



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

ARCHITECTS HANDBOOK

THE REGISTRATION ACT

RULES AND REGULATIONS

CODE FOR PROFESSIONAL CONDUCT

REVISED AUGUST 2008

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 Architects Handbook, revised August 2008, supersedes all previous publications.

TABLE OF CONTENTS

	PAGE
THE REGISTRATION ACT	1
RULES AND REGULATIONS	9
CODE FOR PROFESSIONAL CONDUCT	20

STATE OF ALABAMA
BOARD FOR REGISTRATION OF ARCHITECTS
THE REGISTRATION ACT

ARTICLE 1.
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 Repealed by Acts 1979, No. 79-676, §14, effective July 30, 1979.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 Repealed by Acts 1979, No. 79-676, §14, effective July 30, 1979.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 out as able to render or when he 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 out as practicing architecture when, by verbal claim, sign, advertisement, letterhead, card or any other way, he represents himself to be an architect with or without qualifying adjective, or when he implies that he 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 other parts. (Acts 1979, No. 79-676, §1.)

§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, control or supervision of their employers; or

(2) the employment of superintendents 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 and is not intended for assembly occupancy, except schools, churches, auditoriums or other buildings 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 supervision or 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 supervising 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 dollars (\$200), the Board shall promptly notify the applicant of examination requirements for certification. 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. Either of 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 certification:

(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 an additional period of practical experience in architectural work under the control and supervision of a registered architect or architects as the Board by regulation shall deem appropriate.

(2) Acceptable combinations of education and apprenticeship as may be established by the Board. Acceptable combinations of education and apprenticeship shall comply with the standards of education, training, and character as set forth in Appendix "A" in the 1983 NCARB Circular of Information Number 1. Applicants for examination who meet the aforementioned qualification shall submit notice of intent to sit for the examination before December 30, 1987, or 90 days after the passage of the amendatory act, whichever time period is longer. After that time, the only qualification for examination acceptable to the Board shall be graduation from a NAAB accredited school or college and an additional period of practical experience.

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 one hundred fifty dollars (\$150).

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 one hundred fifty dollars (\$150).

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 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; or
 - b. Gross negligence, incompetency or misconduct in the practice of architecture as determined by the Board at a hearing; or
 - c. A felony or misdemeanor involving moral turpitude by a court of competent jurisdiction; or
 - d. Practicing architecture in this state in violation of the standards of professional conduct established by the Board; or
 - 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.

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 registered mail, with return receipt requested, and addressed to his last known place of business, or residence, not less than 10 days before the date fixed for such hearing. Said notice shall inform the individual that he is entitled to be represented by counsel of his choosing at the hearing, to have witnesses testify in his behalf at the hearing, to confront and cross-examine witnesses at the hearing and to testify in his 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. Partnerships or corporations performing architectural services in this state must be issued annually a certificate of authorization to practice architecture by the Board, and must submit an application and a fee not to exceed \$100.00 for a certificate of authorization. Certificates shall be valid from January 1 through December 31 of the year issued. Renewal fees shall not exceed \$100.00. Disciplinary action for corporations or partnerships shall be the same as for registered architects. The Board retains the initial fee deposited as an application fee if a certificate of registration or authorization is denied an applicant.

The corporation or partnership shall be responsible for the acts of its agents, employees or officers. Also a certificate of authorization shall be required for corporations or partnerships which operate under an assumed name which does not include the proper names of any registered architects within the firm. Any architect who files articles of incorporation or any corporation which files an amendment to its articles of incorporation must file a copy of the articles of incorporation or the amendment with the Board simultaneously with or within 30 days of filing same with the probate judge of the county of incorporation.

c. Nothing in this chapter shall prevent a registered architect from being employed by a person, firm, partnership, corporation or professional corporation.

d. 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.

It shall be unlawful for anyone to stamp or seal any document with said seal after the certificate or the registrant named thereon has expired or been revoked.

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 supervision and control of the registered architect whose stamp is to be affixed thereon.

e. 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 as being in responsible charge of architectural work or to permit his seal, or facsimile thereof, to be used by another for any purpose. Violations shall be penalized as provided in Section 34-2-36 hereof. (Acts 1979, No. 79-676, §6; Acts 1987, No. 87-544, §3.)

§34-2-36. PENALTIES; INJUNCTION.

On or after the effective date of this act, 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.

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 said 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. (Acts 1979, No. 79-676, §7.)

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

It shall be lawful for a corporation, a professional corporation or a professional association to practice architecture in this state provided that all officers and voting stockholders are architects or professional engineers registered under the laws of Alabama. Practice of said corporation, professional corporation or professional association shall be under the direct control of an officer who is a duly registered architect in this state and whose name shall appear on all documents of said corporation, professional corporation or professional association in its practice of architecture.

The name of such corporation, professional corporation or professional association shall not contain the names of former partners who, by virtue of death, retirement or resignation, are no longer active participants in the practice of architecture. Upon the death, retirement or resignation of any named partner, the name of the corporation, professional corporation or professional association shall be renamed within two years in accordance with the provisions of this section.

Nothing herein contained shall apply to a corporation, professional corporation or professional association legally practicing architecture in this state on September 7, 1967.

It shall be lawful for a partnership composed of architects and professional engineers registered under the laws of this state to practice architecture. Said partnership must include at least one architect. The practice of said partnership shall be under the direct control of a partner who is a duly registered architect in this State and whose name shall appear on all documents of said partnership in its practice of architecture.

The name of such partnership shall not contain the name of a former partner who by virtue of death, retirement or resignation, is no longer an active participant in the practice of architecture. Upon the death, retirement, or resignation of a partner, said partner's name shall be removed from the name of the partnership within two years in accordance with the provisions of this section.

Foreign corporations who do not otherwise comply with the provisions of this chapter shall not practice architecture in the state of Alabama. However, an individual licensed to practice pursuant to this chapter who is a member of a foreign corporation shall be allowed to practice in the state of Alabama so long as he does so in his individual name. (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 secretary 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 secretary 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 said Board, and a secretary, who may or may not be a licensee of said Board. The Board may, with the approval of the governor, employ 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 secretary 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 secretary 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 said 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 said fund on the warrant of the comptroller of the state. Such warrant shall be issued on requisitions signed by the chairman and secretary 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 secretary 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 said 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 secretary, and a copy of the said roster of registered architects. (Acts 1979, No. 79-676, §13; Acts 1982, No. 82-147, §4.)

**RULES AND REGULATIONS
OF THE ALABAMA STATE BOARD
FOR REGISTRATION OF ARCHITECTS**

100-X-1- Chapter 1 - Composition of the Board

- 100-X-1-.01. Name
- 100-X-1-.02. Office of the Board
- 100-X-1-.03. Board Members
- 100-X-1-.04. Duties of Board Members
- 100-X-1-.05. Compensation of Board Members
- 100-X-1-.06. Meetings, Quorum and Order of Business
- 100-X-1-.07. Election of Officers
- 100-X-1-.08. Chairman and Vice Chairman
- 100-X-1-.09. Secretary
- 100-X-1-.10. Employees and Contract Agreements

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

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

100-X-1-.02. Office of the Board: The Secretary 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999.

100-X-1-.03. Board Members: The Board shall be composed of six Board Members who represent the four districts of Alabama, and a Board Secretary. 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

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 policies and procedures.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16,

1985.

100-X-1-.05. Compensation of Board Members: Board Members shall be entitled to a director's fee, expenses, and other authorized compensation as prescribed by the Board and in accordance with the Registration Act.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999.

100-X-1-.06. Meetings, Quorum and Order of Business: The Board shall have at least four meetings each year. Notice of meetings will be advertised in a newspaper of general circulation in the state of Alabama. Special meetings may be called by the Chairman at his discretion or on written request to the Secretary of four other members. 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 Board Meeting shall be established by the Chairman and the Secretary. 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999.

100-X-1-.07. Election of Officers: Annually, the Board shall elect a Chairman and Vice Chairman who must be members of the Board. The Chairman and Vice Chairman will be elected for one year terms and no one Board Member may serve more than two consecutive terms in any one office. Terms of office to be the same as the fiscal year.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

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 vouchers (or with approval of the Board, may delegate this duty to another member), and shall perform all other duties pertaining to his 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 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

100-X-1-.09. Secretary: The Secretary shall be an administrative officer of the Board. He shall supervise the day to day operations of the Board. He 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; cause written minutes of every meeting of the Board to be kept in the Book of Minutes of this Board; keep the Board seal

and affix it to such instruments as require it; sign all instruments and matters that require attest 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 annual report of the Board before January 1 each year to the Governor after having the chairman approve said reports; 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 12, 2005; effective September 16, 2005.

100-X-1-10. Employees and Contract Agreements: The Board may, with the approval of the governor, employ a Secretary, clerks, experts, attorneys and others, as may be necessary for the operation of the Board. They also shall have the power to make contract agreements in accordance with state law.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999.

100-X-2- Chapter 2 - Operation of the Board

- 100-X-2-.01. Financial Operation
- 100-X-2-.02. Registration of Architects
- 100-X-2-.03. Certificates of Registration
- 100-X-2-.04. Renewal of Registration
- 100-X-2-.05. Reinstatement Application
- 100-X-2-.06. The Architect's Seal
- 100-X-2-.07. Regulation of Practice
- 100-X-2-.08. Violations and Investigations
- 100-X-2-.09. Complaint Procedures
- 100-X-2-.10. Administration of Examination
- 100-X-2-.11. Intern Development Program
- 100-X-2-.12. Publication and Distribution of Printed Matter
- 100-X-2-.13. Code of Professional Conduct
- 100-X-2-.14. National Council Architectural Registration Boards
- 100-X-2-.15. Fee Schedule
- 100-X-2-.16. General
- 100-X-2-.17. Continuing Education
- 100-X-2-.18. Incidental Practice of Engineering
- 100-X-2-.19. Remediation of Unsealed or Improperly Sealed Documents

100-X-2-.01. 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, to cause expenses to be paid out of such funds by voucher and requisition in accordance with Alabama state law. The Board shall submit annual report for each fiscal year to the Governor, in accordance with Alabama state laws.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 12, 2005; effective September 16, 2005.

100-X-2-.02. 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 herein. There are three methods of obtaining registration in Alabama:

(a) By written examination administered by the Board;

(b) By NCARB application for reciprocal agreement to practice in Alabama, based on NCARB national certificate;

(c) Reinstatement.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed August 12, 2005; effective September 16, 2005.

100-X-2-.03. Certificates of Registration: Certificates suitable for framing, bearing the registrant's name, registration number and date registered with the Board shall be issued by the Board. These certificates shall be signed by the six board members, the Board Secretary and the Secretary of State. Upon reasonable written request and payment of fee, duplicate or corrected certificates may be issued. The Board shall have the power to enter into a contract agreement with an artist to hand letter these certificates. Certificates of registration are issued to individuals only.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed January 24, 2005; effective February 28, 2005.

100-X-2-.04. Renewal of Registration: The Board shall have the power to set renewal fees and fees for late payment. The Board shall cause to be issued 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 1st and ends September 30th of the following year. Renewals postmarked October 1 through December 31 will be considered late, and renewals must include the late penalty established by the Board. All renewals must reflect completion of the current continuing education requirements established by the Board. A roster shall be published listing all registered architects in good standing with the Board. No provision is made for partial payment for a partial year. Renewal fees are due October 1st of each fiscal year.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed August 1, 2002; effective September 5, 2002. **Amended:** Filed August 12, 2005; effective September 16, 2005.

100-X-2-.05. Reinstatement Policy: An architect who has allowed his/her registration to lapse for whatever reason for more than 90 days must complete a new application, submit appropriate application fee, renewal fee and late penalty, proof of continuing education, and a sworn affidavit stating he/she has not performed any service included in the definition of the practice of architecture while not registered in the state of Alabama.

These applications must receive Board approval. If approved, the same registration number will be reissued; however a new certificate for framing will not be issued unless request is made and replacement fee is paid.

Author: Board for Registration of Architects

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

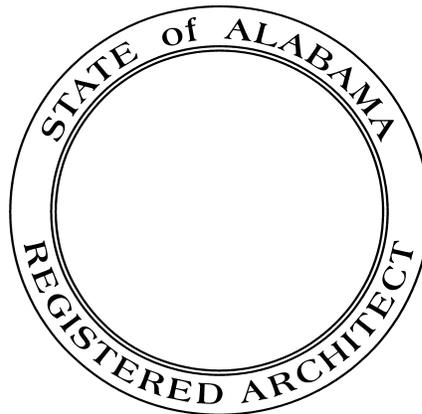
History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed August 7, 2003; effective September 11, 2003.

100-X-2-.06. The Architect's Seal: The architect shall be responsible for obtaining his own seal. This seal shall be used to identify all drawings and specifications issued from his office for use in this state. The seal shall be a type which will make impression by rubber stamp or mechanical die imprint or preprinted on cut sheets. The seal shall be circular, two inches in diameter, with an outer circle which reads "STATE OF ALABAMA" at the top and "REGISTERED ARCHITECT" at the bottom, the inner circle must show the architect's name and Alabama registration number. It is also permitted to place the city and state where the architect practices within the inner circle if desired. Deviations to the standard required Alabama seal are permissible and are spelled out in the Code for Professional Conduct. The personal architect's seal is required on all drawings, duplication of drawings, plans, specifications, plates and reports issued by an architect.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.



100-X-2-.07. 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 the State of Alabama, whatever the nature of such practice. Registered architects are expected to practice in accordance with the Code of Professional Conduct. All reciprocal registrants are expected to practice the same as in-state registered architects.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

100-X-2-.08. Violations and Investigations: The Board shall have the power to investigate or cause to be investigated any matter that is brought to the Board's attention. The Board shall supply form entitled "Report

of Possible Violation" to the public to aid in handling complaints. 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 informal hearings and formal hearings. The Board has the power to enter into contract agreements with an attorney and/or investigators in accordance with state laws. Violations are described in the Code for Professional Conduct. The Board has the power to set fines, to suspend registration, to revoke 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 7, 2003; effective September 11, 2003. **Amended:** Filed May 29, 2007; effective July 3, 2007.

100-X-2-.09. Complaint Procedures: When charges are made against an architect which would justify suspension or revocation, if proven, notice of the specific nature of the charges and the time and place of a hearing will be served upon the accused by registered mail and addressed to the last known address on record, not less than ten (10) days before the date fixed for such hearing. The Board and the accused may compel the attendance of witnesses by subpoena issued through the Circuit Court of Montgomery County, Alabama. The names of persons to be subpoenaed by the accused must be given in writing more than five (5) days prior to the hearing date. The Board will conduct such hearing with the assistance of a hearing examiner to be selected and appointed by the Board and will hear all competent and relevant evidence in support of the charges. Upon conclusion of the hearing, the members of the Board will determine the appropriate action to be taken, and shall notify the accused of such action. If the Board suspends or revokes the certificate of registration, the accused 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: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

100-X-2-.10. 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 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 ARE. The Board may approve an applicant to take the ARE only after the applicant has completed the educational 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. The Board shall report or cause to be reported the grades to the individuals in accordance with Board policy and to NCARB for national certification. Eligibility qualifications may be obtained by writing to the Board's address or on the Board's web site. All candidates must submit a completed application, application fee, and documentation of required training and experience in order to obtain architectural registration by examination in Alabama.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed May 22, 2006; effective June 26, 2006.

100-X-2-.11. 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). In order to encourage and document a timely continuum of the IDP process, an applicant for registration by examination must hold an active NCARB council record for a minimum of two (2) calendar years prior to being granted architectural registration in Alabama, even if all training requirements have been met by the applicant prior to establishing a council record or taking the ARE. Information concerning IDP can be obtained from NCARB, a local chapter of the American Institute of Architects (AIA), or the Board.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed July 2, 2004; effective August 6, 2004. **Amended:** Filed May 22, 2006; effective June 26, 2006.

100-X-2-.12. Publication of Board Documents and Forms: The Board shall prepare and publish the following: Roster; newsletter; rules and regulations; copy of Code of Ala. 1975, Title 34; Code of Professional Conduct; report of violation form and other printed matter. These shall be available to all registered architects, building officials and to other state agencies free of charge. All others must pay a printing fee for the roster in accordance with fee schedule.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 12, 2005; effective September 16, 2005.

100-X-2-.13. Code of Professional Conduct: The Board shall prepare and revise a "Code of Professional Conduct" which shall be published annually. It shall contain definitions, guidelines, business practice, and other related information that pertains to the practice of architecture in the State of Alabama.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 12, 2005; effective September 16, 2005.

100-X-2-.14. 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 qualification throughout the United States.

Author: Board for Registration of Architects

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

100-X-2-.15. 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
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: Cindy McKim

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

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985. **Amended:** Filed August 12, 2005; effective September 16, 2005; **Amended:** Filed June 5, 2008; effective July 10, 2008.

100-X-2-.16. General: The Board shall review these Rules and Regulations as necessary and make changes or amendments in accordance with Alabama State law by a majority vote of the Board. Any item not covered above shall be determined by the Board Members at a scheduled Board Meeting. All previous rules and regulations promulgated by this Board are repealed and these Rules and Regulations are hereby substituted.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-33, 34-2-36, 34-2-37, 34-2-39.

History: Filed October 3, 1981. **Repealed and new rules adopted in lieu thereof:** Filed September 16, 1985.

100-X-2-.17. Continuing Education:

(1) Purpose.

These rules provide for a continuing education program to insure that all registered architects remain informed of those technical and professional subjects which the Board deems appropriate to professional architectural practice and to safeguard life, health, and promote the public welfare.

(2) Scope and Exemptions.

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

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

1. A first-time new registrant by examination or first-time reciprocal registrant shall be exempt for his/her first renewal period.

2. Registrant is an emeritus status architect.
3. Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual report period.
4. Resident registrants of another NCARB jurisdiction with either a mandated or voluntary program, 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.
5. Hardship cases will be considered by the Board on an individual basis.

(3) Requirements.

(a) 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.

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.

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 self-study courses sponsored by professional associations, architecturally significant educational tours, 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.

(b) 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.

(c) Hours claimed for continuing education credit must be in addition to or outside of the registrant's normal day-to-day business activities.

(4) Annual Report.

(a) Each registrant, at renewal of registration time, shall submit an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding period of one fiscal year ending September 30. No carry-over of continuing education hours is permitted. Affidavits with an accompanying report concerning registrant's methods of completion of requirements shall be submitted on a form provided by the Board.

(b) Each affidavit shall be reviewed and may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements 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.

(5) 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.

(a) The Board may disallow claimed credit for continuing education hours if the CEHs do not comply with subsection (3) above. The registrant shall have 60 calendar days after notification of disallowance of credit to substantiate hours claimed or earn other CEH credit which fulfills minimum requirements.

(6) Noncompliance and Sanctions.

Failure to fulfill the continuing education requirements, or file the required annual report and affidavit, properly completed and signed, shall result in non-renewal of an architect's certificate of registration. (Authority: §34-2-39)

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

(b) 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: Filed June 2, 1993; effective July 7, 1993. **Amended:** Filed February 17, 1999; effective March 24, 1999. **Amended:** Filed August 1, 2002; effective September 5, 2002. **Amended:** Filed August 22, 2006; effective September 26, 2006. **Amended:** Filed September 22, 2008; effective October 27, 2008.

100-X-2-.18. Incidental Practice of Engineering:

(1) Clarification. “Incidental Practice of Engineering” shall be clarified as follows:

(a) The incidental practice of engineering may include a minor engineering item, but not a complete engineering system;

(b) It is usually of a secondary nature and is typically a smaller portion of the main engineering project;

(c) It is an addition to the main engineering system and does not affect the primary engineering system; and

(d) Incidental engineering items are usually included in the architectural drawings.

(2) Requirements/documentation. An architect shall prepare no engineering documents except those documents clearly defined as engineering incidental to the practice of architecture. An architect who performs the incidental practice of engineering must maintain supporting data to document, justify and certify information to the permitting or regulatory authority.

Author: Board for Registration of Architects

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

History: New Rule: Filed July 2, 2004; effective August 6, 2004.

100-X-2-.19 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 all 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 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: Filed November 15, 2007; effective December 20, 2007.

CODE OF PROFESSIONAL CONDUCT

ALABAMA BOARD FOR REGISTRATION OF ARCHITECTS

This code was originally adopted by the Board in November 1986 and has been periodically modified and updated. Only those numbered items in **bold print** were adopted by the Board. The commentary has been added for explanation and understanding only.

1. COMPETENCE

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

Commentary: It is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the registration. 1.1 sets forth the common law standard which has existed in this country for a hundred years or more in judging the performance of architects. While some courts have stated that an architect, like the manufacture of goods, impliedly warrants that his/her design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but need not always be right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring to his/her work. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural situation.

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

Commentary: It should be noted that the rule is limited to applicable state and municipal building laws and regulations. Every major project being built in the United States is subject to a multitude of laws in addition to the applicable building laws and regulations. As to these other laws, it may be negligent to the architect to have failed to taken them into account, but the rule does not make the architect specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the architect may be required to seek the interpretation of other professionals. The rule permits the architect to rely on the advice of such other professionals.

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

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

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

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

2. CONFLICT OF INTEREST

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

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

2.2 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 his or her 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.

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

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

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

2.4 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.

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

3. FULL DISCLOSURE

3.1 An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

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

3.2 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.

Commentary: Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact.

3.3 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 affect adversely 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, and**
- 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 objection, terminate his services with reference to the project.**

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

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

3.4 An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

Commentary: When our registration Board grants registration or renews registration on the basis of a misrepresentation by the applicant, the Board must have the power to revoke that registration.

3.5 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.

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

Commentary: This rule's thrust is consistent with the special responsibility which the public expects from architects.

3.7 a. 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 b. 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.

b. 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.

Commentary: Construction administration is a component of the practice of architecture. § 34-2-30 (2) Ala. Code (1975). When the sealing architect cannot perform construction administration, it is necessary to ensure that another qualified professional performs construction administration services until the project is completed. If the architect informs the Board and the local building official that he or she will not perform such services, the Board and building official can take any steps it deems necessary for the protection of the health, safety, and welfare of the public. As with other

architectural services, qualified employees of registered architects may perform construction administration services under the instruction, direct control and supervision of their employees. § 34-2-32a(1) Ala. Code (1975)

4. COMPLIANCE WITH LAWS

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

Commentary: This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant's professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant's architectural practice. It is intended, however, that rule 5.3 will cover reprehensible conduct on the part of the architect not embraced by rule 4.1.

4.2 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.

Commentary: This tracks a typical bribe statute. It is covered by the general language of 4.1, but it is the Board's view that 4.2 should be explicitly set out in the code for professional conduct. Note that all of the rules under this section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the State Registration Board, whether or not the architect has been convicted under the state criminal procedure.

4.3 An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

Commentary: For the reasons set out under 4.1, the Board chooses to limit this rule to United States jurisdictions.

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

Commentary: The Board expects timely and accurate payments for all fees or obligations.

4.5 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.

5. PROFESSIONAL CONDUCT

5.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work.

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

5.2 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.

Commentary: 5.2 is the correlative of 4.2, but the latter describes criminal conduct under most state laws for it involves both "private bribes" (which are ordinarily not criminal in nature) and the unseemly conduct of using gifts to obtain work. Note that the rule realistically excludes reasonable entertainment and hospitality and other gifts of nominal value.

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

Commentary: Violations of this rule may involve criminal conduct not covered by 4.1 or other reprehensible conduct which the Board believes should warrant discipline. The Board believes that a state Board must, in any disciplinary matter, be able to point to a specific rule which has been violated. An architect who is continuously involved in night-time burglaries (no connection to his daytime professional practice) is not covered by 4.1 (crimes committed "in the conduct of his/her architectural practice"). The Board believes that serious misconduct, even though not related to professional practice, may well be grounds for discipline. The Board assumes that murder, rape, arson, burglary, extortion, grand larceny, and the like, would be conduct subject to the rule, while disorderly conduct, traffic violations, tax violations, and the like, would not be considered subject to the rule. It applies to conduct which would be characterized as wicked, as opposed to minor breaches of the law.

5.4 An architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of this state, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

Commentary: This provision reflects current practice by which the architect's final construction documents may comprise the work of other professionals as well as work of the architect. The reference to "registered under this or another professional registration law" means the laws of the State of Alabama. The reference is most commonly to persons registered under the engineering registration law, although it covers registered architects as well, who may be engaged to do a portion of the work without being subject to the principal architect's supervisory control. If an architect does not expect to be responsible for the adequacy of his/her consultant's work, the architect should not sign or seal such work and should otherwise comply with the Alabama law in order to avoid responsibility.

5.5. 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.

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.