



**STATE OF ALABAMA
BOARD FOR REGISTRATION OF ARCHITECTS
770 WASHINGTON AVENUE, SUITE 150
MONTGOMERY, AL 36130-4450**

THE ARCHITECT'S HANDBOOK

**THE REGISTRATION ACT
RULES AND REGULATIONS**

REVISED AUGUST 2010

FOREWORD

The Alabama Board for Registration of Architects was established in 1931. The Board is charged with protecting the health, safety, and welfare of the public by registering and regulating architects.

This booklet contains the Alabama Board's Registration Act, Rules and Regulations, and Code for Professional Conduct. It is our intention to provide individuals with guidance, as well as limitations, governing the duties and responsibilities of the architectural profession.

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NOTE: This Red Book, revised August 2010, supersedes all previous publications.

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STATE OF ALABAMA
BOARD FOR REGISTRATION OF ARCHITECTS
THE REGISTRATION ACT

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GENERAL PROVISIONS

§§34-2-1 through 34-2-7. Repealed by Acts 1979, No. 79-676, §14, effective July 30, 1979.

ARTICLE 2.
BOARD OF REGISTRATION

§§34-2-1 through 34-2-24. Repealed by Acts 1979, No. 79-676, §14, effective July 30, 1979.

§34-2-30. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed by this section:

- (1) **ARCHITECT.** An individual who is legally qualified to practice architecture.
- (2) **PRACTICE OF ARCHITECTURE.** When an individual holds himself or herself out as able to render or when the person does render any service by consultations, investigations, evaluations, preliminary studies, plans, specifications, contract documents and a coordination of all factors concerning the design and observation of construction of buildings or any other service in connection with the design, observation or construction of buildings located within the boundaries of the state, regardless of whether such services are performed in connection with one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.
- (3) **PRACTICE ARCHITECTURE OR PRACTICING ARCHITECTURE.** Performing or doing, or offering or attempting to do or perform any service, work, act, or thing within the scope of the "practice of architecture." An individual shall be construed to hold himself or herself out as practicing architecture when, by verbal claim, sign, advertisement, letterhead, card or any other way, the person represents himself or herself to be an architect with or without qualifying adjective, or when he or she implies that he or she is an architect

through the use of some other title.

(4) **BUILDING.** A structure consisting of foundation, walls, or supports and roof, with or without related components, systems, or other parts comprising a completed building ready for occupancy. (Acts 1979, No. 79-676, §1.)

(5) **RESPONSIBLE CONTROL.** Control over all phases of the practice of architecture, including, but not limited to, control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care.

§34-2-31. DECLARATION OF POLICY; CHAPTER LIBERALLY CONSTRUED; COMPLIANCE WITH CHAPTER REQUIRED.

Architects and the practice of architecture are hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the architectural profession merit and receive the confidence of the public and that only qualified architects be permitted to practice architecture in the State of Alabama. All provisions of this chapter relating to the practice of architecture shall be liberally construed to carry out these objects and purposes.

In order to safeguard life, health and property, and to promote the public welfare, no person shall practice architecture in this state, or use the title "architect" or any title, sign, card or device to indicate that such person is practicing architecture or is an architect unless such person shall thereafter comply with the provisions of this chapter. (Acts 1979, No. 79-676, §2.)

§34-2-32. REGISTERED ARCHITECT'S SERVICES REQUIRED; EMPLOYEES; EXEMPTIONS; INTERPROFESSIONAL PRIVILEGES BETWEEN ARCHITECTS AND PROFESSIONAL ENGINEERS.

a. Nothing contained in this chapter shall prevent:

(1) employees of registered architects from acting under the instructions or responsible control of their employers; or

(2) the employment of on-site observers of the construction or alteration of buildings.

b. No person shall be required to register as an architect in order to make plans and specifications for or administer the erection, enlargement, or alteration of any building upon any farm for the use of any farmer, irrespective of the cost of such building, or any single family residence building or any utility works, structures, or building, provided that the person performing such architectural works is employed by an electric, gas, or

telephone public utility regulated pursuant to the laws of Alabama or by a corporation affiliated with such utility, or of any other type building(s) which has a total area of less than 2,500 square feet provided it is not intended for use as a school, church, auditorium, or other building intended for the assembly occupancy of people.

c. The services of a registered architect shall be required on all buildings except those hereinabove exempted and no official of this state or any city, town, or county herein charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings, shall accept or approve any plans or specifications that are not so prepared.

d. Nothing in this chapter shall prevent registered professional engineers or their employees or subordinates under their responsible control from performing architectural services incidental to their engineering practice. Nothing in this chapter shall prevent registered architects or their employees or subordinates under their responsible control from performing engineering services incidental to their architectural practice.

No professional engineer shall practice architecture or use the designation "architect" or any terms derived there from unless that individual is registered pursuant to this chapter. No architect shall practice professional engineering or use the term "engineer" or any term derived there from unless that individual is also qualified and registered as an engineer. (Acts 1979, No. 79-676, §3; Acts 1987, No. 87-544, §3.)

**§34-2-33. APPLICATION FOR CERTIFICATE OF REGISTRATION;
QUALIFICATIONS OF APPLICANTS; EXAMINATION; ISSUANCE;
EXPIRATION; RENEWAL.**

a. The Board shall receive applications for registration as an architect only on forms prescribed and furnished by the Board.

Upon receipt of the application and the payment of a fee, as established by the Board, the fee in no event exceeding two hundred fifty dollars (\$250), the Board shall promptly notify the applicant of examination requirements for registration, if applicable.

The Board may contract with an independent testing agency to prepare, grade, or conduct the examination. If the Board determines the applicant requires examination, the applicant shall pay the actual cost of the examination directly to the Board-authorized testing agency.

b. The Board may issue to an applicant without further examination, a certificate of registration as an architect, provided the applicant holds an unexpired certificate issued to him or her by the National Council of Architectural Registration Boards, hereinafter referred to as "NCARB".

c. The following facts established in the application shall be regarded as prima facie

"evidence" satisfactory to the Board that the applicant is fully qualified to be examined for registration:

(1) Graduation after a course of study of a length as the Board shall by regulation determine from a school or college of architecture accredited by the National Architectural Accrediting Board, hereinafter referred to as "NAAB"; and

(2) An additional period of practical experience in architectural work under the responsible control of a registered architect or architects as the Board by regulation shall deem appropriate.

Unless exempted, applicants shall take and pass the professional examination administered by the Board or an independent testing agency approved by the Board.

d. In determining the sufficiency of the qualifications of the applicant for registration, a majority vote of the members of the Board shall be required.

e. Certificates for registration shall expire on the thirtieth day of September following their issuance or renewal and shall become invalid on that day unless renewed.

Certificates of registrants who are or may be in the armed forces of the United States shall not expire until the thirtieth day of September following the discharge or final separation of the registrant from the armed forces of the United States.

f. Renewal may be effected at any time prior to or during the month of September by the payment of a fee established by the Board, not to exceed two hundred fifty dollars (\$250).

A penalty not to exceed the sum of seventy-five dollars (\$75) may be added to the renewal fee for failure to renew a certificate upon such terms and conditions as the Board may by regulation determine. Failure to renew a certification of registration by December 31 shall result in a lapse of registration.

g. A registrant whose certificate of registration has lapsed may have it reinstated, if in compliance with other relevant requirements, by filing a renewal form and paying, in addition to the appropriate renewal fee and late penalty, a reinstatement fee of two hundred fifty dollars (\$250).

h. There is hereby created, for renewal of certificate purposes, a status to be known as "emeritus status architect," which shall apply to architects who have been registered for 10 consecutive years or longer, and who are 65 years of age or older, and who have retired from active practice. The annual renewal of registration for emeritus status shall be renewed without payment of a fee. If an emeritus status architect subsequently wishes to practice, he or she may do so without penalty by proper application to the Board. (Acts 1979, No. 79-676, §4; Acts 1987, No. 87-544, §3; Acts 1991, No. 91-157, §3; Acts 1995,

No. 95-281,§3.)

**§34-2-34. REFUSAL, REVOCATION OR SUSPENSION OF CERTIFICATE;
GROUNDS; HEARING; APPEAL.**

The Board shall have the following disciplinary powers:

- (1) To issue reprimands to any licensee who violates any provision of this chapter or the rules and regulations of the Board.
- (2) To levy administrative fines for serious violations of this chapter or the rules and regulations of the Board of not more than \$5,000.00 for each day the violation continues, but in no event shall an administrative fine exceed \$25,000.00 total per violation.
- (3) To refuse to issue a certificate, to suspend a certificate for a definite period or to revoke the certificate of registration of an architect who is found guilty of:
 - a. Any fraud or deceit in obtaining a certificate of registration as determined by the Board at a hearing;
 - b. Gross negligence, incompetence, or misconduct in the practice of architecture as determined by the Board at a hearing;
 - c. A felony or misdemeanor involving moral turpitude by a court of competent jurisdiction;
 - d. Practicing architecture in this state in violation of the standards of professional conduct established by the Board;
 - e. Practicing architecture in this or any other state or country in violation of the laws of that state or country; or
 - f. Aiding or abetting any individual, partnership or corporation to engage in the practice of architecture in violation of any provisions of law.
- (4) Pursuant to this subdivision (3), notice of the nature of the charges placed against an architect and the time and place of hearing these charges by the Board must be sent to the accused by certified mail, with return receipt requested, and addressed to his or her last known place of business, or residence, not less than 30 days before the date fixed for such hearing. The notice shall inform the individual that he or she is entitled to be represented by counsel of his or her choosing at the hearing, to have witnesses testify in his or her behalf at the hearing, to confront and cross-examine witnesses at the hearing and to testify in his or her own behalf at the hearing.

In all cases of reprimand, administrative fine, refusal, suspension, or revocation of a

certificate of registration, or any other disciplinary action of the Board, the accused may appeal to the circuit court of Montgomery County, Alabama. Either party, the accused or the Board, has the right to appeal from the final decree of the circuit court as provided by law. (Acts 1979, No. 79-676, §5; Acts 1991, No. 91-157, §3.)

§34-2-35. SEAL OF REGISTRANT; PURPOSE; CERTIFICATE OF AUTHORIZATION FOR PARTNERSHIPS OR CORPORATIONS; VIOLATIONS.

- a. Each registrant must obtain a seal of a design authorized by the Board bearing the registrant's name, the legend "Registered Architect(s)," the words "State of Alabama" and the registrant's license registration number.
- b. Nothing in this chapter shall prevent a registered architect from being employed by a person, firm, partnership, corporation, or professional corporation.
- c. Plans, specifications, plates, and reports, and all documents prepared by an architect which are issued by a registrant must be stamped with the seal during the life of a registrant's certificate.
- d. It shall be unlawful for anyone to stamp or seal any document with the seal after the certificate or the registrant named thereon has expired or been suspended or revoked.
- e. It shall be unlawful for an architect or any other individual to stamp, to cause to be stamped or to allow to be stamped any document or documents which were not prepared under the responsible control of the registered architect whose stamp is to be affixed thereon.
- f. On or after July 22, 1987, it shall be unlawful: (1) to practice architecture in a branch office not under the day-to-day supervision of a registered architect, or (2) for an architect to falsely represent himself or herself as being in responsible control of architectural work or to permit his or her seal, or facsimile thereof, to be used by another for any purpose. Violations shall be penalized as provided in Section 34-2-36. (Acts 1979, No. 79-676, §6; Acts 1987, No. 87-544, §3.)

§34-2-36. PENALTIES; INJUNCTION.

- (a) On or after April 28, 1999, any person who knowingly, willfully, or intentionally violates any provision of this chapter shall be guilty of a Class A misdemeanor. Each day of violation shall constitute a distinct and separate offense.
- (b) When it appears to the Board that any person is violating any of the provisions of this chapter, the Board may in its own name bring an action in the circuit court for an injunction, and the court may enjoin any person from violating this chapter regardless of

whether the proceedings have been or may be instituted before the Board or whether criminal proceedings have been or may be instituted.

(c) In addition to any other provisions of law, the board may enter an order assessing a civil penalty against any nonregistered person, corporation, or other entity found guilty by the board of, but not limited to, the following violations of this chapter:

(1) Engaging in the practice or offer to practice architecture in this jurisdiction without being registered in accordance with this chapter.

(2) Using or employing the words “architect,” “architecture,” or any modification or derivative thereof in its name or form of business activity, except as authorized in this chapter.

(3) Presenting or attempting to use the certificate of registration or the seal of another registered architect to the board or a member of the board in obtaining or attempting to obtain a certificate of registration.

(4) Giving false or forged evidence of any kind to the board or a member of the board in obtaining or attempting to obtain a certificate of registration.

(5) Falsely impersonating another registered architect of like or different name.

(6) Using or attempting to use a revoked or nonexistent certificate of registration.

(7) Directing the professional judgment of a registered architect who is responsible for the practice of architecture.

(d) The board shall determine the amount of the civil penalty which shall not exceed five thousand dollars (\$5,000) for each day the violation continues and shall not be greater than twenty-five thousand dollars (\$25,000) total per violation.

(e) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of the notice by the board, a hearing on the record.

(f) Pursuant to the proceedings under this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and disclosure of evidence and may request the Attorney General to bring an action to enforce a subpoena. (Acts 1979, No. 79-676, §7.)

(g) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days notwithstanding the Administrative Procedure Act. Unless an

appeal is taken or the penalty paid, the order of the board imposing the civil penalty shall become a judgment.

(h) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to subsection (a) or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed pursuant to subsection (e), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty plus attorney's fees and costs.

(i) The cost to the board of the action shall be paid by the respondent if found in violation.

§34-2-37. PRACTICE OF ARCHITECTURE BY CORPORATIONS OR PARTNERSHIPS; FOREIGN CORPORATIONS.

It shall be lawful for a corporation, a professional corporation, a professional association, a partnership, or a limited liability company (the entity) to practice architecture in this state provided that:

(a) A minimum of two-thirds of those responsible for controlling the activities of the entity (including officers, partners, directors, members, and others depending on the legal structure of the entity) are voting stockholders who are architects and/or professional engineers registered under the laws of any United States jurisdiction and at least one is an architect registered in Alabama.

(b) Any agreement to perform such services shall be executed on behalf of the entity by a stockholding officer, partner, director, or member with authority to contractually bind the entity, who is an architect registered in the State of Alabama.

(c) A stockholding officer, partner, director, or members who is an architect registered in the State of Alabama shall exercise responsible control over the particular services contracted for by the entity and that architect's name and seal shall appear on all documents prepared by the entity in its practice of architecture.

(d) Other officers, partners, directors, or members shall not direct the professional judgment of the architect in responsible control over the practice of architecture by the entity.

(e) The entity shall furnish the board with such information about its organization and activities as the board shall require by regulation and pay an annual administrative fee as the board may require, not to exceed two hundred fifty dollars (\$250). The board shall maintain a public roster of such entities.

All corporations, professional corporations, professional associations, partnerships, and

limited liability companies (entities) practicing architecture in the State of Alabama must fully comply with the above requirements within two years of this requirement becoming law.

Applications to practice as an above described entity shall be made on an annual basis. Disciplinary action for the entities shall be the same as for registered architects. Approved entities shall be responsible for the acts of their agents, employees, general partners, directors, or officers. (Acts 1979, No. 79-676, §8.)

§34-2-38. BOARD FOR REGISTRATION OF ARCHITECTS - CREATION; COMPOSITION; APPOINTMENT; TERMS OF OFFICE; VACANCIES; RESIDENCY REQUIREMENTS.

To carry out the provisions of this chapter, there shall be a State Board for Registration of Architects consisting of six members, each of whom shall be appointed by the Governor from a list of three persons selected as follows:

(1) All appointments as members of the Board shall be architects registered and licensed pursuant to this chapter. The Board shall be appointed from the following districts: One from the northern district; two from the north central district; two from the central district, and one from the southern district. The northern district shall be comprised of the counties of Colbert, Cullman, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston; the north central district shall be comprised of the counties of Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Etowah, Fayette, Greene, Hale, Jefferson, Lamar, Pickens, Randolph, Shelby, St. Clair, Sumter, Talladega, Tuscaloosa, and Walker; the central district shall be comprised of the counties of Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pike, Russell, Tallapoosa, and Wilcox; and the southern district shall be comprised of the counties of Baldwin, Choctaw, Clark, Conecuh, Escambia, Mobile, Monroe, and Washington.

(2) Thirty days before the expiration of a Board Member's term, or for filling a vacancy otherwise occurring, a nominating committee of six members shall be selected by secret ballot from the district entitled to fill the vacancy. The nominating committee shall be elected at a meeting in the district called by the executive director of the Board, who shall give notice in writing of the time and place of the called meeting to each architect in the district at least 30 days in advance of the date set for the meeting. Those architects present at the called meeting may vote on the membership of the nominating committee. After the selection of the nominating committee from the district where the vacancy occurs, there shall be a meeting of the committee with the Board at the same place within five days to select, by secret ballot, the name of three persons to be sent to the Governor by the executive director of the Board. The Governor shall appoint one of the named persons to the Board. In appointing members to the Board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the Board is

inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

(3) The term of office of the members of the Board shall be four years and until their successors are appointed and qualified.

(4) A member shall reside and have his or her principal office in the district from which appointed. A member's place on the Board shall become vacant if the member removes either his or her residence or principal office from that district." (Acts 1979, No. 79-676, §9.)

§34-2-39. SAME - CERTIFICATES; POWERS AND DUTIES; SEALS; BYLAWS; RULES AND REGULATIONS.

a. Each member of the Board shall receive a certificate of appointment from the governor. Before beginning his term of office, each member of the Board shall file with the secretary of state the constitutional oath of office.

b. The Board, or any committee thereof, shall be entitled to the services of the attorney general in connection with the affairs of the Board, and the Board shall have the power to compel attendance of witnesses, to require production of documents, to administer oaths and to take testimony and proof concerning all matters within its jurisdiction.

c. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted.

d. The Board shall have power and authority to make and adopt bylaws, rules and regulations consistent with the provisions of this chapter and pursuant to the state administrative procedure law in order to comply with the provisions of this chapter and to establish standards of professional conduct of architects.

e. The Board shall adopt a program of continuing education not later than October 1, 1993, in order to insure that all registered architects remain informed of those technical and professional subjects which the Board deems appropriate to professional architectural practice. The Board may by regulation describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of an architect's certificate of registration. (Acts 1979, No. 79-676, §10; Acts 1991, No. 91-157, §3.)

§34-2-40. SAME - MEETINGS; OFFICERS; EMPLOYEES; COMPENSATION; QUORUM.

a. The Board shall hold at least four regular meetings each year.

- b. The Board shall elect annually a chairman and vice chairman who must be members of the Board. The Board may employ an executive director, clerks, experts, attorneys, and others, as may be necessary in the carrying out of the provisions of this chapter.
- c. The Board shall have the power, with the approval of the governor, to fix the compensation of the executive director and other employees.
- d. A quorum of the Board shall consist of not less than a majority of the duly appointed Board Members. (Acts 1979, No. 79-676, §11; Acts 1987, No. 87-544, §3; Acts 1991, No. 91-157, §3.)

§34-2-41. FUND CREATED; RECEIPTS AND DISBURSEMENTS; COMPENSATION OF MEMBERS; EXPENSES, BOND OF CHAIRMAN AND SECRETARY.

The executive director of the Board shall receive and account for all moneys derived from the operation of this chapter. Such moneys shall be certified into the treasury in a fund to be known as the "fund of the Board for the Registration of Architects." Such fund shall be drawn against only for the purposes of this chapter.

The fiscal year shall commence on the first day of October and end on the thirtieth day of September.

Each member of the Board shall receive a per diem as recommended by the Board consistent with applicable state laws for attending sessions of the Board or its committee, and for the time spent in necessary travel to attend meetings of the Board or its committee. In addition each member of the Board shall be reimbursed for traveling and clerical expenses incurred in carrying out the provisions of this chapter.

Expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including, but limited to, authorized compensations, additional legal services, experts, clerks, office rent, and supplies, shall be paid out of the fund on the warrant of the comptroller of the state. Such warrant shall be issued on requisitions signed by the chairman and executive director of the Board. At no time in any fiscal year shall the total amount of warrants issued exceed the total amount of moneys accumulated in this fund.

The Board may make donations from its surplus funds to any state educational institution which has an accredited school of architecture for assistance in promoting education and research programs in architecture.

The chairman and the executive director of the Board shall give a surety bond in an amount no less than the previous year's budget payable to the State of Alabama and

conditioned upon the faithful performance of their duties under this chapter. The premium of the bond shall be paid out of the moneys in the Fund of the Board for the Registration of Architects. (Acts 1979, No. 79-676, §12.)

§34-2-42. ANNUAL REPORT TO GOVERNOR.

On or before January 1 of each year, the Board shall submit to the governor a report of its transactions for the preceding fiscal year together with a complete statement of receipts and disbursements of the Board for its last fiscal year, certified by the chairman and the executive director. (Acts 1979, No. 79-676, §13; Acts 1982, No. 82-147, §4.)

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-1 BOARD ADMINISTRATION AND GENERAL PROVISIONS

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100-X-1-.01 Name. The name of this Board shall be "State Board for Registration of Architects", hereinafter referred to as the Board and the Alabama Board of Architects.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-38

History: New Rule: February 19, 2010.

100-X-1-.02 Office of the Board. The Executive Director shall locate and recommend a lease for office space as necessary to house the staff and records. The lease will be approved by the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-39, 34-2-41

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.03 Board Members. The Board shall be composed of six Board Members who represent the four districts of Alabama. Qualifications for Board Members

shall be that they are registered architects practicing or residing in the districts they represent. All appointments of Board Members on the Board shall be made by the Governor of the State of Alabama as provided by the Registration Act.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-38

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.04 Duties of Board Members. Each Board Member shall make an effort to attend all meetings of the Board. They are charged with safeguarding life, health and property, and promoting the public welfare in the State of Alabama as it relates to architects and the practice of architecture. The Board Members are charged with establishing the Board's rules and regulations.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-31, 34-2-38.

History: New Rule: February 19, 2010.

100-X-1-.05 Compensation of Board Members. Board Members shall be entitled to a director's fee, travel expenses, and other authorized compensation as prescribed by the Board and in accordance with the Registration Act. The director's fee is set at \$200 for each day the Board member attends meetings as a representative of the board, including associated travel days.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-41

History: New Rule: February 19, 2010.

100-X-1-.06 Meetings, Quorum and Order of Business. The Board shall have at least four meetings each year. Notice of Board meetings shall be published in accordance with the Open Meetings Act. Special meetings may be called by the Chairman at his or her discretion or on written request to the Executive Director of four other members and shall be subject to the Open Meetings Act. For the transaction of business, four members shall constitute a quorum. Every decision at a meeting shall be by a majority vote of those present. The order of business at the Board Meeting shall be established by the Chairman and the Executive Director. Unless required otherwise by law, Roberts' Rules of Order shall be used in the conduct of business of the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-39, 34-2-40

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.07 Election of Officers. Annually, the Board shall elect a Chairman and Vice Chairman. The Chairman and Vice Chairman will be elected for one year terms on the same schedule as the Board's fiscal year. A Board Member may not serve more than two consecutive terms in any one office.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-40

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.08 Chairman and Vice Chairman. The Chairman shall exercise general supervision of the Board's affairs, shall preside at all meetings when present, shall appoint all committees, shall sign all payment vouchers (or with approval of the Board, may delegate this duty to another member), and shall perform all other duties pertaining to his or her office. The Vice Chairman, in the absence of the Chairman, shall perform all the duties of the Chairman. In addition, the Vice Chairman will serve as the Board's representative to the Southern Conference of the National Council of Architectural Registration Boards or by special permission may request the Chairman to delegate this responsibility to another Board member.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-39, 34-2-40.

History: New Rule: February 19, 2010.

100-X-1-.09 Executive Director. The Executive Director shall be an administrative officer of the Board. He or she shall supervise the day to day operations of the Board. He or she shall act as its recording and corresponding secretary and shall have custody of and shall safeguard and keep in good order all property and records of the Board; generate written minutes of every meeting of the Board; keep the Board seal and affix it to such instruments as require it; sign all instruments and matters that require attestation or approval of the Board; act as Treasurer and receive and deposit all funds to the credit of the "Board for Registration of Architects" in the State Treasury; sign all bills before requesting the State Comptroller to make payment of any accounts; submit an annual report of the Board before January 1 each year to the Governor after having the chairman approve said report; and keep the records and books of account of the Board's financial affairs.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-41, 34-2-42.

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.10 Employees and Contract Agreements. In accordance with governing state guidelines, the Board may employ an Executive Director, clerks, experts, attorneys and others, as may be necessary for the operation of the Board. The Board also shall have the power to make contract agreements in accordance with governing state guidelines.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-40

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.11 Financial Operation. The Board shall have the power to set amounts to be collected, to cause all monies to be collected and deposited with the State Treasurer, and to cause expenses to be paid out of such funds by voucher and requisition in accordance with Alabama state law. The Board shall submit an annual report for each fiscal year to the Governor, in accordance with state law.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-41

History: New Rule: February 19, 2010.

100-X-1-.12 Publication of Board Documents and Forms. The Board shall prepare and publish the following: Roster of registered architects; newsletter; rules and regulations; copy of Code of Ala. 1975, Title 34; complaint form and other printed matter. These shall be available to all registered architects, building officials and to other state agencies free of charge and on the Board's web site. The Board will charge a fee for a printed copy of the Roster of Registered Architects, except as noted above. Samples of routinely used forms can be found in Appendix A to Chapter 1.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-1-.13 National Council of Architectural Registration Boards (NCARB). The Board shall maintain membership with NCARB and its Regional Conference. The Board will cooperate with NCARB in furnishing information, giving examinations and rendering other assistance to aid in establishing uniform standards of professional registration throughout the United States.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39.

History: New Rule: February 19, 2010.

100-X-1-.14 Fee Schedule. All fees and charges shall be as prescribed by the Board and in accordance with the Registration Act. The current fiscal year's fee schedule shall be updated and published annually.

- (1) All fees and fines are not refundable.
- (2) All fees and fines are payable by certified check, cashier's check, corporate or business check, money order or personal check. Counter checks will not be accepted. Personal checks shall be imprinted with the name, address, and account number of the applicant or registrant.
- (3) Statutory charges for returned checks shall be paid by the applicant or registrant.
- (4) The Board may allow payment of fees and fines by electronic means.
- (5) The Board may allow payment of fees for the Architect Registration Examination® to be paid directly to the test administration vendor.
- (6) If a payment is not honored by the financial institution, the Board may pursue disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.

(7) The following schedule of fees is adopted by the Board:

A.R.E. Application Fee	\$ 10.00
NCARB Reciprocal Registration Fee	\$150.00
Reinstatement Application Fee	\$360.00
Renewal Fee	\$135.00
Late Fee	\$ 75.00
Application for Certificate of Authorization	\$ 25.00
Certificate Replacement Fee	\$ 25.00
Printing Fee for Roster	\$ 10.00
Mailing Labels	\$ 25.00
Mailing List on Electronic Media	\$ 25.00
Returned Check Fee	\$ 30.00

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-33, 34-2-36

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.15 Public Records. A “public record” is a record that is reasonably necessary to record the business and activities required to be performed or carried out by the Board so that the status and condition of such business and activities can be known by

the public. The results of disciplinary hearings, settlement agreements, and consent orders are considered public records. Public records are available for inspection at the Board office during regular business hours. Any person wishing to obtain a copy of a public record may request copies from the Executive Director, at a reasonable cost. The following records are not considered public records: Records received by the board in confidence, sensitive personnel records, registrant's education transcripts and other records, examination material, complaints against registrants and non-registrants, and records which, if disclosed, would be detrimental to the best interests of the public.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-2 REGISTRATION AND RENEWAL

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100-X-2-.01 Registration of Architects. The Board shall have the power to determine the requirements for registration in the State of Alabama. They shall review or cause to be reviewed each applicant's file to ensure that all requirements are met. Applicants in question shall be subject to Board approval. The Board shall collect application fees as provided by regulation. There are three methods of obtaining registration in Alabama:

- (1) By written examination administered by the Board or an authorized testing vendor;
- (2) By NCARB certificate;
- (3) Reinstatement of a lapsed Alabama registration.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010.

100-X-2-.02 Registration by Examination. An applicant for registration by examination shall submit an application fee as provided by regulation. The Board shall set qualifications and review, or cause to be reviewed, each candidate's qualifications. The Board shall require proof of qualifications prior to allowing candidates to sit for the Architect Registration Examination® (ARE®). The Board may approve an applicant to

take the ARE® only after the applicant has completed the education requirements for architectural registration by examination in Alabama, has completed at least six (6) months of full-time experience working under the direct supervision of a licensed architect, and has submitted the required application materials. Upon determination that the applicant is qualified in accordance with the Board's statutes and regulations, the applicant will be granted eligibility for the examination. Upon successful completion of all examination divisions and completion of the Intern Development Program, the applicant will be granted registration as an architect.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010.

100-X-2-.03 Intern Development Program (IDP). All applicants for registration by examination must complete the Intern Development Program (IDP) training requirements consistent with guidelines established by the National Council of Architectural Registration Boards (NCARB). Information concerning IDP can be obtained from NCARB or the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-33c(1), 34-2-39.

History: New Rule: February 19, 2010.

100-X-2-.04 Administration of Examination. The Board shall administer or cause to be administered the Architect Registration Examination (ARE®) to qualified candidates for registration. Administration of the ARE® will be consistent with NCARB standards, and their procedures will be followed. The Board shall report or cause to be reported the grades to individuals in accordance with Board policy and to NCARB for national certification. Eligibility qualifications may be obtained by contacting the Board office or through the Board's web site.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-38

History: New Rule: February 19, 2010.

100-X-2-.05 Registration by NCARB Certificate. An applicant for registration by NCARB Certificate shall submit an application for registration and the appropriate fee to the Board. The applicant will authorize NCARB to transmit his or her council record in support of the application. Upon receipt of the applicant's NCARB council record, the Board shall review or authorize the Executive Director to review the application and authorize approval of registration as an architect. Should the application or record reflect disciplinary history or unsatisfactory responses to questions on the application, the Board

will conduct a further review of the application and render a decision regarding eligibility for registration.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.06 Registration by Reinstatement. An architect who has allowed his or her registration to lapse for whatever reason must complete a new application, submit the application fee, renewal fee and late penalty, proof of continuing education (as provided by regulation), and a sworn affidavit stating he or she has not performed any service included in the definition of the practice of architecture while not registered in the state of Alabama. The Board shall review or authorize the Executive Director to review the application and authorize approval of the application for reinstatement. Should the application or record reflect disciplinary history or unsatisfactory responses to questions on the application, the Board will conduct a further review of the application and render a decision regarding eligibility for registration. If approved, the same registration number will be reissued. A new certificate for framing will not be issued unless a written request is received and the replacement fee is paid.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39.

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.07 Certificates of Registration. A certificate bearing the registrant's name, registration number and date registered with the Board shall be issued to each newly registered architect. The certificate shall be signed by the six board members, the Board Executive Director and the Secretary of State. Upon reasonable written request and payment of the fee provided by regulation, a duplicate or corrected certificate may be issued. Certificates of registration are issued to individuals only.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.08 Reconsideration of a Denied Application. A denied application may be reconsidered by the Board if written notice of appeal is received by the Executive Director within thirty days of notification of denial of registration.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.09 Emeritus Status Architects.

(1) An architect may apply for emeritus status if he or she meets the following criteria:

(a) The applicant is over 65 years of age; and

(b) The applicant has been registered in this state for ten (10) consecutive years;

(c) The applicant is retired from the active practice of architecture. “Retired” means the architect no longer seals documents or practices architecture as defined by §34-2-32, Code of Ala. 1975.

(2) If all requirements are met, the architect shall be granted emeritus status. An individual granted emeritus status may use the title “Emeritus Architect” on any letter, title, sign, card or device. If an emeritus architect wishes to return to the active practice of architecture, he or she may do so by submitting the renewal fee, current renewal application form, and current year’s continuing education hours required by regulation.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010.

100-X-2-.10 Renewal of Registration. The Board shall have the power to set renewal fees and fees for late payment. The Board shall issue renewal notices to each registered architect from the previous year to the last known address. Registration term is for the fiscal year which begins October 1 and ends September 30 of the following year. Renewals postmarked October 1 through December 31 will be considered late, and those renewals must include the late penalty established by regulation. All renewals must reflect completion of the current continuing education requirements established by the Board unless otherwise exempted. No provision is made for partial payment for a partial year. Renewal fees are due October 1st of each fiscal year. If the registrant elects to renew his license electronically, the registrant may be charged a convenience fee or surcharge. If renewal is not completed on January 1, the architect’s registration will lapse and must be reinstated, as required by regulation.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33.

History: New Rule: February 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-3 CONTINUING EDUCATION

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100-X-3-.01 Purpose. These rules provide for a continuing education program to insure that all registered architects remain informed of those technical and professional subjects appropriate to professional architectural practice and to safeguard life, health, and promote the public welfare.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-3-.02 Scope and Exemptions.

(1) Scope. These rules shall apply to every Alabama registered architect as a condition for renewal of registration on an annual basis.

(2) Exemptions. A registrant may be exempt from participating in the continuing education program required by these rules for one of the following reasons:

(a) A first-time registrant by examination or NCARB certificate is exempt for his or her first renewal. This provision does not apply to an architect who regains registration through reinstatement.

(b) Registrant is an emeritus status architect.

(c) Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual report period.

(d) Resident registrants of another NCARB jurisdiction, provided that same jurisdiction accepts the Alabama continuing education requirements as satisfying their continuing education requirement, and the registrant certifies by affidavit and annual report that all requirements of that jurisdiction for current continuing education compliance and registration have been met. The Board will provide a listing of states that qualify under this exemption.

(e) Hardship cases will be considered by the Board on an individual basis.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-3-.03 Requirements. Each Alabama registered architect shall complete a minimum of twelve (12) continuing education hours each fiscal year. One continuing education hour (CEH) 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. Topics for the twelve (12) continuing education hours shall include the study of relevant technical and professional architectural subjects related to safeguarding life, health, property, and promoting the public welfare. Hours claimed for continuing education credit must be in addition to or outside of the registrant's normal day-to-day business activities.

(1) Registrants shall complete a minimum of 8 CEH's in structured course study. Structured course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study, including service on a committee as an appointee of a professional architectural organization. The Board may require a detailed synopsis or report of CEHs claimed. Examples of structured study include the following:

(a) Attending professional or technical presentations at meetings, conventions, or conferences.

(b) Attending in-house programs sponsored by corporations or other organizations.

(c) Successfully completing seminars, tutorials, short courses, on-line courses, correspondence courses, televised courses, or videotaped courses.

(d) Successfully completing college or university sponsored courses.

(e) Successfully completing courses that are awarded continuing education credits.

(f) Service on a committee as an appointee of a professional architectural organization, when the work of the committee focuses on health, safety, and welfare (HSW) topics.

(2) Registrants may complete a maximum of 4 CEH's in self-directed course study. Self-directed course study encourages flexibility of study by registrants and includes, but is not limited to, education activities such as, architecturally significant educational tours, community service, organized individual or group study of professional specialization topics, or reading specific profession-oriented books and articles. The Board may require a detailed synopsis or report of CEHs claimed. Examples of self-directed study include the following:

(a) Reading books or magazine articles on HSW issues or topics.

(b) Visiting architecturally significant sites with focus on HSW issues or topics.

(c) Viewing video or presentations on HSW issues or topics in a setting that does not allow interaction with the presenter.

(d) Making professional or technical presentations at meetings, conventions, or conferences.

(e) Teaching or instructing a qualified presentation (initial presentation only). Teaching credit shall not apply to full-time faculty at a college, university, or other educational institution.

(f) Authoring published papers, articles, or books on HSW issues or topics.

(g) Actively participating in a technical professional society or organization as an officer or committee member.

(h) Participating in activities that contribute to the welfare of the community and are directly related to the practice of architecture (such as Habitat for Humanity, etc.)

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 16, 2010

100-X-3-.04 Reporting. The continuing education section of the Board's renewal application must be completed in full in order to process the registration renewal. The registrant must supply enough detail on the form to permit verification of the continuing education hours.

(1) Each registrant shall submit the required continuing education information, which shall include an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding period of one fiscal year ending September 30 or date of submission of his or her renewal form. No carry-over of continuing education hours is permitted.

(2) Each affidavit shall be reviewed by the Board staff and may be subject to audit for verification of compliance with requirements. Registrants shall retain documentation of reported hours for a period of one year after submission in the event that the registrant is selected for audit. The Board may require a detailed synopsis or report for verification of CEHs claimed.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-3-.05 Recordkeeping.

(1) The registrant is responsible for retaining proof of participating in continuing education activities. Supporting documents may include but are not limited to:

- (a) A log showing activity claimed, sponsoring organization, location, duration, etc.
- (b) Attendance certificates
- (c) Signed attendance receipts
- (d) Paid receipts
- (e) Sponsor's list of attendees (signed by a person in responsible charge of the activity).

(2) Registrants who claim CEHs for videotaped instructional materials, reading books and magazines, and self-study courses must retain information which:

- (a) Accounts for the amount of time spent completing the activity;
 - (b) Summarizes the content of the activity; and
 - (c) Relates the activity to the health, safety, and welfare of the public.
- (3) These records must be retained for a period of one year from the date of the

continuing education annual report. Copies must be furnished to the Board for audit purposes if requested.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-3-.06 Audit. The Board will conduct an audit of renewals submitted to ensure compliance with continuing education requirements. Registrants selected for audit will be notified and required to provide documentation in support of hours claimed. Registrants who are exempt from reporting under the requirements of Rule 100-X-3-.02(2)(d) will be required to provide documentation to substantiate compliance with the continuing education requirements of their state of residence.

(a) The Board may disallow claimed credit for continuing education hours if the CEHs do not comply with the above requirements. If continuing education hours are disallowed, the registrant shall have sixty (60) calendar days after notification to substantiate the original claim or earn other continuing education credits to meet the minimum requirements.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-3-.07 Non-compliance and Sanctions. Failure to fulfill the continuing education requirements or file the properly completed and signed annual report shall result in non-renewal of the architect's certificate of registration.

(1) Failure to respond to audit notification will result in a temporary suspension of registration until such time as audit requirements are met.

(2) Falsification of documentation is grounds for disciplinary action.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39.

History: New Rule: February 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-4 SCOPE OF PRACTICE

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100-X-4-.01 Public Interest in Registration of Architects. Architects and the practice of architecture are hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that an architect shall design buildings intended for the habitation of people, unless exempted by statute and regulation, and as provided below.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-31
History: New Rule: February 19, 2010.

100-X-4-.02 Buildings Over 2,500 Square Feet. Any building 2,500 square feet or larger that is erected, enlarged, or altered requires the services of a registered architect, other than those exempted as enumerated below.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.03 Buildings Intended for Assembly Occupancy. Any building erected, enlarged, or altered that is intended for the assembly occupancy of people (as classified by the building code adopted in the jurisdiction where the building is located) regardless of size requires the services of a registered architect.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.04 Buildings Intended for Education Occupancy. Any building erected, enlarged, or altered that is intended for use as an education facility (as classified by the building code adopted in the jurisdiction where the building is located) regardless of size requires the services of a registered architect.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.05 Buildings Intended for Use as an Auditorium. Any building erected, enlarged, or altered that is intended for use as an auditorium regardless of size requires the services of a registered architect.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.06 Buildings Intended for Use as a Church. Any building erected, enlarged, or altered that is intended for use as a church regardless of size requires the services of a registered architect.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.07 Metal Buildings. In the case of metal buildings, it is permissible for the plans for the “shell” to be stamped by a licensed professional engineer; however, once occupancy type is established, the services of a registered architect are required for design of that building, if not otherwise exempted.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.08 Pre-Manufactured Components Used in Construction. In the case of pre-manufactured components, if the intended use is outside the definition of detached single-family residence, then the services of a registered architect are required and the component(s) should be designed and reviewed under the appropriate code for the intended occupancy.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.09 Change of Occupancy. If a building renovation project results in a change to a more restrictive occupancy type (such as business occupancy to assembly or education occupancy), an architect is required (regardless of building size).

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-39
History: New Rule: February 19, 2010.

100-X-4-.10 Exemptions. An architect is not required for design of a detached single-family residence, a farm building, or utility works, structure or building (provided the person performing architectural works is employed by an electric, gas, or telephone public utility regulated pursuant to Alabama law or by a corporation affiliated with such utility).

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-32
History: New Rule: February 19, 2010.

100-X-4-.11 Roofing Projects. An architect is not required on a roofing project consisting of an exact replacement necessary for maintenance of the building. If the pitch of the roof is to be altered or if a new roofing material will be used, the services of a registered architect and/or licensed professional engineer will be required to evaluate whether the building's structural system will support the intended changes. The new roofing materials shall satisfy the industry-recognized assembly fire rating requirements corresponding to the rating of the existing roof assembly.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-32

History: New Rule: February 19, 2010.

100-X-4-.12 Incidental Practice of Engineering. An architect is prohibited from practicing engineering, except engineering incidental to the practice of architecture. An architect who performs incidental engineering must maintain supporting data and documentation, and provide justification and certification information to the permitting or regulatory authority. “Incidental Practice of Engineering” shall be clarified as follows:

- (1) The incidental practice of engineering may include a minor engineering item, but not a complete engineering system;
- (2) It is usually of a secondary nature and is typically a smaller portion of the main engineering project;
- (3) It is an addition to the main engineering system and does not affect the primary engineering system; and
- (4) Incidental engineering items are usually included on the architectural drawings.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-32

History: New Rule: February 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-5 PRACTICE REQUIREMENTS

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100-X-5-.01 Regulation of Practice. In order to safeguard life, health and promote the public welfare, the Board shall have the power to regulate the practice of architecture in Alabama, whatever the nature of such practice. All registered architects, whether resident or non-resident, are expected to practice in accordance with the statutes and regulations governing the practice of architecture in Alabama.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-31

History: **New Rule:** February 19, 2010.

100-X-5-.02 Use of the Title “Intern-Architect”. An individual who possesses a NAAB-accredited professional degree in architecture, is actively enrolled in the NCARB Intern Development Program, and is working under the responsible control of a registered architect may use the title “Intern Architect.”

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-31

History: **New Rule:** February 19, 2010. **Amended:** July 19, 2010.

100-X-5-.03 The Architect's Seal. Upon approval of registration, the Board will advise the registrant that he or she should secure a seal. The Board will provide the

registrant with a sample of the seal. The seal may be a rubber stamp, an impression seal, or a computer-generated seal, if allowed by the Authority Having Jurisdiction. The seal shall be circular, two inches in diameter, and shall contain an outer circle which reads “STATE OF ALABAMA” at the top and “REGISTERED ARCHITECT” at the bottom. The architect’s name and registration number must be placed inside the inner circle. The seal shall be used to identify all drawings, duplication of drawings, plans, specifications, plats and reports issued from his or her office for use in this state. By affixing the seal, the architect signifies that the document was prepared either by the registrant personally or under his or her responsible control.

(1) The architect’s seal must be affixed on all final drawings, plans, specifications, plats and reports whenever presented to a client or any public or governmental agency for the purpose of obtaining a permit for construction. Work products presented which are not final shall be so identified. Working drawings or unfinished, in-progress drawings must contain the following statement: “PRELIMINARY—NOT FOR CONSTRUCTION.”

(2) The architect’s seal shall substantially resemble the sample seal shown below:



Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-35.

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-5-.04 Remediation of Unsealed or Improperly Sealed Documents.

Pursuant to a complaint alleging the unlicensed practice of architecture, work not in compliance with the law may be remedied by the following method:

(1) The owner of the project employs an architect registered in Alabama and advises the Board accordingly; and

(2) The architect acknowledges this relationship in a letter to the Board and outlines the scope of work and time line for completion; and

(3) The architect conducts an on-site inspection of the project, prepares “as-built” drawings to document existing building conditions, and prepares a report of any building and life safety code deficiencies, including recommended actions that will bring the building into conformance with applicable codes. If “as-built” drawings are deemed unnecessary by the architect, the architect shall submit a written statement of explanation to the Board; and

(4) The architect assumes responsibility for the design and becomes the coordinating professional for the project; and

(5) The architect provides notice to the Board when all observable deficiencies have been addressed and the Authority Having Jurisdiction has been notified.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39d.

History: New Rule: February 19, 2010.

100-X-5-.05 Successor Architect. In circumstances where an Alabama registered architect can no longer provide services on a project (such as death, retirement, disability, contract termination, etc.), a successor architect (who is also registered in Alabama) may undertake a project by performing all professional services, including development of a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor architect but must clearly and accurately reflect the successor’s work. The burden is on the successor architect to show such compliance. The successor architect shall have control of and responsibility for the work product and the originals of all documents. All references to the original architect (title block, seal, signatures, etc.) must be removed from the documents.

(a) In cases of termination, the successor architect should ensure that the original architect has been advised in writing by the client that the contract has been terminated.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39d.

History: New Rule: February 19, 2010.

100-X-5-.06 Construction Administration.

(1) On a project where a building permit has been issued and the sealing architect has not been engaged, or is no longer engaged, to perform at least minimum construction administration services, as defined in subsection (a) below, the sealing

architect must report to the building official and the Board that he or she has not been, or is no longer, so engaged.

(2) The minimum construction administration services expected of the sealing architect deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents that the architect observed. As with other architectural services, qualified employees of registered architects may perform construction administration services under the instruction and responsible control of their employers.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-32

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-5-.07 Design Competitions. No person shall be permitted to participate in an architectural design competition unless he or she is properly licensed in this state.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-31

History: New Rule: February 19, 2010.

100-X-5-.08 Prototypical Documents. Prototypical plans consist of drawings or specifications not intended as final and complete construction documents for a building project, but rather as a sample or model to provide general guidance for a building or buildings to be constructed in more than one location with substantially few design changes or additions, except those required to adapt to each particular site. Prototypical documents may or may not be premised upon laws, rules and regulations, or adopted building code of a particular state, county, or municipality, but shall be adaptable to the regulations or codes of each applicable construction location. Prototypical documents are generally not designed for a specific climate, weather, topography, soil, or other site-specific conditions or requirements, but are intended to be adapted to those and other site-specific conditions. Prototypical documents may or may not originate from a registered design professional (architect or professional engineer).

(a) Nothing in these rules precludes the use of prototypical documents, provided the architect ensures that all of the following conditions are met:

(1) Obtains written permission from the design professional who prepared or sealed the prototypical documents, or from the legal owner of the prototypical documents, to use, revise, amend and otherwise adapt the prototypical documents; and

(2) Thoroughly reviews the prototypical documents, makes necessary revisions, and adds all required elements and design information (including the design services of engineering consultants if warranted), so that the prototypical documents become suitable construction documents, in full compliance with applicable codes, regulations, and site-specific requirements; and

(3) Independently performs, and maintains on file, necessary calculations to verify the public health and safety suitability of all elements or features portrayed by the original prototypical documents; and

(4) After reviewing, analyzing, calculating and making revisions and additions, re-draws and issues the documents with the architect's title block and Alabama registration seal (or the seals of licensed consultants as applicable), maintaining responsible control over use of the final adapted documents as if they were the architect's original design and assuming full responsibility as the architect of record.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-32

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-5-.09 Design-Build. A registered architect may combine with a licensed general contractor or a professional engineer in order to participate in a design-build undertaking whereby the architect prepares plans and specifications through individual or collective agreements with the owner or contractor in order to meet the owner's requirements for unified control in the design and construction services rendered under the following conditions:

(a) That nothing herein shall be construed so as to allow the offering or other performance of any architectural services by anyone who is not duly licensed as an architect in this state;

(b) That full disclosure is made in writing to the owner as to the duties and responsibilities of each of the participating parties in such agreements;

(c) The architect shall not furnish any services in such a manner as to enable a contractor, owner or others to perform architectural services or to evade the public health and safety requirements;

(d) The architect shall not seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-32

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-5-.10 Qualifications Based Selection. Architects are encouraged to seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. This procedure restricts the architect from submitting a price for services until the prospective client has selected, on the basis of qualifications and competence, one architect or firm for negotiations.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-5-.11 Branch Offices. Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office. The registrant must supervise the day-to-day operation of the branch office, meaning he or she is regularly employed at that office only and the practice of architecture is under his or her direct supervision.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-35

History: New Rule: February 19, 2010.

100-X-5-.12 Pro Bono Architectural Services. Services that are provided free of charge to an owner, client, or local municipality are subject to the professional standard of care that is expected of all registered architects practicing in the State of Alabama.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-32

History: New Rule: February 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-6 COMPLAINTS AND DISCIPLINARY ACTION

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100-X-6-.01 Complaints. The Board has the authority to investigate or cause to be investigated any matter that is brought to the Board's attention. The Board shall supply a complaint form to the public to assist in providing information outlining the nature of the complaint. All complaints shall be in writing. The Board, through its Executive Director, has the authority to subpoena records during the course of investigations and to compel the attendance of witnesses to testify during the course of investigations or to testify at hearings before the Board. The Board shall have the power to hold hearings, to set fines, to suspend registration, and or other appropriate measures upon any architect found guilty of any violation.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34.

History: **New Rule:** February 19, 2010. **Amended:** July 19, 2010.

100-X-6-.02 Probable Cause. Upon receiving a complaint, the Executive Director shall refer the complaint to one member of the Board; provided, however, that if the complaint is first made to a Board member, then it shall be referred to that Board member. Said Board member, the Executive Director, and the Board's legal counsel shall form the Probable Cause Committee, who determines whether the complaint falls under the purview of the Board and whether there is probable cause to believe that a violation of the Board's statutes or regulations has occurred.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34

History: **New Rule:** February 19, 2010. **Amended:** July 19, 2010.

100-X-6-.03 Investigation. The Board shall employ an investigator who will pursue the facts in complaints filed with the Board. The Executive Director or the

Probable Cause Committee will provide guidance regarding evidence to be collected, as appropriate. A written summary of the investigator's findings will be presented to the Probable Cause Committee for determination of violation of the Board's statutes and regulations.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-6-.04 Disciplinary Procedures. If the Probable Cause Committee determines that charges should be filed, the respondent is notified of the specific nature of the charges and the Board's proposed settlement of the issues. Said notice shall be sent by registered mail, return receipt requested, to the respondent's last known address. If a hearing is to be scheduled, the notice shall be sent by registered mail, return receipt requested, to the respondent's last known address not less than ten (10) days before the date of the scheduled hearing. The Board will conduct the hearing with the assistance of a hearing officer, who will hear all competent and relevant evidence in support of the charges. The hearing will be conducted in accordance with the Alabama Administrative Procedures Act, Section 41-22-13, Code of Ala. 1975. Upon conclusion of the hearing, the members of the Board (excluding the Probable Cause Committee Board member) will determine the appropriate action to be taken, and shall notify, or cause to be notified, the respondent of such action. If the Board suspends or revokes a registration, or issues a reprimand or fine against the respondent, he or she may appeal to the Circuit Court of Montgomery County, Alabama.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34.

History: New Rule: February 19, 2010.

100-X-6-.05 Public Notice of Actions. Settlement agreements, consent agreements, and orders resulting from disciplinary hearings are public records. The Board will report disciplinary actions on its web site, in its newsletter and to the NCARB disciplinary data base. Additional publication will be ordered on a case-by-case basis at the discretion of the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34

History: New Rule: February 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-7 CODE FOR PROFESSIONAL CONDUCT

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100-X-7-.01 Competence.

(1) In practicing architecture, an architect's primary duty is to protect the public's health, safety, and welfare. In discharging this duty, an architect shall act with reasonable care and competence, and shall apply the knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

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

(3) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

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

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-7-.02 Conflict of Interest.

(1) An architect shall not accept compensation in connection with services

from more than one party on a project (and never in connection with specifying or endorsing materials or equipment) unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her 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 architect will either terminate such association or interest or offer to give up the commission or employment.

(3) An architect shall not solicit or accept compensation from material or equipment suppliers in connection with specifying or endorsing their products. As used herein, "compensation" shall not mean customary and reasonable business hospitality, entertainment, or product education.

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

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-7-.03

Full Disclosure.

(1) An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement or when he or she has an economic interest in the issue.

(2) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

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

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(b) refuse to consent to the decision, and

(c) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his or her objection, terminate his or her services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

1. In the case of a termination in accordance with (c) above, the architect shall have no liability to his or her client or employer on account of such termination.

(4) An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for registration or renewal or otherwise lawfully requested by the Board.

(5) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character. An architect possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant, the Board, and/or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or training units earned by an intern-architect under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not withhold such verification as a punitive act against a current or former employee. An architect shall not knowingly sign any verification document that contains false or misleading information.

(6) An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-7-.04 Compliance with Laws.

(1) An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

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

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

(4) An architect shall not present a check to the Board that is returned unpaid by his or her financial institution.

(5) An architect registered in Alabama shall answer an inquiry concerning any matter under the jurisdiction of the Board within thirty (30) days after the date the architect receives notice of the inquiry. Failure to respond to an inquiry concerning any matter under the jurisdiction of the Board shall constitute a separate violation subject to disciplinary action by the Board.

(6) An employer engaged in the practice of architecture shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination. For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-7-.05 Professional Conduct.

(1) Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.

(2) An architect may sign and seal technical submissions only if the technical submissions were:

(a) prepared by the architect;

(b) prepared by persons under the architect's responsible control;

(c) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his or her own technical submissions; or

(d) prepared by another architect registered in any United States jurisdiction and holding the certification issued by the National Council of Architectural Registration Boards if the signing and sealing architect has reviewed the other architect's work and has integrated the work into his or her own technical submissions and the other architect's technical submissions are prototypical building documents.

(3) An architect may also sign and seal drawings, specifications, or other work which is not required by law to be prepared by an architect if the architect has reviewed such work and has integrated it into his or her own technical submissions. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation.

(4) Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under clauses (c) or (d) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his or her own technical submissions, and that such review and integration met the required professional standard of care.

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

(6) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(7) An architect shall not make misleading, deceptive, or false statements or claims.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-8 CERTIFICATES OF AUTHORIZATION

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100-X-8-.01	<u>General Requirements.</u>

(1) An entity may practice architecture in Alabama as a corporation, professional corporation, professional association, partnership, or limited liability company. An entity must meet the following requirements to be approved for practice as an entity in Alabama:

(a) Two-thirds (2/3) or more of the officers, partners, directors, members, or others (depending on the legal structure of the entity) are registered/licensed architects and/or licensed professional engineers in any United States jurisdiction and are also voting stockholders of the entity; and

(b) At least one (1) of the stockholding officers, partners, directors, or members must be an architect registered in the State of Alabama, who has authority to contractually bind the entity and whose name and registration seal shall appear on all documents prepared under his or her responsible control.

(2) Upon registration as an architect in Alabama, the registrant will be notified that if the firm entity he or she is affiliated with intends to offer, solicit, or perform architectural services in the firm entity's name, the entity must apply for a Certificate of Authorization to Practice Architecture in Alabama (COA) within 30 days of notification that registration has been granted.

(3) No firm entity shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this regulation. Likewise, no individual practicing architecture as defined in §34-2-30(2) and (3) shall be relieved of responsibility for work performed by reason of employment, association, or relationship with the entity.

(4) The Board shall maintain a public roster of firm entities that have been issued a COA.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-37
History: New Rule: July 19, 2010.

100-X-8-.02 Application Procedures.

(1) All applications for a Certificate of Authorization to Practice Architecture (COA) shall be made in the format provided by the Board. The firm entity will be required to furnish all applicable information indicated on the form along with the required fee. Application fees will not be refunded.

(2) Any entity required to be qualified by the Alabama Secretary of State's Office to do business in Alabama should do so prior to applying for a Certificate of Authorization to Practice Architecture.

(3) Withholding information, providing statements which are untrue, or misrepresenting pertinent facts may be cause for denial of an application or revocation of the COA.

(4) When the Board, after due consideration of the application, finds that the firm entity is not eligible for a certificate of authorization, the application will be denied. In this event, the firm may not offer, solicit, or perform architectural services as a firm entity.

(5) If the firm entity is dissolved or reorganized, or if there is a change in the registered architect(s) in responsible control of the practice of architecture in Alabama, the entity must notify the board in writing within thirty (30) days.

Author: Board for Registration of Architects
Statutory Authority: Code of Ala. 1975, §34-2-37
History: New Rule: July 19, 2010.

100-X-8-.03 Renewal Procedures.

(1) A Certificate of Authorization to Practice Architecture in Alabama (COA) shall expire on April 30 following issuance or renewal. If not renewed, the firm entity may not offer or engage in architectural services until the COA has been renewed. A certificate of authorization not renewed within ninety days after expiration will become null and void and is considered lapsed.

(2) Certificates of Authorization are renewed annually. Renewal notifications will be mailed to every firm entity holding a COA. An application form shall be completed and returned with the renewal fee prescribed by the Board. All requirements

for completing a renewal application will be the same as for an initial application as identified in Rules 100-X-8-01 and 100-X-8-.02.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-37

History: New Rule: July 19, 2010.