidelines shall be effective for the 2013 renewal period and thereafter. For the 2013 renewal only, any CEHs earned during the month of December 2011 may be counted toward the calendar year 2012 requirement.

Rule 6.1 Purpose
Continuing Education (CE) is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare. Each registrant shall be required to meet the continuing education requirements of these guidelines. These guidelines provide for a mandatory continuing education program to insure that registered architects remain informed of those technical and professional subjects the Board deems appropriate to safeguard life, health and promote the public welfare.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.2 Requirements

A Continuing Education Hour (CEH) is one continuous instructional hour (50 to 60 minutes of con-tact) spent in Structured Educational Activities intended to increase or update the architect's knowledge and competence in health, safety, and welfare subjects. If the provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for Continuing Education Hour purposes irrespective of actual time spent on the activity.

Each Mississippi registered architect shall complete a minimum twelve (12) CEHs per calendar year, which shall total twenty-four (24) CEHs to be reported with each biennial (every two years) renewal. All CEHs must be in structured continuing education activities as defined in 6.4, and shall be in health, safety and welfare topics as defined in 6.5.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.3 Policy and Administration

In regard to continuing education, the Board shall have the following duties:

A. To exercise general supervisory authority over the administration of these rules; and
B. to establish regulations consistent with these rules; and
C. to organize sub-committees and delegate executive authority.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.4 Structured Continuing Education

Structured continuing educational activities are those in which at least 75 percent of an activity's content and instructional time must be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

Structured course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study. Structured Continuing Education shall include the following types of activities:

A. Attending professional or technical presentations at meetings, conventions, or conferences.
B. Attending in-house programs sponsored by corporations or other organizations.
C. Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses.
D. Successfully completing college or university sponsored courses.
E. Successfully completing courses that are awarded continuing education credits.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.5 Health, Safety, and Welfare Subjects

Technical and professional subjects that the Board deems appropriate to safeguard the public and

that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

A. Building systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection
B. Construction Contract Administration: Contracts, Bidding, Contract Negotiations
C. Construction Documents: Drawings, Specifications, Delivery Methods
D. Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
E. Environment: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
F. Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public
G. Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
H. Preservation: Historic, Reuse, Adaptation

Source: *Miss. Code Ann.§73-1-9*

Rule 6.6 Computation of Credit

A. Successfully completing one (1) hour professional development education (50 to 60 minutes actual course or contact time) shall be the equivalent of one (1) CEH. No credit will be allowed for introductory remarks, meals, breaks, or business/administration matters related to courses of study.
B. The Board has final authority with respect to approval of courses, credits, and continuing education hours for courses and any other method of earning credit.
C. Hours claimed for continuing education credit must be in addition to or outside of the registrant's normal day-to-day business activities.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.7 Scope and Exemptions

A. Scope: These guidelines shall apply to all architects registered by the Board. Failure to obtain CEHs in conformance with these rules shall subject the architect to disciplinary action.
B. Exemptions:
    1. A first-time new registrant by exam or reciprocity will be exempt for the first renewal period. NOTE: This exemption does not apply on applications for reinstatement of registration.
    2. Registrant is an emeritus status architect on record with this Board.
    3. Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the two year reporting period. (This does not include a career military person who is reassigned overseas, etc.).
    4. Resident registrants of any other NCARB jurisdiction with either a mandatory or voluntary continuing education program provided that same jurisdiction accepts

the Mississippi continuing education requirement as satisfying their continuing education requirement, and provided that the registrant truthfully certifies by affidavit and annual report that all requirements of that jurisdiction for current continuing education compliance and registration have been met. For continuing education purposes, the address of record on file with the Board will determine "residence". Registrant must attach to the annual report form a copy of the most recently-issued wallet card, letter of good standing, or certificate.

5. Personal or medical hardship will be considered on an individual basis. Requests must be received at the Board office no later than November 1 of the renewal year.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.8 Reporting

A. The continuing education section of the renewal application must be completed in full in order to process the registration renewal. Do not send documentation with renewal. A random audit of annual reports will be conducted post renewal to ensure accuracy and compliance.
B. Each registrant, at renewal of registration time, shall submit the required continuing education information, which shall include an affidavit attesting to the registrant's fulfillment of these continuing education requirements. No carryover of continuing education hours is permitted.
C. Each affidavit shall be reviewed by the Board and may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of six (6) years after submission in the event that the affidavit and annual report is selected for audit. The Board may require a detailed synopsis or report for verification of CEHs claimed.
D. The Board may, upon audit for verification of compliance, disallow claimed credit for continuing education units. The registrant shall have sixty (60) calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEHs credit which fulfills minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the 60 calendar days shall invalidate the renewal and the respondent's license shall be immediately rendered inactive.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.9 Recordkeeping

A. The registrant is responsible for retaining proof of participation in continuing education activities. Supporting documents may include but are not limited to:
   1. a log showing activity claimed, sponsoring organization, location, duration, etc.;
   2. attendance certificates;
   3. signed attendance receipts;
   4. paid receipts;
   5. sponsor's list of attendees (signed by a person in responsible charge of the activity);

6. an AIA transcript for the prescribed period.

B. Registrants who claim CEHs for videotaped instructional materials and self-study courses must retain information which:
   1. accounts for the amount of time spent completing the activity;
   2. summarizes the content of the activity; and
   3. relates the activity to the health, safety, and welfare of the public.

C. These records must be retained for a period of six (6) years from the date of report. Copies must be furnished to the Board for audit purposes if requested.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.10 Disallowances
If continuing education credits are disallowed, the registrant shall have sixty (60) calendar days after notification to substantiate the original claim or earn other continuing education credits to meet the minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the 60 calendar days shall invalidate the renewal and the respondent's license shall be immediately rendered inactive.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.11 Penalty for Late Units
The base penalty for CEHs earned late for any calendar year shall be $200, to which will be added a penalty fee of $25 per late CEH per month for each month beyond the preceding calendar year, ending on December 31. Any of the required 12 CEHs to be earned annually that are earned after December 31 shall be considered late.

The penalty fee formula is as follows:
Base penalty of $200.00 + ($25 penalty x no. of CEHs late x no. of months late) = late CEH penalty.

Source: *Miss. Code Ann.§73-1-9*

Rule 6.12 Noncompliance and Sanctions
Failure to fulfill the continuing education requirements and to file a properly completed and signed annual report shall result in non-renewal of the architect's certificate of registration. Submission of a false statement in regard to continuing education could subject the licensee to discipline for a violation of this section as well as 73-1-29 (b) and/or 4.4.5.

Source: *Miss. Code Ann.§73-1-9*