MISSISSIPPI CERTIFIED INTERIOR DESIGNER
RULES AND REGULATIONS

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MISSISSIPPI CERTIFIED INTERIOR DESIGNER
RULES AND REGULATIONS

Title 30: Professions and Occupations

Part 203: Interior Designer Advisory Committee to the Mississippi State Board of Architecture

Part 203 Chapter 1: General Provisions

Rule 1.1 Definitions.

A. "IDAC" – The Mississippi Interior Designer Advisory Committee to the Mississippi State Board of Architecture.
B. "Board" – The Mississippi State Board of Architecture.
C. "CIDQ" – The Council for Interior Designer Qualification (formerly the NCIDQ, The National Council for Interior Designer Qualification).
D. "NCIDQ Exam" – Interior Designer Qualification Exam (Formerly the IDQE, Interior Designer Qualification Examination.

Source: *Miss. Code Ann.*§73-73-5

Rule 1.2 Fees.

A.	Application for certification	175.00
B.	Biennial renewal	250.00
C.	Reinstatement of an expired certificate	550.00
D.	Electronic roster of certificate holders	50.00
E.	Duplicate wall certificate	40.00
F.	File transfer to another jurisdiction	25.00
G.	Non-sufficient funds check	40.00
H.	Photo copies (per single sided sheet)	.25
I.	Laser printed pages (per single page)	.25

Source: *Miss. Code Ann.*§73-73-25(c)

Rule 1.3 Certificates.

A. A Certificate, suitable for framing, bearing the full name of the certificate holder, the certificate holder's certification number, and the date of certification shall be issued to each new certificate holder. Certificates are to be maintained and posted in the primary business offices in which the certificate holder conducts business.
B. A printable certificate of standing shall be made available online to active certificate holders, and shall indicate the certificate status as of the date accessed and the upcoming expiration date.

Source: *Miss. Code Ann.*§73-73-21.

Rule 1.4 Contact Information.

A. A Certified Interior Designer shall advise IDAC of any change of address or change in employment within thirty (30) days after the change.
B. A Certified Interior Designer shall notify IDAC of changes in their email address within thirty (30) days of the change.

Source: *Miss. Code Ann.*§73-73-25(b) & (f)

Rule 1.5 Use of Title

Any person who is represented as a certified interior designer in this state, by use of words, titles, letters or abbreviations, shall provide disclosure or a disclaimer as to the absence of certification if the person is not certified by the State of Mississippi.

Source: *Miss. Code Ann.*§73-73-3 and §73-73-5

Part 203 Chapter 2: Applications for Examination and Certification

Rule 2.1 Applications.

A. Any applicant for certification must have met the requirements of *Miss. Code Ann.* §§73-73-7 or 73-73-9.
B. An applicant for certification must provide documentation of having met the requirements of *Miss. Code Ann.* §§73-73-7 or 73-73-9, which shall include submittal of the applicant's CIDQ record documenting successful completion of all or part of the NCIDQ Exam.
C. Applications for certification shall be properly and fully executed on forms provided by IDAC.
D. Payment in accordance with the fee schedule outlined in Chapter 1 shall accompany the application for certification.
E. All applications shall be considered individually and approved or rejected by a majority vote of IDAC, subject to approval and ratification by the Board.
F. Personal appearances before IDAC, if required by IDAC, shall be at a time and place designated by IDAC.
G. Failure to supply additional evidence or information within sixty (60) days from the date of written request from IDAC or to appear before IDAC, when such an appearance is deemed necessary, may be considered just and sufficient cause for rejection of the application.
H. Applications for certification shall expire after a six (6) month interval during which there is no activity.
I. No application for certification may be withdrawn except upon the express written consent of IDAC which consent shall be in the sole and exclusive discretion of the IDAC. In no event shall an application be allowed to be withdrawn if IDAC has determined or has reasonable cause to believe that an applicant has violated any of the provisions of *Miss. Code Ann.*§73-73-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by IDAC.

Source: *Miss. Code Ann.§73-73-7 & Miss. Code Ann.§73-73-9.*

Rule 2.2 Examinations.
Every applicant for certification must complete the NCIDQ Exam as administered by CIDQ prior to applying for certification.

Source: *Miss. Code Ann.* §§73-73-9 and 73-73-7(2)(a).

Rule 2.3 Certification.
The following may apply for certification per *Miss. Code Ann.*§73-73-7 through the process outlined:

A. An applicant who completed all sections of the NCIDQ Exam prior to January 1, 2012 must:
   1. Submit the application for certification required by IDAC; and
   2. Request that CIDQ transmit the NCIDQ Exam examination record to IDAC; and
   3. Submit any other documents which might be requested by IDAC.
   4. Upon receipt of these documents, IDAC shall consider the application for certification.

B. An applicant who has a degree in interior design from a program accredited by the CIDA; or an applicant who has a four-year degree in interior design accepted by CIDQ; or an applicant who has a degree in architecture from a program accredited by the National Architectural Accreditation Board shall:
   1. Take and pass all sections of the NCIDQ Exam as administered by CIDQ; and
   2. Request that CIDQ transmit the education, experience and examination record to IDAC; and
   3. Submit any other documents which might be requested by IDAC; and
   4. Submit the application for certification required by IDAC.
   5. Upon receipt of these documents, IDAC shall consider the application for certification.

C. An applicant who is a licensed architect in Mississippi but who does not have a NAAB accredited degree or an applicant who is a licensed professional engineer in Mississippi must:
   1. Submit proof of licensure as an architect or professional engineer to IDAC; and
   2. Submit proof of having acquired 5,280 hours of qualified interior designer experience per CIDQ requirements; and
   3. Submit any other documents which might be requested by IDAC; and
   4. Submit the application for certification required by IDAC; and
   5. Take and pass all sections of the NCIDQ Exam; and
   6. Request that CIDQ transmit the examination record to IDAC to document successful completion of the NCIDQ Exam; and
   7. Upon receipt of these documents, IDAC shall consider the application for certification.

Source: *Miss. Code Ann.*§73-73-7

Part 203 Chapter 3: Renewal and Reinstatement of Certification

Rule 3.1 Renewals.
The biennial certificate renewal fee shall be due on or before January 31st of each even numbered calendar year, after which penalties will be added at a rate of $5.00 per month beginning on February 1 of each even numbered year up until midnight on June 1st of the same even numbered year. After June 1st the certificate stands expired and the individual must apply for reinstatement of an expired certificate in order to return to active status.

Source: *Miss. Code Ann.*§73-73-15(1&2)

Rule 3.2 Reinstatement of Certificate.
A certificate holder that allows certification to lapse after June 1st of the even numbered calendar year in which it was due will be required to reinstate said certification by filing an application for reinstatement of an expired certificate supplied by IDAC, paying the reinstatement fee and providing the following information:

A. A list of work experience since the date the certificate officially lapsed; and
B. Certification that the applicant has not used the title or held himself or herself out as a Mississippi Certified Interior Designer during the time in which the certification was inactive or lapsed; and
C. Certification that the applicant has acquired twelve (12) units of continuing education within the twenty-four month (24) period immediately prior to the date on which the application for reinstatement is submitted. The type of activity and content of continuing education hours must be in accordance with the provisions set forth in Chapter 4 and reported in a format acceptable to IDAC.

Source: *Miss. Code Ann.*§73-73-15(2)

Rule 3.3 Emeritus Status.

A. Certified Interior Designers who have been certified in this state for ten (10) consecutive years and who are retired may request "Emeritus Status" by filing an application showing compliance with the requirements of this section. An emeritus status applicant must be either sixty-five (65) years of age or older or the applicant must prove, to the IDAC's satisfaction, that they are physically or mentally unable to participate in active practice. Any card, letter, title, sign or device shall specify "Emeritus Certified Interior Designer" in reference to the holder.
B. In order to return to active status, an Emeritus Certified Interior Designer must follow the procedures and meet the requirements for reinstatement, including continuing education requirements as set forth in Chapter 4.

Source: *Miss. Code Ann.*§73-73-25(f)

Part 203 Chapter 4: Continuing Education

Rule 4.1 Mandatory Continuing Education.

A. The mandatory continuing education requirements shall commence on February 1, 2014, and shall be reported as required on the 2016 and subsequent renewal applications unless the applicant is otherwise exempted from these provisions.
B. Each certificate holder shall be required to meet the continuing education requirements of these guidelines. These guidelines provide for a mandatory continuing education program to insure that certified interior designers remain informed of those technical and professional subjects IDAC deems appropriate to safeguard life, health, and promote the public welfare. Acquisition of the required units in conformance with this chapter is a condition precedent to renewal.
C. Definitions:
    1. "CEU" - Continuing Education Unit. One CEU shall represent a minimum of 50 minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks or business/administration matters related to courses of study.
    2. "Health/Safety/Welfare (HSW) Topics" - Technical and professional subjects which directly safeguard the health, safety, and welfare of the public as it relates to certified interior design. Examples include, but are not limited to, knowledge of legal codes, building regulations and product performance standards and topics such as energy efficiency, acoustics, sustainability, lighting and fire and life-safety systems that are implemented to protect the public and the environment.
D. Requirements
    1. Each Mississippi Certified Interior Designer shall complete a minimum of twelve (12) CEUs in HSW topics each biennial reporting period.
    2. The reporting period shall be concurrent with the certification period, that being February 1st of the even numbered year of renewal until January 31st of the next even numbered year.
E. Scope - These rules shall constitute a condition precedent to renewal of certification on a biennial basis for any person certified as an interior designer by the State of Mississippi.
F. Acceptable structured educational activities, which must be health, safety and welfare related, shall include the following:
    1. Attending professional or technical presentations or lectures at meetings, conventions, or conferences; and
    2. Attending in-house programs sponsored by corporations or other organizations
    3. Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses; and
    4. Successfully completing college or university sponsored courses; and
    5. Successfully completing courses that are awarded continuing education credits by the provider.
G. Biennial Report
    1. Each certificate holder shall submit an affidavit attesting to the certificate holder's fulfillment of continuing education requirements during the preceding biennial certification period, which is the CEU reporting period. The affidavit shall be included with the application for certificate renewal.
    2. Each affidavit shall be reviewed by IDAC and may be subject to audit for verification

of compliance with requirements.

3. Certificate holders shall retain proof of fulfillment of requirements for a period of two (2) years after submission in the event that the affidavit and biennial report is selected for audit. Such proof of fulfillment may include certificates, or a combination of receipts showing payment or certification, letters, travel receipts, agendas, personal notes, or other documents which prove the certificate holder's participation in each activity for which credit is claimed.
4. Audit reports must include proof that the certificate holder has completed any claimed activity in conformance with these guidelines and shall be provided in a format prescribed by IDAC.
5. IDAC may, upon audit for verification of compliance, disallow claimed credit for continuing education units. The certificate holder shall have Ninety (90) calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEU credit, which fulfill minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the Ninety (90) calendar days shall invalidate the renewal and the certificate holder shall be immediately rendered inactive.

H. Penalty for Late Units - The base penalty for continuing education units claimed on a renewal but earned after the last day of the CEU reporting period, which is January 31st of even numbered calendar years, shall be $200, to which will be added a penalty fee of $25 per late CEU per month for each month after the close of the CEU reporting period. Any CEUs earned after the close of the CEU reporting period are considered late. The penalty fee formula is as follows: Base penalty of $200.00 + ($25 penalty x no. of CEUs late x no. of months late) = late CEU penalty.

I. Exemptions - A certificate holder may be exempt from participating in the continuing education requirement for one of the following reasons:
   1. A first-time certificate holder shall be exempt for his/her first application for renewal; or
   2. Certificate holder is an Emeritus Certified Interior Designer; or
   3. Certificate holder has, prior to renewal, received a hardship exemption from the IDAC; or
   4. Certificate holder is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding one hundred and eighty (180) consecutive days during the biennial report period.
   5. Hardship Consideration - Hardship cases will be considered by IDAC on an individual basis. Any hardship request must be approved by IDAC in writing prior to the exemption being allowed. Acceptance or rejection of the hardship request shall be at the sole discretion of IDAC, whose decision shall be final and binding. Requests for hardship must be submitted in writing.

Source: *Miss. Code Ann.*§73-73-13

Part 203 Chapter 5: Professional Code of Conduct

Rule 5.1 Competence.

A. A Certified Interior Designer shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by Certified Interior Designers of good standing providing certified interior design services 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 certification. Rule 5.1(a) sets forth the common law standard which has existed in this country for a hundred years or more in judging the performance of design professionals. While some courts have stated that a design professional, like the manufacturer of goods, impliedly warrants that the design professional'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 design professional need be careful but not always right. In an age of national television, national universities, a national certification 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 a design professional 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 a design professional in a complex urban setting may vary from what is expected in a simpler, rural situation.

B. In designing a project, a Certified Interior Designer shall take into account all applicable federal, state and municipal building laws and regulations. While a Certified Interior Designer may rely on the advice of other professionals (e.g., attorneys, architects, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Certified Interior Designer 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 Certified Interior Designer to have failed to take them into account, but the rule does not make the Certified Interior Designer specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the Certified Interior Designer may be required to seek the interpretation of other professionals. The rule permits the Certified Interior Designer to rely on the advice of other such professionals.

C. A Certified Interior Designer shall undertake to perform certified interior design services only when the Certified Interior Designer, together with those whom the Certified Interior Designer may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved and is capable of discharging the fiduciary duties involved with the services provided.

Commentary - While a Certified Interior Designer is certified to undertake any project which falls within certified interior design, the Certified Interior Designer must understand and be limited by the limitations on the Certified Interior Designer's own capacity and knowledge. Where a Certified Interior Designer lacks experience, the rule supposes that the Certified Interior Designer will retain consultants who can appropriately supplement the Certified Interior Designer's own capacity. If a Certified Interior Designer undertakes to do a project where the Certified Interior Designer lacks knowledge and where the Certified Interior Designer does not seek supplementing consultants, the Certified Interior Designer has violated the rule.

D. No person shall be permitted to use the title Certified Interior Designer 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 certification when the Board has suitable evidence that the certificate 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 certification of a Certified Interior Designer whose addiction to alcohol, for example, makes it impossible for the Certified Interior Designer to perform the Certified Interior Designer's professional services with necessary care.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.2 Conflict of Interest.

A. A Certified Interior Designer shall not accept compensation for certified interior design 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 a Certified Interior Designer 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.

B. A Certified Interior Designer shall not knowingly solicit or enter into a contract for certified interior design services for any work which another Certified Interior Designer has been exclusively contracted to perform and with which work the other Certified Interior Designer is no longer to provide any certified interior design services, without first having been advised in writing by the Certified Interior Designer's prospective client that the contract with the other Certified Interior Designer has been terminated.

C. If a Certified Interior Designer has any business association or a direct or indirect financial interest which is substantial enough to influence the Certified Interior Designer's judgment in connection with the Certified Interior Designer's performance, the Certified Interior Designer shall fully disclose in writing to the Certified Interior Designer's client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the Certified Interior Designer will either terminate such association or interest or offer to give up the commission or employment.

Commentary – Like Rule 5.2 (a), this rule is directed at conflicts of interest. It requires disclosure by the Certified Interior Designer of any interest which would affect the Certified Interior Designer's performance.

D. A Certified Interior Designer shall not solicit or accept compensation from contractors, vendors, or material or equipment suppliers in return for specifying or endorsing their companies or products in any project for which the Certified Interior Designer has been employed.

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

E. When acting as the interpreter of interior design documents and/or the judge of contract performance, a Certified Interior Designer shall render decisions impartially, favoring neither party to the contract.

Commentary - This rule applies only when the Certified Interior Designer is acting as the interpreter of interior design 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 Certified Interior Designer has an interest in the owning entity) in which the Certified Interior Designer may appropriately decline to act in those two roles. In general, however, the rule governs the customary interior design industry relationship where the Certified Interior Designer, though paid by the owner and owing the owner loyalty, is nonetheless required, in fulfilling the Certified Interior Designer's role in the typical interior design documents, to act with impartiality.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.3 Compliance with Laws.

A. A Certified Interior Designer shall not, in the conduct of providing certified interior design services, 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 certified interior design. Thus, it does not cover criminal conduct entirely unrelated to certify interior design. It is intended, however, that Rule 5.5 (B) will cover reprehensible conduct on the part of the Certified Interior Designer not embraced by Rule 5.3 (A). 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 certified interior design and have provided for discipline whenever the Certified Interior Designer engages in a crime involving "moral turpitude." Some boards 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, this rule specifies crimes in the course of the Certified Interior Designer's work and gives to the board discretion to deal other reprehensible conduct. Note that the rule is concerned only with violations of state or federal criminal law. The rule does not pertain to violations of the laws 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.

B. A Certified Interior Designer 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 Certified Interior Designer is interested.

Commentary – Rule 5.3 (B) tracks a typical bribe statute. It is covered by the general language of Rule 5.5 (C), but it was the Committee's view that Rule 5.3 (B) 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 Certified Interior Designer and not to whether or not the Certified Interior Designer has actually been convicted under a criminal law. A Certified Interior Designer who bribes a public official is subject to discipline by the state certification board, whether or not the Certified Interior Designer has been convicted under the state criminal procedure.

C. A Certified Interior Designer shall comply with the laws and regulations governing providing of interior design services in any United States jurisdiction. A Certified Interior Designer may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the Certified Interior Designer is disciplined in any United States jurisdiction.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.4 Full Disclosure.

A. A Certified Interior Designer, making public statements on certified interior design questions, shall disclose when the Certified Interior Designer is being compensated for making such statement.

B. A Certified Interior Designer shall accurately represent to a prospective or existing client or employer the Certified Interior Designer's qualifications and the scope of the Certified Interior Designer's responsibility in connection with work for which the Certified Interior Designer is claiming credit.

C. It shall be the responsibility of each Certified Interior Designer to clearly and appropriately state prior experience of the Certified Interior Designer and/or the firm the Certified Interior Designer is representing in presenting qualifications to prospective clients, both public and private. If a Certified Interior Designer uses visual representations of prior projects or experience, all certified interior designers-of-record must be clearly identified. Certified interior designer-of-record means persons or entities which provided the plans, specifications and/or interior design documents.

D. A Certified Interior Designer who has been an employee of another Certified Interior Designer may not claim unconditional credit for projects contracted for in the name of the previous employer. The Certified Interior Designer 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 Certified Interior Design firm. The Certified Interior Designer shall also describe the nature and extent of the Certified Interior Designer's participation in the project.

E. A Certified Interior Designer who was formerly a principal in a firm may legitimately make additional claims provided the Certified Interior Designer discloses the nature of ownership in the previous firm (e.g. stockholder, director or officer) and identifies with specificity the Certified Interior Designer's responsibilities for that project.

F. A Certified Interior Designer who presents a project that has received awards recognition must comply with the requirements of Rule 5.4 (B) and (C) with regard to project presentation to the public and prospective clients.

G. Projects which remain incomplete and which are listed as credit shall be listed as "incomplete" or a similar designation.

> *Commentary - Many important projects require a team of designers to do the work. There have been instances 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 Certified Interior Designer who develops experience working under a more senior Certified Interior Designer has every right to claim credit for the work which the young Certified Interior Designer actually performed. On the other hand, the public must be protected from believing that the younger Certified Interior Designer'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 Certified Interior Designer of record for the project.*

H. The certificate holder shall not falsify or permit misrepresentation of an associate's academic qualifications. The Certified Interior Designer shall not misrepresent or exaggerate the Certified Interior Designer'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 Certified Interior Designer's qualifications and/or work.

I. If, in the course of the Certified Interior Designer's work on a project, a Certified Interior Designer becomes aware of a decision taken by the Certified Interior Designer's employer or client against the Certified Interior Designer's advice, which violates applicable federal, state or municipal building laws and regulations and which will, in the Certified Interior Designer's judgment, materially and adversely affect the safety to the public of the finished project, the Certified Interior Designer shall:
   1. Report the decision to the architect of record, the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations; and
   2. Refuse to consent to the decision; and
   3. In circumstances where the Certified Interior Designer reasonably believes that other such decisions will be taken notwithstanding the Certified Interior Designer's objection, the Certified Interior Designer shall terminate the Certified Interior

Designer's services with reference to the project.

Commentary - In the circumstances described, the Certified Interior Designer is compelled to report the matter to the architect of record or a public official even though to do so may substantially harm the Certified Interior Designer'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 Certified Interior Designer to take action to oppose its implementation, it does not make such a proposed violation trigger the provisions of this rule.

J. A Certified Interior Designer shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with the Certified Interior Designer's application for certification or renewal or otherwise lawfully requested by the Board.

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

K. A Certified Interior Designer shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or business reputation of another Certified Interior Designer.

L. A Certified Interior Designer shall not assist the application for certification of a person known by the Certified Interior Designer to be unqualified in respect to education, training, experience, or character.

M. A Certified Interior Designer who has knowledge or reasonable grounds for believing that another Certified Interior Designer has violated any statute or rule regulating the certification of interior designers 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 Rules of Professional Conduct for lawyers. Its thrust is consistent with the special responsibility which the public expects from Certified Interior Designers.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.5 Professional Conduct.

A. Any office which is advertised as providing certified interior design shall have a Certified Interior Designer resident and regularly employed in that office having direct knowledge and supervisory control of such work.

Commentary - This rule addresses the subject of main, branch or satellite offices of a certified interior design firm and protects the public in that such offices are continually supervised by a Certified Interior Designer certified in the jurisdiction where the office is located.

B. "Responsible control" shall be control over all phases of the interior design of a project as is ordinarily exercised by Certified Interior Designers applying the required standard of care, including, but not limited to control over and detailed knowledge of the content of technical submissions throughout preparation by the Certified Interior Designer and the Certified Interior Designer's employees.

C. A Certified Interior Designer 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 Certified Interior Designer is interested.

Commentary – Rule 5.5 (C) is the correlative of Rule 5.3 (B), 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.

D. A Certified Interior Designer shall not engage in conduct involving fraud or wanton disregard for the rights of others.

E. A Certified Interior Designer, acting individually or through a firm, association or corporation shall not request, propose, or accept an agreement, contract, or commission for certified interior design services on a "contingency basis" under which the Certified Interior Designer's 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 custom of soliciting submittals from Certified Interior Designers with compensation to the Certified Interior Designer contingent upon the occurrence of a particular event, i.e.: the funding of the project. The Certified Interior Designer is requested to provide services with the possibility of receiving no, or a substantially reduced, fee. If this occurs, selection of the Certified Interior Designer is based upon conditions other than qualifications. Additionally, this encourages the Certified Interior Designer to perform substandard or inadequate work which may endanger the life, health or safety of the public.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Part 203 Chapter 6: Miscellaneous Administrative Procedures

Rule 6.1 Statutory Authority.
The State Legislature granted Statutory Authority for Certified Interior Designers in 2011. Section 73-73-1 et seq., of the Mississippi code of 1972, Annotated provides for the certification requirements as well as the use of the title "Mississippi Certified Interior Designer."

Source: *Miss. Code Ann.*§73-73-1

Rule 6.2 Non-Discrimination.

The IDAC does not discriminate against any applicant, candidate, or issue certificates because of race, color, creed, sex, religion, national origin, age, physical handicap, disability, or political affiliation.

Source: Miss. Code Ann.§43-33-723; §25-9-103

Rule 6.3 Board Operations.

A. The IDAC is located at 2 Professional Parkway #2B, Ridgeland, MS 39157. The IDAC's telephone number is 601-856-4652. The IDAC's website address is www.archbd.state.ms.us.
A. The public may obtain a description of the IDAC organization and their general course and method of operation from the Rules and Regulations of the IDAC and by reviewing *Miss. Code Ann.*§73-73-1 et seq.
B. The IDAC's rules and regulations are on file with the Mississippi Secretary of State, and may also be viewed on the IDAC's website, or a copy may be obtained by submitting a written request to the IDAC.

Source: *Miss. Code Ann.*§73-73-25

Rule 6.4 Records and Public Records Requests

A. All records of the IDAC which deal with applications, examinations, ongoing investigations, personnel files and CIDQ certification files shall be kept confidential in view of the sensitive nature of the material contained therein.
B. Public records shall be made available pursuant to *Miss. Code Ann.* §§25-61-1 et seq, The Mississippi Public Records Act, by written request to the IDAC with the IDAC responding to requests as required.
C. 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 et seq

Rule 6.5 IDAC Proceedings.

A. All information as to the rules of practice concerning all formal and informal proceedings is available by reviewing the rules and regulations of the IDAC currently on file with the Secretary of State or by reviewing *Miss. Code Ann.*§73-73-1 et seq. These documents are also provided on the IDAC's website or by submitting a written request to the IDAC.
B. The IDAC and its committees generally meet quarterly at the IDAC's office, the address of which is provided in Rule 6.3A. The meeting schedule is available upon request or on the IDAC's website. Other meetings which may be called by the IDAC will be posted at the IDAC office.

Source: *Miss. Code Ann.*§73-73-25

Rule 6.6 Declaratory Opinions.

A. Any person with a substantial interest in the subject matter may petition the IDAC for a declaratory opinion by following the specified procedures.

1. The IDAC will issue declaratory opinions regarding the applicability to specified facts of: A statute administered or enforceable by the IDAC; or
2. a rule promulgated by the IDAC; or
3. an order issued by the IDAC.

B. The IDAC will not issue a declaratory opinion regarding a statute, rule or order which is beyond the primary jurisdiction of the IDAC. "Primary jurisdiction to of the IDAC" means any one or all of the following:
   1. The IDAC has a constitutional grant of authority in the subject matter.
   2. The IDAC has a statutory grant of authority in the subject matter.
   3. The IDAC has issued specific regulations impacting on the subject matter.
   4. The IDAC has issued a specific order or orders impacting on the subject matter.

C. Declaratory opinions will be issued by the IDAC and prepared by the Executive Director.

D. The IDAC 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:
   1. The matter is outside the jurisdiction of the IDAC; or
   2. there is a lack of clarity concerning the question presented; or
   3. there is pending or anticipated litigation, administrative action, or other adjudication; or
   4. 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
   5. the facts presented in the request are not sufficient to answer the question presented; or
   6. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules; or
   7. 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
   8. 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
   9. the question presented by the request concerns the legal or constitutional validity of a statute, rule or order; or
   10. the requestor has not suffered an injury or threatened injury fairly traceable to the application of the statute, rule or order; or
   11. no clear answer is determinable; or
   12. the question presented by the request involves the application of a criminal statute or sets of facts which may constitute a crime; or
   13. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure; or
   14. the question is currently the subject of an Attorney General's opinion request; or
   15. the question has been answered by an Attorney General's opinion; or
   16. the request is not made in good faith; or
   17. the request is harassing in nature or for any other unlawful purposes; or
   18. a similar request is pending before this IDAC 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

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

E. A declaratory opinion shall not be binding or effective for any third party or person other than the IDAC 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.

F. Where a request for a declaratory opinion involves a question of law, the IDAC may refer to the matter to the State Attorney General.

G. 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 IDAC or in the form of a pleading as might be addressed to a court. Oral and telephone requests are unacceptable.

H. All requests must be mailed or delivered to the IDAC, at its physical address as provided in Rule 6.3A. 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:

1. A clear identification of the statute, rule, or order at issue; and
2. a concise statement of the issue or question presented for the declaratory opinion; and
3. a full, complete, and accurate statement of all facts relevant to a resolution of the question presented; and
4. 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
5. a statement sufficient to show that the person seeking relief is substantially affected by the rule; and
6. the terms of the proposed opinion suggested by the requestor may be submitted with the request or may be requested by the agency; and
7. 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.

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

1. Issue an opinion declaring the applicability of the specified statute, rule, or order to the specified circumstances; or

2. decline to issue a declaratory opinion, stating the reasons for its action; or
3. 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
4. The forty-five (45) day period shall begin running on the first State of Mississippi business day that the request is received in the IDAC.

J. The procedure which shall be followed after a request for a declaratory opinion is received is as follows:
   1. The IDAC 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
   2. 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 IDAC within twenty days of the date of this request."

K. If the IDAC in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for declaratory opinion, the IDAC 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 IDAC. The IDAC shall allow the requestor to participate in any hearing. The IDAC may allow any other persons or entities to participate in the hearing.

L. The IDAC 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.

M. Once the IDAC 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 IDAC's legal counsel. After the IDAC'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.*§25-43-2.103

Rule 6.7 Requirements for Public Hearings for Rule Making and Oral Proceedings

A. 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.
B. 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:
    1. A political subdivision; or
    2. an agency; or
    3. 10 persons.
C. 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:
    1. Ensure that the public hearing is not scheduled earlier than 23 business days after filing notice of oral proceeding with SOS; and
    2. file notice of the time, date, and location of the public hearing with the SOS; and
    3. 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
    4. the IDAC can charge for mail, but not electronic transmissions.
D. Public hearings shall be held at a place and time generally convenient for persons affected by the rule.
E. Conducting Public Hearings
    1. Public Hearings must be open to the public; and
    2. the President/Chairman of the IDAC will preside at the proceeding; and
    3. the IDAC and/or Executive Director will be responsible for answering all questions regarding the rule; and
    4. the IDAC may issue rules for conduct of oral proceedings.
F. Public Availability of Public Hearings
    1. A verbatim written transcript of the oral proceedings at each public hearing shall be produced; and
    2. this material will be available for public inspection and copying.
G. Rule 6.8 Final Orders: Indexing, Public Inspection and Precedent.
    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.
    2. The written final order cannot be precedent to the detriment of any person by the IDAC 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*

MISSISSIPPI CERTIFIED INTERIOR DESIGNER
RULES AND REGULATIONS

MARK-UP

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MISSISSIPPI CERTIFIED INTERIOR DESIGNER
RULES AND REGULATIONS

Title 30: Professions and Occupations

Part 203: Interior Designer Advisory Committee to the Mississippi State Board of Architecture

Part 203 Chapter 1: General Provisions

Rule 1.1 Definitions.

A. "IDAC" – The Mississippi Interior Designer Advisory Committee to the Mississippi State Board of Architecture.
B. "Board" – The Mississippi State Board of Architecture.
C. "~~NCIDQ~~ CIDQ" – The ~~National~~ Council for Interior Designer Qualification (formerly the NCIDQ, The National Council for Interior Designer Qualification).
D. "NCIDQ Exam" – Interior Designer Qualification Exam (Formerly the IDQE, Interior Designer Qualification Examination.

Source: *Miss. Code Ann.*§73-73-5

Rule 1.2 Fees.

A.	Application for certification	175.00
B.	Biennial renewal	250.00
C.	Reinstatement of an expired certificate	550.00
D.	Electronic roster of certificate holders	50.00
E.	Duplicate wall certificate	40.00
F.	File transfer to another jurisdiction	25.00
G.	Non-sufficient funds check	40.00
H.	Photo copies (per single sided sheet)	.25
I.	Laser printed pages (per single page)	.25

Source: *Miss. Code Ann.*§73-73-25(c)

Rule 1.3 Certificates.

A. A Certificate, suitable for framing, bearing the full name of the certificate holder, the certificate holder's certification number, and the date of certification shall be issued to each new certificate holder. Certificates are to be maintained and posted in the primary business offices in which the certificate holder conducts business.
B. A printable certificate of standing shall be made available online to active certificate holders, and shall indicate the certificate status as of the date accessed and the upcoming expiration date.

Source: *Miss. Code Ann.*§73-73-21.

Rule 1.4 Contact Information.

A. A Certified Interior Designer shall advise IDAC of any change of address or change in employment within thirty (30) days after the change.
B. A Certified Interior Designer shall notify IDAC of changes in their email address within thirty (30) days of the change.

Source: *Miss. Code Ann.*§73-73-25(b) & (f)

Rule 1.5 Use of Title

Any person who is represented as a certified interior designer in this state, by use of words, titles, letters or abbreviations, shall provide disclosure or a disclaimer as to the absence of certification if the person is not certified by the State of Mississippi.

Source: *Miss. Code Ann.*§73-73-3 and §73-73-5

Part 203 Chapter 2: Applications for Examination and Certification

Rule 2.1 Applications.

A. Any applicant for certification must have met the requirements of *Miss. Code Ann.* §§73-73-7 or 73-73-9.
B. An applicant for certification must provide documentation of having met the requirements of *Miss. Code Ann.* §§73-73-7 or 73-73-9, which shall include submittal of the applicant's ~~NCIDQ~~ CIDQ record documenting successful completion of all or part of the ~~IDQE~~ NCIDQ Exam.
C. Applications for certification shall be properly and fully executed on forms provided by IDAC.
D. Payment in accordance with the fee schedule outlined in Chapter 1 shall accompany the application for certification.
E. All applications shall be considered individually and approved or rejected by a majority vote of IDAC, subject to approval and ratification by the Board.
F. Personal appearances before IDAC, if required by IDAC, shall be at a time and place designated by IDAC.
G. Failure to supply additional evidence or information within sixty (60) days from the date of written request from IDAC or to appear before IDAC, when such an appearance is deemed necessary, may be considered just and sufficient cause for rejection of the application.
H. Applications for certification shall expire after a six (6) month interval during which there is no activity.

I. No application for certification may be withdrawn except upon the express written consent of IDAC which consent shall be in the sole and exclusive discretion of the IDAC. In no event shall an application be allowed to be withdrawn if IDAC has determined or has reasonable cause to believe that an applicant has violated any of the provisions of *Miss. Code Ann.*§73-73-1 et seq. or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by IDAC.

Source: *Miss. Code Ann.§73-73-7 & Miss. Code Ann.§73-73-9.*

Rule 2.2 Examinations.

~~A.~~ Every applicant for certification~~, with the exception of those seeking certification by alternate eligibility,~~ must complete the ~~IDQE~~ NCIDQ Exam as administered by ~~NCIDQ~~ CIDQ prior to applying for certification.

~~B. An applicant seeking certification by alternate eligibility, which shall be open from July 1, 2012 to July 1, 2013, must pass, at a minimum, the code section (Section 1) of the IDQE on or before July 1, 2013.~~

Source: *Miss. Code Ann.* §§73-73-9 and 73-73-7(2)(a).

Rule 2.3 Certification.

The following may apply for certification per *Miss. Code Ann.*§73-73-7 through the process outlined:

A. An applicant who completed all sections of the ~~IDQE~~ NCIDQ Exam prior to January 1, 2012 must:
   1. Submit the application for certification required by IDAC; and
   2. Request that ~~NCIDQ~~ CIDQ transmit the ~~IDQE~~ NCIDQ Exam examination record to IDAC; and
   3. Submit any other documents which might be requested by IDAC.
   4. Upon receipt of these documents, IDAC shall consider the application for certification.

B. An applicant who has a degree in interior design from a program accredited by the CIDA; or an applicant who has a four-year degree in interior design accepted by ~~NCIDQ~~ CIDQ; or an applicant who has a degree in architecture from a program accredited by the National Architectural Accreditation Board shall:
   1. Take and pass all sections of the ~~IDQE~~ NCIDQ Exam as administered by ~~NCIDQ~~ CIDQ; and
   2. Request that ~~NCIDQ~~ CIDQ transmit the education, experience and examination record to IDAC; and
   3. Submit any other documents which might be requested by IDAC; and
   4. Submit the application for certification required by IDAC.
   5. Upon receipt of these documents, IDAC shall consider the application for certification.

C. An applicant who is a licensed architect in Mississippi but who does not have a NAAB accredited degree or an applicant who is a licensed professional engineer in Mississippi must:
   1. Submit proof of licensure as an architect or professional engineer to IDAC; and
   2. Submit proof of having acquired 5,280 hours of qualified interior designer experience per ~~NCIDQ~~ CIDQ requirements; and
   3. Submit any other documents which might be requested by IDAC; and
   4. Submit the application for certification required by IDAC; and
   5. Take and pass all sections of the ~~IDQE~~ NCIDQ Exam; and
   6. Request that ~~NCIDQ~~ CIDQ transmit the examination record to IDAC to document successful completion of the ~~IDQE~~ NCIDQ Exam; and
   7. Upon receipt of these documents, IDAC shall consider the application for certification.

Source: *Miss. Code Ann.*§73-73-7

~~*Rule 2.4 Certification by Alternate Eligibility/Grandfathering.*~~

~~A. Applicants for alternate eligibility under *Miss. Code Ann.* §73-73-9 must apply for certification on or before July 1, 2013 and must pass, at a minimum, Section 1 of the IDQE on or before July 1, 2013.~~

~~B. An applicant must meet either the education requirements or the experience requirements of *Miss. Code Ann.* §73-73-9.~~

~~C. The education requirement of *Miss. Code Ann.* §73-73-9 (2) (a) shall be:~~
   ~~1. A four-year degree in interior design; or~~
   ~~2. Another degree approved by the Board which shall be, at a minimum, a four-year degree in a related field of study.~~

~~D. The experience requirement of *Miss. Code Ann.* §73-73-9 (2) (b) shall be:~~
   ~~1. Ten (10) years in the field of interior design, which shall be verified by documentation acceptable to IDAC which proves employment as an interior designer for a period of 10 years.~~
   ~~2. Documentation may include but is not limited to a combination of the following: filed IRS tax returns, copies of state sales and use tax returns, official privilege tax filings, client affidavits, or membership in an interior design or related professional society recognized by the IDAC.~~

~~E. If the applicant has passed all sections of the IDQE and meets the education or experience requirement, the applicant must, on or before July 1, 2013:~~
   ~~1. Request that NCIDQ transmit the examination record to document successful completion of the IDQE; and~~
   ~~2. Submit any other documents which may be requested by IDAC; and~~
   ~~3. Submit the application for certification required by IDAC.~~
   ~~4. Upon receipt of these documents, the IDAC shall consider the application for certification.~~

~~F. If the applicant has not passed all sections of the IDQE the applicant must, on or before July 1, 2013:~~
   ~~1. Complete the application for certification by alternate eligibility required by IDAC, which shall serve as the applicant's letter of intent to seek certification; and~~

~~2. Submit any other documents which may be requested by IDAC; and~~
~~3. Take and pass the code section (Section 1) of the IDQE on or before July 1, 2013; and~~
~~4. Request that NCIDQ submit the applicant's record to IDAC to document successful completion of Section 1 of the IDQE.~~
~~5. Upon receipt of these documents, the IDAC shall consider the application for certification.~~

~~Source: *Miss. Code Ann.*§73-73-9~~

Part 203 Chapter 3: Renewal and Reinstatement of Certification

Rule 3.1 Renewals.
The biennial certificate renewal fee shall be due on or before January 31st of each even numbered calendar year, after which penalties will be added at a rate of $5.00 per month beginning on February 1 of each even numbered year up until midnight on June 1st of the same even numbered year. After June 1st the certificate stands expired and the individual must apply for reinstatement of an expired certificate in order to return to active status.

Source: *Miss. Code Ann.*§73-73-15(1&2)

Rule 3.2 Reinstatement of Certificate.
A certificate holder that allows certification to lapse after June 1st of the even numbered calendar year in which it was due will be required to reinstate said certification by filing an application for reinstatement of an expired certificate supplied by IDAC, paying the reinstatement fee and providing the following information:

A. A list of work experience since the date the certificate officially lapsed; and
B. Certification that the applicant has not used the title or held himself or herself out as a Mississippi Certified Interior Designer during the time in which the certification was inactive or lapsed; and
C. Certification that the applicant has acquired twelve (12) units of continuing education within the twenty-four month (24) period immediately prior to the date on which the application for reinstatement is submitted. The type of activity and content of continuing education hours must be in accordance with the provisions set forth in Chapter 4 and reported in a format acceptable to IDAC.

Source: *Miss. Code Ann.*§73-73-15(2)

Rule 3.3 Emeritus Status.

A. Certified Interior Designers who have been certified in this state for ten (10) consecutive years and who are retired may request "Emeritus Status" by filing an application showing compliance with the requirements of this section. An emeritus status applicant must be either sixty-five (65) years of age or older or the applicant must prove, to the IDAC's satisfaction, that they are physically or mentally unable to participate in active practice. Any card, letter, title, sign or device shall specify "Emeritus Certified Interior Designer" in reference to the holder.

B. In order to return to active status, an Emeritus Certified Interior Designer must follow the procedures and meet the requirements for reinstatement, including continuing education requirements as set forth in Chapter 4.

Source: *Miss. Code Ann.*§73-73-25(f)

Part 203 Chapter 4: Continuing Education

Rule 4.1 Mandatory Continuing Education.

A. The mandatory continuing education requirements shall commence on February 1, 2014, and shall be reported as required on the 2016 and subsequent renewal applications unless the applicant is otherwise exempted from these provisions.
B. Each certificate holder shall be required to meet the continuing education requirements of these guidelines. These guidelines provide for a mandatory continuing education program to insure that certified interior designers remain informed of those technical and professional subjects IDAC deems appropriate to safeguard life, health, and promote the public welfare. Acquisition of the required units in conformance with this chapter is a condition precedent to renewal.
C. Definitions:
    1. "CEU" - Continuing Education Unit. One CEU shall represent a minimum of 50 minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks or business/administration matters related to courses of study.
    2. "Health/Safety/Welfare (HSW) Topics" - Technical and professional subjects which directly safeguard the health, safety, and welfare of the public as it relates to certified interior design. Examples include, but are not limited to, knowledge of legal codes, building regulations and product performance standards and topics such as energy efficiency, acoustics, sustainability, lighting and fire and life-safety systems that are implemented to protect the public and the environment.
D. Requirements
    1. Each Mississippi Certified Interior Designer shall complete a minimum of twelve (12) CEUs in HSW topics each biennial reporting period.
    2. The reporting period shall be concurrent with the certification period, that being February 1st of the even numbered year of renewal until January 31st of the next even numbered year.
E. Scope - These rules shall constitute a condition precedent to renewal of certification on a biennial basis for any person certified as an interior designer by the State of Mississippi.
F. Acceptable structured educational activities, which must be health, safety and welfare related, shall include the following:
    1. Attending professional or technical presentations or lectures at meetings, conventions, or conferences; and
    2. Attending in-house programs sponsored by corporations or other organizations
    3. Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses; and
    4. Successfully completing college or university sponsored courses; and
    5. Successfully completing courses that are awarded continuing education credits by the provider.

G. Biennial Report
   1. Each certificate holder shall submit an affidavit attesting to the certificate holder's fulfillment of continuing education requirements during the preceding biennial certification period, which is the CEU reporting period. The affidavit shall be included with the application for certificate renewal.
   2. Each affidavit shall be reviewed by IDAC and may be subject to audit for verification of compliance with requirements.
   3. Certificate holders shall retain proof of fulfillment of requirements for a period of two (2) years after submission in the event that the affidavit and biennial report is selected for audit. Such proof of fulfillment may include certificates, or a combination of receipts showing payment or certification, letters, travel receipts, agendas, personal notes, or other documents which prove the certificate holder's participation in each activity for which credit is claimed.
   4. Audit reports must include proof that the certificate holder has completed any claimed activity in conformance with these guidelines and shall be provided in a format prescribed by IDAC.
   5. IDAC may, upon audit for verification of compliance, disallow claimed credit for continuing education units. The certificate holder shall have Ninety (90) calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEU credit, which fulfill minimum requirements. Failure to substantiate the original claim or to earn other credit before the expiration of the Ninety (90) calendar days shall invalidate the renewal and the certificate holder shall be immediately rendered inactive.

H. Penalty for Late Units - The base penalty for continuing education units claimed on a renewal but earned after the last day of the CEU reporting period, which is January 31st of even numbered calendar years, shall be $200, to which will be added a penalty fee of $25 per late CEU per month for each month after the close of the CEU reporting period. Any CEUs earned after the close of the CEU reporting period are considered late. The penalty fee formula is as follows: Base penalty of $200.00 + ($25 penalty x no. of CEUs late x no. of months late) = late CEU penalty.

I. Exemptions - A certificate holder may be exempt from participating in the continuing education requirement for one of the following reasons:
   1. A first-time certificate holder shall be exempt for his/her first application for renewal; or
   2. Certificate holder is an Emeritus Certified Interior Designer; or
   3. Certificate holder has, prior to renewal, received a hardship exemption from the IDAC; or
   4. Certificate holder is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding one hundred and eighty (180) consecutive days during the biennial report period.
   5. Hardship Consideration - Hardship cases will be considered by IDAC on an individual basis. Any hardship request must be approved by IDAC in writing prior to the exemption being allowed. Acceptance or rejection of the hardship request shall be at the sole discretion of IDAC, whose decision shall be final and binding. Requests for hardship must be submitted in writing.

Source: *Miss. Code Ann.*§73-73-13

Part 203 Chapter 5: Professional Code of Conduct

Rule 5.1 Competence.

A. A Certified Interior Designer shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by Certified Interior Designers of good standing providing certified interior design services 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 certification. Rule 5.1(a) sets forth the common law standard which has existed in this country for a hundred years or more in judging the performance of design professionals. While some courts have stated that a design professional, like the manufacturer of goods, impliedly warrants that the design professional'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 design professional need be careful but not always right. In an age of national television, national universities, a national certification 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 a design professional 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 a design professional in a complex urban setting may vary from what is expected in a simpler, rural situation.

B. In designing a project, a Certified Interior Designer shall take into account all applicable federal, state and municipal building laws and regulations. While a Certified Interior Designer may rely on the advice of other professionals (e.g., attorneys, architects, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Certified Interior Designer 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 Certified Interior Designer to have failed to take them into account, but the rule does not make the Certified Interior Designer specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the Certified Interior Designer may be required to seek the interpretation of other professionals. The rule permits the Certified Interior Designer to rely on the advice of other such professionals.

C. A Certified Interior Designer shall undertake to perform certified interior design services only when the Certified Interior Designer, together with those whom the Certified Interior Designer may engage as consultants, are qualified by education, training, and

experience in the specific technical areas involved and is capable of discharging the fiduciary duties involved with the services provided.

Commentary - While a Certified Interior Designer is certified to undertake any project which falls within certified interior design, the Certified Interior Designer must understand and be limited by the limitations on the Certified Interior Designer's own capacity and knowledge. Where a Certified Interior Designer lacks experience, the rule supposes that the Certified Interior Designer will retain consultants who can appropriately supplement the Certified Interior Designer's own capacity. If a Certified Interior Designer undertakes to do a project where the Certified Interior Designer lacks knowledge and where the Certified Interior Designer does not seek supplementing consultants, the Certified Interior Designer has violated the rule.

D. No person shall be permitted to use the title Certified Interior Designer 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 certification when the Board has suitable evidence that the certificate 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 certification of a Certified Interior Designer whose addiction to alcohol, for example, makes it impossible for the Certified Interior Designer to perform the Certified Interior Designer's professional services with necessary care.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.2 Conflict of Interest.

A. A Certified Interior Designer shall not accept compensation for certified interior design 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 a Certified Interior Designer 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.

B. A Certified Interior Designer shall not knowingly solicit or enter into a contract for certified interior design services for any work which another Certified Interior Designer has been exclusively contracted to perform and with which work the other Certified Interior Designer is no longer to provide any certified interior design services, without first having been advised in writing by the Certified Interior Designer's prospective client that the contract with the other Certified Interior Designer has been terminated.

C. If a Certified Interior Designer has any business association or a direct or indirect financial interest which is substantial enough to influence the Certified Interior Designer's judgment in connection with the Certified Interior Designer's performance, the Certified Interior Designer shall fully disclose in writing to the Certified Interior Designer's client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the Certified

Interior Designer will either terminate such association or interest or offer to give up the commission or employment.

Commentary – Like Rule 5.2 (a), this rule is directed at conflicts of interest. It requires disclosure by the Certified Interior Designer of any interest which would affect the Certified Interior Designer's performance.

D. A Certified Interior Designer shall not solicit or accept compensation from contractors, vendors, or material or equipment suppliers in return for specifying or endorsing their companies or products in any project for which the Certified Interior Designer has been employed.

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

E. When acting as the interpreter of interior design documents and/or the judge of contract performance, a Certified Interior Designer shall render decisions impartially, favoring neither party to the contract.

Commentary - This rule applies only when the Certified Interior Designer is acting as the interpreter of interior design 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 Certified Interior Designer has an interest in the owning entity) in which the Certified Interior Designer may appropriately decline to act in those two roles. In general, however, the rule governs the customary interior design industry relationship where the Certified Interior Designer, though paid by the owner and owing the owner loyalty, is nonetheless required, in fulfilling the Certified Interior Designer's role in the typical interior design documents, to act with impartiality.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.3 Compliance with Laws.

A. A Certified Interior Designer shall not, in the conduct of providing certified interior design services, 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 certified interior design. Thus, it does not cover criminal conduct entirely unrelated to certify interior design. It is intended, however, that Rule 5.5 (B) will cover reprehensible conduct on the part of the Certified Interior Designer not embraced by Rule 5.3 (A). 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 certified interior design and have provided for discipline whenever the Certified Interior Designer engages in a crime involving "moral turpitude." Some boards 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, this rule specifies crimes in the course of the Certified Interior Designer's work and gives to the board discretion to deal other reprehensible conduct. Note that the rule is concerned only with violations of state or federal

criminal law. The rule does not pertain to violations of the laws 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.

B. A Certified Interior Designer 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 Certified Interior Designer is interested.

Commentary – Rule 5.3 (B) tracks a typical bribe statute. It is covered by the general language of Rule 5.5 (C), but it was the Committee's view that Rule 5.3 (B) 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 Certified Interior Designer and not to whether or not the Certified Interior Designer has actually been convicted under a criminal law. A Certified Interior Designer who bribes a public official is subject to discipline by the state certification board, whether or not the Certified Interior Designer has been convicted under the state criminal procedure.

C. A Certified Interior Designer shall comply with the laws and regulations governing providing of interior design services in any United States jurisdiction. A Certified Interior Designer may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the Certified Interior Designer is disciplined in any United States jurisdiction.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.4 Full Disclosure.

A. A Certified Interior Designer, making public statements on certified interior design questions, shall disclose when the Certified Interior Designer is being compensated for making such statement.
B. A Certified Interior Designer shall accurately represent to a prospective or existing client or employer the Certified Interior Designer's qualifications and the scope of the Certified Interior Designer's responsibility in connection with work for which the Certified Interior Designer is claiming credit.
C. It shall be the responsibility of each Certified Interior Designer to clearly and appropriately state prior experience of the Certified Interior Designer and/or the firm the Certified Interior Designer is representing in presenting qualifications to prospective clients, both public and private. If a Certified Interior Designer uses visual representations of prior projects or experience, all certified interior designers-of-record must be clearly identified. Certified interior designer-of-record means persons or entities which provided the plans, specifications and/or interior design documents.
D. A Certified Interior Designer who has been an employee of another Certified Interior Designer may not claim unconditional credit for projects contracted for in the name of

the previous employer. The Certified Interior Designer 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 Certified Interior Design firm. The Certified Interior Designer shall also describe the nature and extent of the Certified Interior Designer's participation in the project.

E. A Certified Interior Designer who was formerly a principal in a firm may legitimately make additional claims provided the Certified Interior Designer discloses the nature of ownership in the previous firm (e.g. stockholder, director or officer) and identifies with specificity the Certified Interior Designer's responsibilities for that project.

F. A Certified Interior Designer who presents a project that has received awards recognition must comply with the requirements of Rule 5.4 (B) and (C) with regard to project presentation to the public and prospective clients.

G. Projects which remain incomplete and which are listed as credit shall be listed as "incomplete" or a similar designation.

Commentary - Many important projects require a team of designers to do the work. There have been instances 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 Certified Interior Designer who develops experience working under a more senior Certified Interior Designer has every right to claim credit for the work which the young Certified Interior Designer actually performed. On the other hand, the public must be protected from believing that the younger Certified Interior Designer'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 Certified Interior Designer of record for the project.

H. The certificate holder shall not falsify or permit misrepresentation of an associate's academic qualifications. The Certified Interior Designer shall not misrepresent or exaggerate the Certified Interior Designer'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 Certified Interior Designer's qualifications and/or work.

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

1. Report the decision to the architect of record, the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations; and
2. Refuse to consent to the decision; and
3. In circumstances where the Certified Interior Designer reasonably believes that other

such decisions will be taken notwithstanding the Certified Interior Designer's objection, the Certified Interior Designer shall terminate the Certified Interior Designer's services with reference to the project.

Commentary - In the circumstances described, the Certified Interior Designer is compelled to report the matter to the architect of record or a public official even though to do so may substantially harm the Certified Interior Designer'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 Certified Interior Designer to take action to oppose its implementation, it does not make such a proposed violation trigger the provisions of this rule.

J. A Certified Interior Designer shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with the Certified Interior Designer's application for certification or renewal or otherwise lawfully requested by the Board.

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

K. A Certified Interior Designer shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or business reputation of another Certified Interior Designer.

L. A Certified Interior Designer shall not assist the application for certification of a person known by the Certified Interior Designer to be unqualified in respect to education, training, experience, or character.

M. A Certified Interior Designer who has knowledge or reasonable grounds for believing that another Certified Interior Designer has violated any statute or rule regulating the certification of interior designers 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 Rules of Professional Conduct for lawyers. Its thrust is consistent with the special responsibility which the public expects from Certified Interior Designers.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Rule 5.5 Professional Conduct.

A. Any office which is advertised as providing certified interior design shall have a Certified Interior Designer resident and regularly employed in that office having direct knowledge and supervisory control of such work.

Commentary - This rule addresses the subject of main, branch or satellite offices of a certified interior design firm and protects the public in that such offices are continually supervised by a Certified Interior Designer certified in the jurisdiction where the office is located.

B. "Responsible control" shall be control over all phases of the interior design of a project as is ordinarily exercised by Certified Interior Designers applying the required standard of care, including, but not limited to control over and detailed knowledge of the content

of technical submissions throughout preparation by the Certified Interior Designer and the Certified Interior Designer's employees.

C. A Certified Interior Designer 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 Certified Interior Designer is interested.

Commentary – Rule 5.5 (C) is the correlative of Rule 5.3 (B), 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.

D. A Certified Interior Designer shall not engage in conduct involving fraud or wanton disregard for the rights of others.

E. A Certified Interior Designer, acting individually or through a firm, association or corporation shall not request, propose, or accept an agreement, contract, or commission for certified interior design services on a "contingency basis" under which the Certified Interior Designer's 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 custom of soliciting submittals from Certified Interior Designers with compensation to the Certified Interior Designer contingent upon the occurrence of a particular event, i.e.: the funding of the project. The Certified Interior Designer is requested to provide services with the possibility of receiving no, or a substantially reduced, fee. If this occurs, selection of the Certified Interior Designer is based upon conditions other than qualifications. Additionally, this encourages the Certified Interior Designer to perform substandard or inadequate work which may endanger the life, health or safety of the public.

Source: *Miss. Code Ann.*§73-73-25(2)(h)

Part 203 Chapter 6: Miscellaneous Administrative Procedures

Rule 6.1 Statutory Authority.
The State Legislature granted Statutory Authority for Certified Interior Designers in 2011. Section 73-73-1 et seq., of the Mississippi code of 1972, Annotated provides for the certification requirements as well as the use of the title "Mississippi Certified Interior Designer."

Source: *Miss. Code Ann.*§73-73-1

Rule 6.2 Non-Discrimination.

The IDAC does not discriminate against any applicant, candidate, or issue certificates because of race, color, creed, sex, religion, national origin, age, physical handicap, disability, or political affiliation.

Source: Miss. Code Ann.§43-33-723; §25-9-103

Rule 6.3 Board Operations.

A. The IDAC is located at 2 Professional Parkway #2B, Ridgeland, MS 39157. The IDAC's telephone number is 601-856-4652. The IDAC's website address is www.archbd.state.ms.us.
A. The public may obtain a description of the IDAC organization and their general course and method of operation from the Rules and Regulations of the IDAC and by reviewing *Miss. Code Ann.*§73-73-1 et seq.
B. The IDAC's rules and regulations are on file with the Mississippi Secretary of State, and may also be viewed on the IDAC's website, or a copy may be obtained by submitting a written request to the IDAC.

Source: *Miss. Code Ann.*§73-73-25

Rule 6.4 Records and Public Records Requests

A. All records of the IDAC which deal with applications, examinations, ongoing investigations, personnel files and ~~NCIDQ~~ CIDQ certification files shall be kept confidential in view of the sensitive nature of the material contained therein.
B. Public records shall be made available pursuant to *Miss. Code Ann.* §§25-61-1 et seq, The Mississippi Public Records Act, by written request to the IDAC with the IDAC responding to requests as required.
C. 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 et seq

Rule 6.5 IDAC Proceedings.

A. All information as to the rules of practice concerning all formal and informal proceedings is available by reviewing the rules and regulations of the IDAC currently on file with the Secretary of State or by reviewing *Miss. Code Ann.*§73-73-1 et seq. These documents are also provided on the IDAC's website or by submitting a written request to the IDAC.
B. The IDAC and its committees generally meet quarterly at the IDAC's office, the address of which is provided in Rule 6.3A. The meeting schedule is available upon request or on the IDAC's website. Other meetings which may be called by the IDAC will be posted at the IDAC office.

Source: *Miss. Code Ann.*§73-73-25

Rule 6.6 Declaratory Opinions.

A. Any person with a substantial interest in the subject matter may petition the IDAC for a declaratory opinion by following the specified procedures.
   1. The IDAC will issue declaratory opinions regarding the applicability to specified facts of: A statute administered or enforceable by the IDAC; or
   2. a rule promulgated by the IDAC; or
   3. an order issued by the IDAC.
B. The IDAC will not issue a declaratory opinion regarding a statute, rule or order which is beyond the primary jurisdiction of the IDAC. "Primary jurisdiction to of the IDAC" means any one or all of the following:
   1. The IDAC has a constitutional grant of authority in the subject matter.
   2. The IDAC has a statutory grant of authority in the subject matter.
   3. The IDAC has issued specific regulations impacting on the subject matter.
   4. The IDAC has issued a specific order or orders impacting on the subject matter.
C. Declaratory opinions will be issued by the IDAC and prepared by the Executive Director.
D. The IDAC 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:
   1. The matter is outside the jurisdiction of the IDAC; or
   2. there is a lack of clarity concerning the question presented; or
   3. there is pending or anticipated litigation, administrative action, or other adjudication; or
   4. 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
   5. the facts presented in the request are not sufficient to answer the question presented; or
   6. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules; or
   7. 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
   8. 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
   9. the question presented by the request concerns the legal or constitutional validity of a statute, rule or order; or
   10. the requestor has not suffered an injury or threatened injury fairly traceable to the application of the statute, rule or order; or
   11. no clear answer is determinable; or
   12. the question presented by the request involves the application of a criminal statute or sets of facts which may constitute a crime; or
   13. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure; or
   14. the question is currently the subject of an Attorney General's opinion request; or
   15. the question has been answered by an Attorney General's opinion; or
   16. the request is not made in good faith; or
   17. the request is harassing in nature or for any other unlawful purposes; or

18. a similar request is pending before this IDAC 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
19. the opinion, if issued, may adversely affect the interests of the State, the IDAC, or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

E. A declaratory opinion shall not be binding or effective for any third party or person other than the IDAC 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.

F. Where a request for a declaratory opinion involves a question of law, the IDAC may refer to the matter to the State Attorney General.

G. 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 IDAC or in the form of a pleading as might be addressed to a court. Oral and telephone requests are unacceptable.

H. All requests must be mailed or delivered to the IDAC, at its physical address as provided in Rule 6.3A. 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:
   1. A clear identification of the statute, rule, or order at issue; and
   2. a concise statement of the issue or question presented for the declaratory opinion; and
   3. a full, complete, and accurate statement of all facts relevant to a resolution of the question presented; and
   4. 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
   5. a statement sufficient to show that the person seeking relief is substantially affected by the rule; and
   6. the terms of the proposed opinion suggested by the requestor may be submitted with the request or may be requested by the agency; and
   7. 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.

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

1. Issue an opinion declaring the applicability of the specified statute, rule, or order to the specified circumstances; or
2. decline to issue a declaratory opinion, stating the reasons for its action; or
3. 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
4. The forty-five (45) day period shall begin running on the first State of Mississippi business day that the request is received in the IDAC.

J. The procedure which shall be followed after a request for a declaratory opinion is received is as follows:
   1. The IDAC 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
   2. 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 IDAC within twenty days of the date of this request."

K. If the IDAC in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for declaratory opinion, the IDAC 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 IDAC. The IDAC shall allow the requestor to participate in any hearing. The IDAC may allow any other persons or entities to participate in the hearing.

L. The IDAC 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.

M. Once the IDAC 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 IDAC's legal counsel. After the IDAC'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.*§25-43-2.103

Rule 6.7 Requirements for Public Hearings for Rule Making and Oral Proceedings

A. 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.
B. 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:
    1. A political subdivision; or
    2. an agency; or
    3. 10 persons.
C. 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:
    1. Ensure that the public hearing is not scheduled earlier than 23 business days after filing notice of oral proceeding with SOS; and
    2. file notice of the time, date, and location of the public hearing with the SOS; and
    3. 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
    4. the IDAC can charge for mail, but not electronic transmissions.
D. Public hearings shall be held at a place and time generally convenient for persons affected by the rule.
E. Conducting Public Hearings
    1. Public Hearings must be open to the public; and
    2. the President/Chairman of the IDAC will preside at the proceeding; and
    3. the IDAC and/or Executive Director will be responsible for answering all questions regarding the rule; and
    4. the IDAC may issue rules for conduct of oral proceedings.
F. Public Availability of Public Hearings
    1. A verbatim written transcript of the oral proceedings at each public hearing shall be produced; and
    2. this material will be available for public inspection and copying.
G. Rule 6.8 Final Orders: Indexing, Public Inspection and Precedent.
    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.
    2. The written final order cannot be precedent to the detriment of any person by the IDAC 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*