

415-RICR-00-00-1

TITLE 415 – Board of Examination and Registration of Architects

CHAPTER 00 - ARCHITECTS

SUBCHAPTER 00 - N/A

PART 1 - Architects

1.1 Authority

This regulation is promulgated by the Board of Examination and Registration of Architects with the approval of the Director of the Department of Business Regulation promulgated in accordance with R.I. Gen. Laws §§ 5-1-5 and 42-14-17.

1.2 Scope

This regulation applies to the licensing and regulation of the practice of architecture in Rhode Island.

1.3 Purpose

The purpose of this regulation is to describe the practices and procedures of the Board and to set forth the rules promulgated to enforce R.I. Gen. Laws § 5-1-1 *et seq.* for the regulation of the practice of architecture within the state.

1.4 Definitions

A. Terms that are not listed in § 1.4 of this Part shall have the meanings provided by R.I. Gen. Laws § 5-1-1 *et seq.* and/or the meanings set forth in the remaining sections of this regulation.

1. “Act” means R.I. Gen. Laws § 5-1-1 *et seq.*
2. “Board” means the Board of Examination and Registration of Architects and/or, when the context permits, to the relevant administrative personnel or authorized agents thereof. Within the Department, the Board is organized under the “Division of Design Professionals.”

3. "COA" means Certificate of Authorization.
4. "Department" means the Rhode Island Department of Business Regulation.
5. "Director" means the Director of the Rhode Island Department of Business Regulation or his or her designee.
6. "Division of Design Professionals" means the administrative division of the Department of Business Regulation comprised of the Board of Examination and Registration of Architects, the Board of Examiners of Landscape Architects, the Board of Registration for Professional Engineers, and the Board of Registration for Professional Land Surveyors, in accordance with R.I. Gen. Laws § 5-84-1 *et seq.*
7. "Experience" and "Training" are interchangeable and mean satisfactory architecturally related employment as required by NCARB.
8. "NCARB" means the National Council of Architectural Registration Boards.
9. "Principal" means an architect who:
 - a. is in responsible control of the organization's architectural practice either alone or in concert with other architect(s);
 - b. is responsible for the profits and losses of the firm;
 - c. is legally liable for the acts of the firm; and
 - d. who holds one of the following positions: sole proprietor if the practice is through a sole proprietorship, director or officer (or shareholder if there are no directors or officers) if the practice is through a corporation, general partner if the practice is through a partnership or through a limited liability partnership, manager (or member if there are no managers) if the practice is through a limited liability company.
10. "Responsible Control" means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care, including but not

limited to an architect's integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of 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 professional knowledge of the content of such submissions throughout their preparation.

11. "Seal" means the symbol meeting the specifications set forth herein that evidences registration as an architect under R.I. Gen. Laws Chapter 5-1.
12. "Stamp" means the instrument to manually apply a seal evidencing registration of an architect under R.I. Gen. Laws Chapter 5-1.
13. "State," as used in R.I. Gen. Laws § 5-1-9, means any jurisdiction recognized by NCARB, including any foreign jurisdictions in which Rhode Island is a signatory to a Mutual Recognition Agreement or similar agreement with NCARB.

1.5 Applications

- A. Applications for examinations – Exam Candidate must apply directly to the NCARB Direct Registration Program.
- B. The Board authorizes the Board Executive and/or other designated administrative staff member to approve applications for registration by examination and reciprocity, Certificates of Authorization, and renewals thereof upon receipt of all submissions required by the application provided by the Board, including the application fee; provided that the applicant does not have a record of disciplinary history.
- C. Applicants for examination, reciprocity, COA, and renewal thereof must disclose any and all disciplinary action imposed by other professional registration jurisdictions or NCARB.
- D. Applicants for reciprocity and renewal must certify completion of continuing education in accordance with the Board's requirements for continuing education.

- E. If a new application is approved after renewal applications have been mailed, then that applicant's registration shall be valid for 27 months.

1.6 Architectural Registration Exam ("ARE")

- A. Evaluation of education and training credits shall be at the discretion of the Board and in general accordance to NCARB criteria.
- B. All applicants are required to comply with such requirements for taking and passing the Architectural Registration Examination (ARE) as shall be established by NCARB.
- C. The ARE will be given to all applicants qualifying under R.I. Gen. Laws § 5-1-8.
- D. The ARE shall be taken and successfully passed by all applicants.
- E. The scope, dates, times and location(s) of the ARE are established by NCARB.
- F. The minimum-passing grade in all subjects of the ARE shall be as established by NCARB.
- G. All applicants may retake failed divisions of the examination as many times as the applicant wishes and must pay a new fee at each re-examination.

1.7 Practice Rules

- A. Architect's Seal and Stamp
 1. Seal – The seal is a symbol, 1-½ inches in diameter consisting of two concentric circles; the outer being 1-½ inches in diameter and the inner being 1-1/8 inches in diameter. The space between the circles shall contain the name of the architect at the top and the word "Architect" at the bottom. The inner circle contains the State emblem and the architect's certificate number. The word "Registered" shall appear below the State's emblem, just above the word "Architect" in the space between circles.
 2. The Board shall loan each architect the right to purchase an individual stamp capable of imprinting the seal to be used, as hereinafter directed in the following paragraph, on all documents prepared by the architect or under the architect's responsible control, for use in the State of Rhode Island, for the purpose of manually imprinting the drawings, specifications

or project manual, and other documents. An electronically generated seal may be used in lieu of the hand stamp.

3. The seal shall be applied on documents so as to produce legible reproduction on all copies or prints made from the documents. The architect's name shall be placed across the seal, and dated below the seal. Electronic signature and dating is permitted.
4. The architect shall use or electronically submit the seal only if in responsible control of the project.
5. Upon retirement, certificate revocation, or non-payment of renewal fee, the loaned right to the stamp and use of the seal shall be voided and the stamp shall be immediately returned to the Board. If not returned to the Board within sixty days, or within fifteen days of a notice to return, the Board will notify NCARB of this rule violation and take action as allowed by the act.
6. Expired Certificates – Application for restoration of an expired certificate, which has been allowed to lapse for not more than 6 months, shall be approved by the Board upon receipt of the required registration fees. Application for the restoration of an expired certificate, which has been allowed to lapse for a period of 6 months to not more than two years may be reinstated at the discretion of the Board and in so deciding the Board may require a brief outline setting forth the professional activities of the applicant during the lapsed period, and, if the applicant is a non-resident, the Board may also require the submission of a completed NCARB Council Record and Certificate. If the certificate has been expired for more than (two) years, the applicant shall follow the procedure for a new application.

B. Firm Names

1. When personal names of architects are used in the name of the firm, only names of living registrants or former registered members now retired or deceased may be used. Any reference in the firm name to other persons of the firm, partnership, corporation, limited liability company and limited liability partnership shall be permitted only when such other persons are design professionals (landscape architects, professional engineers or

professional land surveyors) and their identity is made known specifically on letterheads of the firm (sole proprietorship, partnership, corporation, limited liability company and limited liability partnership).

2. A firm is permitted to practice under a name, which does not include the names of registered principals, provided said name is submitted to the Board for review and approved before adoption of same. A firm, using such an assumed name shall file with the Board the name of each registered member of the firm. The Board shall be promptly advised of any and all changes in the composition of a firm that may occur subsequent to the original filing, and the C.O.A shall be resubmitted for approval.
3. Any use of the word "Associate" or "Associates" in the title of a firm, partnership, corporation, limited liability company or limited liability partnership shall be permitted only when it refers to other registered architects, landscape architects, professional engineers or registered land surveyors in the firm, partnership, corporation, limited liability company or limited liability partnership and their identity and professional status is made known on letterheads of the firm, partnership, corporation, limited liability company or limited liability partnership. The title "Associate" shall only be given to registered professionals of the firm, partnership, corporation, limited liability company or limited liability partnership. The use of the plural form of "Architect" – "Architects" shall only be used in a firm's title if there is more than one architect at the business.

1.8 Continuing Education ("C.E.")

- A. Continuing education is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.
- B. In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 Continuing Education Hours each calendar year or be exempt from these continuing education requirements as provided in § 1.8(G) of this Part. Failure to comply with these requirements may result in non-renewal of the architect's registration.

C. A Continuing Education Hour (CEH) is one continuous instructional hour (50 to 60 minutes of contact) spent in Structured Educational Activities intended to increase or update the architect's knowledge and competence in Health, Safety, and Welfare Subjects.

1. Health, Safety, and Welfare Subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment:
 - a. BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection
 - b. CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations
 - c. CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods
 - d. DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
 - e. ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation
 - f. LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public
 - g. MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment
 - h. PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
 - i. PRESERVATION: Historic, Reuse, Adaptation
2. Structured Education Activities are educational activities in which at least 75 percent of an activity's content and instructional time must be devoted to Health, Safety, and Welfare Subjects related to the practice of

architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare Subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

- D. If the provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for Continuing Education Hour purposes irrespective of actual time spent on the activity.
- E. Continuing Education Hours may be acquired at any location.
- F. Excess Continuing Education Hours may not be credited to a future calendar year.
- G. Exemptions - An architect shall not be subject to these requirements if:
 - 1. The architect has been granted emeritus/emerita status by the Board; or
 - 2. The architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements.
- H. For the Architect's first renewal period or fraction thereof, the continuing education requirements for renewal shall be required at the rate of one continuing education hour (CEH) per month of registration.
- I. If an architect has allowed registration to lapse in Rhode Island for more than two years, the architect shall upon application provide evidence of compliance with Rhode Island's requirements for the lapsed period. Continued registration in an NCARB recognized jurisdiction that requires continuing education will be deemed to satisfy this requirement.
- J. Reporting and Recordkeeping. An architect shall complete and submit forms as required by the Board certifying that the architect has completed the required Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. Documentation of reported Continuing

Education Hours shall be maintained by the architect for six years from the date of award. If the Board disallows any Continuing Education Hours the architect shall have 60 days from notice of such disallowance either to provide further evidence of having completed the Continuing Education Hours disallowed or to remedy the disallowance by completing the required number of Continuing Education Hours (but such Continuing Education Hours shall not again be used for the next calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.

1.9 Inter-Jurisdictional Practice

No one shall practice or offer to practice architecture in the State of Rhode Island unless they are registered and hold a COA in accordance with R.I. Gen. Laws § 5-1-7.

1.10 Non-practicing Individuals

- A. Interns – A person currently employed under the responsible control of an architect and who maintains in good standing a National Council of Architectural Registration Boards Record may use the title “intern architect” or “architectural intern” in conjunction with his/her current employment, but may not engage in the practice of architecture except to the extent that such practice is excepted from the requirement of registration.
- B. “Architect Emeritus/Emerita” – Upon written application to the Board, retired architects who surrender the stamp and use of the seal to the Board may use the honorary title “Architect Emeritus/Emerita” but are prohibited from practicing architecture in the State of Rhode Island.

1.11 Hearings, Administrative Procedures and Access to Public Records

- A. Wherever a hearing is required by law, said hearing shall be conducted pursuant to R.I. Gen. Laws § 5-1-13.1, the Department’s Rules of Procedure for Administrative Hearings, 230-RICR-10-00-2, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.* Complaints shall be handled pursuant to 230-RICR-10-00-2.4. Where necessary, the

Director of the Department shall appoint a Hearing Officer pursuant to R.I. Gen. Laws § 42-6-8.

- B. Requests for declaratory rulings and petitions for rulemaking shall be handled pursuant to the Department's regulation for Declaratory Rulings and Petitions, 230-RICR-10-00-3, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
- C. Requests for records pursuant to the Access to Public Records Act shall be handled pursuant to the Department's regulation for Access to Public Records, 230-RICR-10-00-1 and the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.*

1.12 Professional Standards

A. Competence

1. In engaging in the practice of architecture, a registered architect's primary duty is to protect the public's health, safety and welfare. In discharging this duty, a registered architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by architects of good standing practicing in the same locality.
2. In designing a project, a registered architect shall take into account all applicable state and municipal building laws and regulations. While a registered 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, a registered architect shall not knowingly design a project in violation of such laws and regulations.
3. A registered architect shall undertake to perform professional services only when he/she, together with those whom the registered architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.
4. No individual shall be permitted to engage in the practice of architecture if, following opportunity for a hearing, findings are made that such an

individual's professional competence is, despite reasonable accommodations, substantially impaired by physical or mental disabilities.

B. Conflict of Interest

1. A registered architect shall not accept compensation in connection with his/her services from more than one party on a project, unless the circumstances have been agreed to by all interested parties in writing following written disclosure to all parties.
2. If a registered architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services, the registered architect shall fully disclose in writing to his/her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the registered architect will either terminate such association or interest or offer to give up the commission or employment.
3. A registered 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, a registered architect shall render decisions impartially, favoring neither party to the contract.

C. Full Disclosure

1. A registered architect making public statements on architectural questions shall disclose when he/she is being compensated for making such statements or when he/she has an economic interest in the issue.
2. A registered architect shall accurately represent to a prospective or existing client or employer his/her qualifications and the scope of his/her responsibility in connection with work for which he/she is claiming credit.
3. If, in the course of his/her work on a project, a registered architect becomes aware of a decision taken by his/her employer or client against

such architect's advice that violates applicable state or municipal building laws and regulations and which will, in the registered architect's judgment, materially and adversely affect the safety to the public, 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; and
 - b. Refuse to consent to the decision; and
 - c. In circumstances where the registered architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with respect to the project unless the registered architect is able to cause the matter to be resolved by other means. In the case of a termination in accordance with § 1.12(C)(3)(c) of this Part, the registered architect shall have no liability to his/her client or employer on account of such termination.
4. A registered architect shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his/her application for a registration or renewal thereof or otherwise lawfully requested by the Board.
 5. A registered architect shall not assist the application for registration of an individual known by the registered architect to be unqualified in respect to education, training, experience or character.
 6. A registered architect possessing knowledge of a violation of the provisions of § 1.12 of this Part by another registered architect shall report such knowledge to the Board.

D. Compliance with Laws

1. A registered architect shall not, in the conduct of his/her 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 registered architect is interested.

3. A registered architect shall comply with the registration laws and regulations governing his/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 would lead to disciplinary action in this jurisdiction, the architect was disciplined in any other United States jurisdiction.
4. An employer engaged in the practice of architecture shall not have be 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.

E. Professional Conduct

1. Each office in Rhode Island engaged in the practice of architecture shall have an architect resident and regularly employed in that office.
2. The signature and use of the seal shall mean that the registered architect sealing the submission was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care. A registered architect may sign and seal technical submissions only if the technical submissions were:
 - a. Prepared by such architect;
 - b. Prepared by persons under such architect's responsible control;
 - c. Prepared by another registered architect 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/her own technical submissions; or

- d. Prepared by another architect registered in any United States jurisdiction and holding a current and valid certification issued by NCARB, provided that the technical submissions are prototypical building documents the signing and sealing architect has reviewed the other architect's work and has integrated the work into his/her own technical submissions.
3. A registered architect may also sign or 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/her own technical submissions.
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.
5. Any registered architect signing and sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under §§ 1.12(E)(2)(c) and (d) of this Part 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/her own technical submissions, and that such review and integration met the required professional standard of care.
6. A registered architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
7. A registered architect shall not make misleading, deceptive or false statements or claims to the public in the course of providing or offering to provide architectural services or to the Board.

8. A registered 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 conjunction with a project in which the registered architect is interested.

1.13 Severability

If any provision of this regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or constitutional provision or application, and to this end the provisions of this Regulation are severable.

415-RICR-00-00-1

TITLE 415 - BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS

CHAPTER 00 - N/A

SUBCHAPTER 00 - N/A

PART 1 - Architects (formerly Rules and Regulations for the Board of Examination and Registration of Architects) (415-RICR-00-00-1)

Type of Filing: Amendment

Effective Date: 11/26/2017

Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.