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Title 46

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 1. General Provisions

Editor's Note: The Louisiana State Board of Architectural Examiners has a new web address that replaces the one referenced within these rules. The new web address is www.lsbac.com.

§101. Authority

A. Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners adopted the following.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 10:737 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:558 (April 2003).

§103. Rule Making Process

A. The Louisiana State Board of Architectural Examiners operates pursuant to these rules, adopted under the authority of R.S. 1950, Title 37, Chapter 3 as amended.

B. For purposes of these rules, the term *architect* means a person who is technically and legally qualified to practice architecture in Louisiana including a professional architectural corporation certified by the board pursuant to the provisions of R.S. 12:1086 et seq., an architectural-engineering corporation certified by the board pursuant to the provisions of R.S. 12:1171 et seq., and a limited liability company certified by the board pursuant to the provisions of R.S. 12:1301 et seq. The term *board* means the Louisiana State Board of Architectural Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:737 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 20:995 (September 1994), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:558 (April 2003).

Chapter 3. Organization

§301. Executive Director

A. The name and address of the person designated by the board upon whom service of process may be served in judicial procedures against the board is the executive director at the address of the official place of business of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333

(September 1978), amended LR 10:737 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§303. Officers

A. The board shall elect a president and a secretary, each to hold office until their successors shall have been elected. The term of office shall be for one year beginning the first day of January the ensuing year.

B. The president shall preside at all meetings; appoint all committees; sign all certificates of registration issued; sign or authorize by signature stamp all checks with the executive director; and perform all other duties pertaining to his office.

C. The secretary shall, with the assistance of such executive and clerical help as may be required:

1. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;

2. sign, with the chairman, certificates of licensure; and

3. sign the minutes of the board meetings after the minutes have been approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:737 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§305. Other Personnel

A. The board may employ such executive, stenographic, and office assistance, including an executive director, as is necessary, and shall rent office space as necessary to house the staff and records.

B. The board shall employ an executive director who shall have possession on behalf of the secretary of all the official records of the board and who may, under the supervision of the board, perform such administrative and ministerial duties as the board authorizes.

C. In discharging its responsibilities, the board may engage private counsel, or, as prescribed in law, utilize the services of the attorney general. The board may also employ such accountants, auditors, investigators, and professionals as it deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333

(September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§307. Meetings

A. There shall be at least four regular meetings each year. If the executive director or the president decide additional meetings are necessary, a special meeting may be called by due notification of all members of the board. A special meeting of the board shall be called by the president upon the request of any two members by giving at least a 10-day written notice to each member of the time and place of such meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§309. Minutes

A. The minutes of all meetings shall be prepared by the executive director and signed by the secretary and the president at the next regular meeting. As soon as the minutes are prepared, the executive director shall mail them to the membership for their comments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), repromulgated LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§311. Conduct of Meetings

A. Unless required otherwise, by law or by these rules, *Robert's Rules of Order* shall be used in the conduct of business by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), repromulgated LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§313. Quorum

A. Four members of the board constitute a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003).

§315. Official Records

A. Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the board offices accurate and current records including, but not limited to:

1. minutes of all meetings of the board;
2. the name and registration number of all persons to whom certificates of registration are issued, the last known address of all registrants, and all current renewals effected through annual registrations;
3. an individual file for each registrant containing the original application, relevant verification and evaluation data, examination dates, grades, and date of original registration;
4. alleged violations and any revocation, rescission and suspension of licenses; and
5. a system of record keeping correctly and currently indicating funds budgeted, spent, and remaining, as well as projections of appropriate requests for consideration in budget development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§317. National Council of Architectural Registration Boards

A. The board shall maintain membership in the National Council of Architectural Registration Boards (NCARB) and its regional conference. Up-to-date information on the examinations and policies adopted from time to time by NCARB shall be reported to the board regularly.

B. The board will cooperate with NCARB in furnishing transcripts of records and rendering assistance in establishing uniform standards of professional qualification throughout the jurisdiction of NCARB.

C. Effective July 1, 2004, out of the funds of the board each board member shall be compensated equal to the rate of compensation allowable for members of the legislature for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member, the executive director, and the board attorney shall be reimbursed reasonable and necessary travel, meals, lodging, clerical, and other incidental expenses incurred while performing the duties, responsibilities, and powers of the boards, including but not limited to performing the aforesaid specific activities.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965,

amended May 1973, amended and promulgated LR 4:334 (September 1978), amended LR 10:738 (October 1984), LR 12:760 (November 1986), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15:732 (September 1989), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003), LR 30:1476 (July 2004).

Chapter 5. Election of Nominees to Fill Vacancy

§501. Vacancy

A. This Chapter concerns the election of the three nominees to be submitted to the governor for the filling of a vacancy on the board of one or more of the five architectural members to be appointed by the governor pursuant to R.S. 37:142.B. This rule shall be applicable whether the vacancy occurs as a result of withdrawal, disability, death, completion of the term of appointment, or any other reason. This rule shall not be applicable to the board members selected by the governor pursuant to R.S. 37:142(C) or (D).

B. If a vacancy occurs, or is about to occur, the executive director shall publish notice thereof in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall send a letter by certified mail to the director of the board indicating his or her intent to be a candidate, which letter shall be accompanied by a curriculum vitae and shall certify that, if elected, the architect will serve. The deadline for receipt of the certified letter shall be at least 20 calendar days subsequent to the publication of the last notice appearing in the official journal of the state. Confirmation of receipt shall be the sole responsibility of the candidate.

C. The board shall also provide notice of any vacancy to anyone who has requested same by certified mail within 90 days of the occurrence thereof. However, any failure to provide such notice shall not effect the results of any election conducted to fill the vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§503. Waiver of Election

A. If three or fewer eligible architects from any district seek nomination, no election shall be held in that district, and the names of those three or fewer candidates shall be submitted to the governor without any further board action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§505. Ballots

A. If an election is necessary, an official ballot and an official return envelope shall be mailed to each licensed architect residing in Louisiana. The ballot shall contain the names of the candidates printed in alphabetical order for each district, the date for the return of the ballots, and any other information or instructions the board believes may be helpful in the election process. Biographical information may be attached to the ballot.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §507.C are satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003).

§507. Voting

A. All licensed architects residing in Louisiana shall have the right to vote in the election of nominees to fill the vacancy for any district. If nominees are being elected for more than one district, a licensed architect may choose to vote in one or more but less than all district elections, and no ballot shall be voided for that reason. However, any ballot containing more than three votes or fewer than three votes for candidates in any one district will be voided in its entirety. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided in its entirety.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C. The ballot shall not be valid unless the signature and license number appear on the return envelope, and the return envelope is received by the board office on or before the deadline. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided the signature and license number of the voting architect appear on the return envelope, and the return envelope is received by the board office on or before the deadline.

D. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all licensed architects. Ballots received after the deadline shall not be counted.

E. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§509. Tabulation

A. Within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the governor and the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;
2. count all ballots properly prepared; and
3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the governor and the candidates of the results.

C. The three candidates receiving the highest number of votes in each district shall have their name submitted to the governor as nominees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§511. Tie

A. In the event the three candidates receiving the highest number of votes cannot be determined because of a tie, a run-off election will be held. The only candidates in the run-off election will be those candidates who received the same number of votes so that the outcome of the election cannot be fully determined.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each licensed architect residing in Louisiana approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §505.A, except only the names of and the information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person or persons elected as nominees, and for tabulating votes set forth elsewhere in this rule shall be applicable.

E. In the event the run-off election does not decide the three candidates receiving the highest number of votes, the procedure set forth herein shall be repeated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§513. Vacancy of Person Elected as Nominee

A. If a vacancy occurs with respect to a person elected as a nominee, that vacancy shall be filled in the following manner.

1. The executive director shall give notice of the vacancy to all of the other candidates in that district and to anyone who has requested notice of any such vacancy in writing by certified mail within 90 days of the election; however, any failure to provide such notice shall not effect any election conducted subsequently held to fill the vacancy.

2. The executive director shall also publish notice of the vacancy in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall advise the board in writing before the deadline determined by the president, and may contain other information.

3. If more than one person seeks election as the nominee, the board will call another election to fill that vacancy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:561 (April 2003).

§515. Election Contest

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

Chapter 7. Applications for Examination

§701. Making Application for Architectural Registration Examination

A. A person desiring to take the Architectural Registration Examination ("ARE") should contact the National Council of Architectural Registration Boards ("NCARB").

B. The applicant has full, complete, and sole responsibility for furnishing to NCARB all necessary information and paying to NCARB all required fees.

C. For the purpose of qualifying for the examination, the applicant shall:

1. be of good moral character;
2. have paid his debt to society if he has ever been convicted of a felony;
3. be the holder of a professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board; and
4. be enrolled in the Intern Development Program administered by the National Council of Architectural Registration Boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003), amended LR 35:64 (January 2009).

§703. Training Credits for Applicants Not Holding a Professional Degree

A. Experience used to meet the educational equivalency requirements set forth in R.S. 37:146(D)(2) can not be used to satisfy the practical architectural work experience requirements set forth in R.S. 37:146(D)(3). Although training credits can be earned prior to satisfactory completion of the educational equivalency requirements set forth in R.S. 37:146(D)(2) at such times permitted by NCARB in its Circular of Information No. 1, experience used in earning such credits cannot also be used to satisfy the training requirements of R.S. 37:146(D)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

§705. Modifications to Examination Administration to Accommodate Physical Handicaps

A. Requests for modification to the examination administration to accommodate physical handicaps must be made in writing to the board. Such a request must be accompanied by a physician's report and/or a report by a diagnostic specialist, along with supporting data, confirming to the board's satisfaction the nature and extent of the handicap. After receipt of the request from the applicant, the board may require that the applicant supply further information and/or that the applicant appear personally before the board. It shall be the responsibility of the applicant to timely supply all further information as the board may require. The board, along with the National Council of Architectural Registration Boards (NCARB), shall determine what, if any, modifications will be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

Chapter 9. The Examination

§901. Examinations Required

A. The Architectural Registration Examinations ("ARE") prepared by the NCARB is adopted by this board as the examinations required to obtain registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

§903. Review of Examination and Answers of the Candidate; Reversing Grades

A. A candidate will not be permitted to review his/her examination or answers thereto.

B. The board will not reverse the grade received by a candidate from NCARB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003).

Chapter 11. Licenses

§1101. Registration Information

A. To obtain information regarding registration to practice architecture in Louisiana, an individual should visit the board website, www.lsbac.com. Effective November 1, 2019, an in-state candidate shall be charged a fee of \$90, and an out of state candidate shall be charged a fee of \$150 for the issuance of his or her initial license.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

B. The rules for registering and obtaining initial certificates of authority for professional architectural corporations, architectural-engineering corporations, and architectural firms are set forth in Chapter 17 *infra*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:562 (April 2003), amended LR 45:1468 (October 2019).

§1103. Individuals Registered in Other States

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the submission to the board of an NCARB (blue cover) certificate, except in the cases of:

1. military-trained architect applicants or architect spouses of military personnel who shall satisfy the requirements of R.S. 37:3651 and Rule §1109 below, and

2. dependents of healthcare professionals who shall satisfy the requirements of R.S. 37:1751 and Rule §1111 below.

B. Upon finding the NCARB (blue cover) certificate in order and upon payment of the registration fee of \$300, the board will register said individual and issue a license to said individual to practice architecture in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 39:2737 (October 2013), LR 49:1033 (June 2023).

§1105. Licenses

A. Each holder of a license shall maintain the license in his or her principal office or place of business in this state.

B. A replacement license will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction of the original license, and the registrant pays a fee of \$30.

C. A registrant retired from practice who has either practiced architecture for 30 years or more or who is 65 years of age or older may request emeritus status. Only a registrant who is fully and completely retired from the practice of architecture may request emeritus status. Any registrant who is presently receiving or who anticipates receiving in the future any salary, income, fees or other compensation (other than retirement income) from an architectural client, architectural firm, architect, design professional, or any other person for the practice of architecture is ineligible for emeritus status. The annual renewal fee for an approved emeritus registrant is \$5. Revocation and reinstatement rules apply to an emeritus registrant, just as they do to any other registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 45:1468 (October 2019).

§1107. Practical Experience

A. To obtain an initial license to practice architecture in Louisiana, an applicant shall present satisfactory evidence to the board of either practical experience of training or experience in the field of architecture. This experience may be demonstrated only by:

1. satisfactory completion of the training requirements delineated by the National Council of Registration Boards in the Intern Development Program; or

2. a certificate record certified by the National Council of Registration Boards that the applicant is currently registered to practice architecture in another state.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 35:64 (January 2009).

§1109. Members of the Military and Spouses and Dependents of Members of the Military

A. Except as provided in §1109.B below, members of the military and their spouse and dependents shall meet all of the requirements for obtaining licensure set forth in this Section.

1. In evaluating qualifications, the board may, prior to reaching its decision, require the applicant to substantiate the applicant's qualifications.

2. To obtain an initial license, members of the military and their spouse and dependents shall be of good character as verified to the board by an applicant's employers or by honorable discharge evidenced by a copy of military discharge document (DD 214).

3. To obtain an initial license, members of the military and their spouse and dependents shall complete an Approved Education Program, or its equivalent, as described herein.

4. An Approved Educational Program is a degree accredited by the National Architectural Accrediting Board (NAAB) or education deemed equivalent by the board to the *NCARB Education Standard* pursuant to Subparagraph b below. At a minimum, the criteria for determining such compliance with the education requirement shall include:

a. an original certified transcript from an approved educational program transmitted through NCARB; or

b. as an alternate to satisfying the approved educational program requirement, the board may consider

i. any other architectural curriculum that has not been accredited by NAAB, but that has been evaluated and found to be an equivalent standard based on NCARB Alternatives to Education Requirement as identified in the August 2021 *NCARB Certification Guidelines*, such version being incorporated herein by reference; or

ii. demonstration of successful completion of an Education Evaluation Services for Architects (EESA) review. The board may also consider an applicant's combination of education and experience that has been evaluated and found to be equivalent to the January 2021 *NCARB Education Standard*, such version being incorporated by reference.

5. To obtain an initial license, members of the military and their spouse and dependents shall complete the approved experience program administered by NCARB (AXP). In lieu of completing AXP, the board may accept professional training while in active duty as it deems acceptable and in keeping with the experience requirements set forth by NCARB.

6. To obtain an initial license, members of the military and their spouse and dependents shall pass the Architectural Registration Examination administered by NCARB.

B. R.S. 37:3651 enacts special rules for obtaining licensure applicable to certain members of the military and their spouses and dependents who satisfy the following qualifications. Pursuant to such statute:

1. a member of the military, including a United States Department of Defense civilian employee who has been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee, if the member or United States Department of Defense civilian receives military orders for a change in station to a military installation or assignment located in this state or if the member of United States Department of Defense civilian has established this state as his state of legal residence as reflected in the member's or United States Department of Defense civilian's military record who demonstrates all of the following conditions to the satisfaction of the board shall be issued a license, permit pending normal license, or registration to practice architecture in Louisiana:

- a. the applicant holds a current and valid occupational license in architecture;
- b. the applicant has held the occupational license in the other state for at least one year;
- c. the applicant has passed an examination, or met any education, training, or experience standards as required by the board in the other state;
- d. the applicant is held in good standing by the board in the other state;
- e. the applicant does not have a disqualifying criminal record as determined by the board;
- f. the applicant has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in architecture;
- g. the applicant did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in architecture in another state;

h. the applicant does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct of an alleged crime; if the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies his criteria for licensure to the satisfaction of the board;

- i. the applicant pays all applicable fees in this state; and
- j. the applicant simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license once the permanent application is vetted, the permit automatically terminates;

2. a member of the military, or an applicant who is married to or is a dependent of a member of the military, or United States Department of Defense civilian employee who has been assigned duty in Louisiana, who demonstrates all of the following conditions to the satisfaction of the board shall be granted a license, permit pending normal license, or registration to practice architecture in Louisiana provided:

- a. the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture;
- b. the applicant worked at least three years in the lawful occupation; and
- c. the applicant satisfies the requirements of Subparagraphs B.1.f.-j of this Section;

3. a member of the military or a United States Department of Defense civilian employee who has been assigned duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee, shall be issued a license, permit pending normal license, or registration based on holding a private certification and work experience in another state, provided the applicant demonstrates all of the following conditions to the satisfaction of the board:

- a. the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture;
- b. the applicant worked for at least two years in the occupation privately certified;
- c. the applicant holds a current and valid private certification in the lawful occupation;
- d. the private certification organization holds the applicant in good standing; and
- e. the applicant satisfies the requirements of Subparagraphs B.1.f.-j of this Section;

4. to wholly or partially satisfy the education, training, or experience requirements for architectural licensure, an applicant must present clear and convincing evidence of comparable education, training, or experience as a member

of the United States armed forces or any national guard or other reserve component. The board will determine whether the evidence of education, training, or experience is in fact comparable;

5. for purposes of this rule, *military* and *dependent* shall have the meanings set forth in R.S. 37:3651(N) and (O), such meanings incorporated herein by reference;

6. this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 39:2737 (October 2013), LR 47:1870 (December 2021).

§1111. Dependents of Healthcare Professionals

A. Pursuant to R.S. 37:1751, the board shall issue a license, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional who has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana in accordance with the following provisions:

1. If the applicant holds an out-of-state license in architecture from another state and licensure by endorsement or reciprocity is provided for by law, the applicant shall submit to the board an NCARB (blue cover) certificate as described in Rule §1103(A) *supra*. Upon finding the NCARB (blue cover) certificate in order and upon payment of a registration fee of \$300, the board shall register and issue a license to said individual to practice architecture in this state.

2. If the applicant holds an out-of-state license in architecture from another state but licensure by endorsement or reciprocity is not provided for by law, licensure to practice architecture in Louisiana shall be granted by the submission to the board of proof of all of the following:

- a. the applicant holds a current and valid occupational license in architecture;
- b. the applicant has held the occupational license in the other state for at least one year;
- c. the applicant has passed any examinations, or met any education, training, or experience standards as required by the licensing board in the other state;
- d. the applicant is held in good standing by the licensing board in the other state;
- e. the applicant does not have a disqualifying criminal record as determined by the board;
- f. the applicant has not had an occupational license revoked by a licensing board in another state because of negligence or intentional misconduct related to the applicant’s work in architecture;

g. the applicant did not surrender an occupational license because of negligence or intentional misconduct related to the person’s work in architecture in another state;

h. the applicant does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime; if the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Louisiana to the satisfaction of the board;

i. the applicant pays all applicable fees in this state, and

j. the applicant simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license once the permanent application is vetted, any temporary permit shall automatically terminate.

3. If the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture, licensure to practice architecture in Louisiana shall be granted by the submission to the board of proof of all of the following:

- a. the applicant worked at least three (3) years in architecture, and
- b. the applicant satisfies the requirements of paragraphs (A)(2)(e) through (j) of this Section.

4. For purposes of this Rule, “dependent” and “healthcare professional” shall have the meanings set forth in R.S. 37:1751(A), such meanings incorporated herein by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 49:1034 (June 2023).

Chapter 13. Administration

§1301. Renewal Procedure

A. A license for an individual architect shall expire and become invalid on December 31 of each year. An individual architect who desires to continue his or her license in force shall be required annually to renew same.

B. It is the responsibility of the individual architect to timely renew his or her license.

C. Prior to December 31 of each year, architects shall renew their licenses in accordance with the instructions set forth on the board website, www.lsbac.com. Effective November 1, 2019, the renewal fees shall be as follows: for an individual architect domiciled in Louisiana - \$90; for an individual architect domiciled outside Louisiana - \$175. Upon renewal, the architect may download from the board website a copy of his or her renewal license.

D. The failure to renew a license timely shall not deprive the architect of the right to renew thereafter. Effective November 1, 2019, the delinquent fees shall be as follows: an individual architect domiciled in Louisiana who transmits his renewal form and fee to the board subsequent to December 31 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$110. An individual architect domiciled outside Louisiana who transmits his renewal form and fee to the board subsequent to December 31 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$200. The delinquent fee shall be in addition to the renewal fee set forth in §1301.C.

E. The rules for renewing certificates of authority of professional architectural corporations, architectural-engineering corporations, and architectural firms are set forth in Chapter 17 infra.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-145.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 35:2754 (December 2009), LR 36:1780 (August 2010), LR 45:1468 (October 2019).

§1303. Architect's Seal or Stamp

A. The seal or stamp of the architect shall contain the name of the architect, the architect's license number, and the words "Registered Architect, State of Louisiana."

B. The architect's seal or stamp shall be circular in shape and measure approximately 1 3/4" in diameter. In addition to the words set forth in the preceding paragraph, it shall contain the state emblem. For purposes of this rule, the state emblem is the pelican.

C. Rubber seals and computer generated seals are acceptable.

D. Indicated below is a sample of the seal design authorized by the board.



AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003), amended LR 39:483 (March 2013).

§1305. Placing of Seal or Stamp

A. An architect shall affix his or her seal or stamp to all contract drawings and specifications requiring the services of an architect which were prepared by the architect or under

the architect's responsible supervision. Contract drawings and specifications prepared by a consulting electrical, mechanical, structural, or other engineer shall be sealed or stamped only by the consulting engineer. Contract drawings and specifications within the meaning of this rule include construction documents prepared for bidding or for receipt of proposals, as well as such documents submitted for permitting.

B. An architect shall clearly identify the specification sections prepared by that architect or under that architect's responsible supervision and distinguish such sections from those prepared by consulting engineers. An architect shall affix his or her seal or stamp either to:

1. each specification section, page, or sheet prepared by or under the responsible supervision of the architect; or

2. the appropriate portion of any seals/stamp page in the specification document which identifies the specification sections prepared by the architect or under his or her responsible supervision and those sections prepared by consulting engineers. Consulting engineers shall affix their seal or stamp either to each specification section, page, or sheet prepared by that consultant, or to that portion of any seals/stamp page which identifies the specification sections prepared by that consultant.

C. If a public or governmental agency requires further certification by the architect (such as that the title or index page of the specifications be certified by the architect), the architect's further certification shall include a description of exactly what drawings and what portions or sections of the specifications were prepared by or under the architect's responsible supervision, and what drawings and what portions or sections of the specifications were prepared by others. In addition, the architect shall include a certification from any consulting engineers as to what drawings and what portions or sections of the specifications were prepared by or under the responsible supervision of the consulting engineers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003), amended LR 38:1587 (July 2012).

§1307. Architect or Professional Engineer

A. It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is recognized that an architect, who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in activities properly classifiable as professional engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the professional engineer, who has complied with all of the current laws of Louisiana, and is properly registered in that branch of engineering for which he may be qualified, has a right to engage in activities classifiable as architectural insofar as is necessarily incidental to his work as an engineer.

Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs of projects with which he may be engaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003).

§1309. Calculating Gross Floor Area under R.S. 37:155(4) Where Building Contains Mixed Occupancy Classifications

A. When a building contains more than one of the occupancy classifications set forth in R.S. 37:155(4)(f), the gross floor area shall be calculated by performing the following calculations.

1. Divide the gross floor area of each of the occupancy classifications by the corresponding threshold of each, as established in R.S. 37:155(4)(f). Round off the resultants to four decimal points.

2. Add the results of each of the above calculations.

3. If the total exceeds 1.0000, the building shall be determined to exceed the gross floor areas established in R.S. 37:155(4)(f).

a. For example, calculating the gross floor area of a building containing 3,126 square feet of storage occupancy and 2,000 square feet of business occupancy shall be performed as follows:

3,126 actual storage sq. ft.	=	0.5002
divided by 6,250 threshold		
2,000 actual business sq. ft.	=	0.5000
divided by 4,000 threshold		
Total	=	1.0002

b. In this example, the threshold square footage of this mixed occupancy building would be exceeded and, therefore, would not be exempt under R.S. 37:155(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003).

§1311. Interpretation of R.S. 37:155(4)(c)

A. As set forth in R.S. 37:155(4)(c), renovations or alterations of any size building which do not affect the structural integrity or life safety, exclusive of building finishes and furnishings, are exempted from the Licensing Law, R.S.37:141 et seq. Renovations or alterations which exceed \$125,000 are exempted from the Licensing Law only if the applicant documents to the satisfaction of the state fire marshal that the project does not affect structural integrity or life safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003).

§1313. Interpretation of R.S. 37:152(B)

A.1. Specifications, drawings, or other related documents will be deemed to have been prepared either by the architect or under the architect's responsible supervision only when:

a. the client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the architect, or the architect's employee as long as the employee works in the architect's office;

b. the architect personally controls the preparation of the plans, specifications, drawings, reports or other documents and has input into their preparation prior to their completion;

c. if the plans, specifications, drawings, reports, or other such documents are prepared outside the architect's office, the architect shall maintain evidence of the architect's responsible control including correspondence, time records, check prints, telephone logs, site visit logs, research done for the project, calculations, changes, and written agreements with any persons preparing the documents outside of the architect's offices accepting professional responsibility for such work;

d. the architect reviews the final plans, specifications, drawings, reports or other documents; and

e. the architect has the authority to, and does, make necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

2. If an architect fails to maintain written documentation of the items set forth above, when such are applicable, then the architect shall be considered to be in violation of R.S. 37:152, and the architect shall be subject to the disciplinary penalties provided in R.S. 37:153. This written documentation should be maintained for the prescriptive period applicable to claims against the architect which may arise from his or her involvement in the project.

B.1. Nothing precludes the use of prototypical documents provided the architect:

a. has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents;

b. reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job specific requirements;

c. independently performed and maintains on file necessary calculations;

d. after reviewing, analyzing, and making revisions and/or additions, issued the documents with his/her title block and seal (by applying his/her seal, the architect assumes professional responsibility as the architect of record); and

e. maintained design control over the use of site adapted documents just as if they were his/her original design.

2. The term *prototypical documents* shall mean model documents of buildings that are intended to be built in several locations with substantially few changes and/or additions except those required to adapt the documents to each particular site; that are generic in nature, that are not designed or premised upon the laws, rules or regulations of any particular state, parish, or municipal building code; that do not account for localized weather, topography, soil, subsistence, local building codes, or other such conditions or requirements; and that are not intended to be used as the actual documents to be employed in the construction of a building, but rather as a sample or a model to provide instruction or guidance. The term *legal owner* shall mean the person who provides the architect with a letter that he or she is the owner of the documents and has the written permission to allow the use thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:565 (April 2003).

§1315. Continuing Education

A. Purpose and Scope. These rules provide for a continuing education program to insure that all architects remain informed of those technical and professional subjects necessary to safeguard life, health, and promote the public welfare. These rules shall apply to all architects practicing architecture in this state.

B. Exemptions. An architect shall not be subject to these requirements if:

1. a newly registered architect during his or her initial year of registration;

2. the architect has been granted emeritus or other similar honorific but inactive status by the board, or an emeritus status architect as defined by board rule §1105.E;

3. 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.

C. Definitions

AIA—the American Institute of Architects.

AIA/CES—the continuing education system developed by *AIA* to record professional learning as a mandatory requirement for membership in the *AIA*.

ARE—the Architect Registration Examination prepared by the National Council of Architectural Registration Boards.

Board—the Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA

70809, telephone: (225) 925-4802, telecopier: 225-925-4804, website: <http://www.lastbdarchs.com>.

Continuing Education (CE)—continuing education is a 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.

Continuing Education Hour (CEH)—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. 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.

Health, Safety, and Welfare Subjects—technical and professional subjects related to the practice of architecture that the board deems appropriate to safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

a. Practice Management. This category focuses on areas related to the management of architectural practice and the details of running a business.

b. Project Management. This category focuses on areas related to the management of architectural projects through execution.

c. Programming and Analysis. This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

d. Project Planning and Design. This category focuses on areas related to the preliminary design of sites and buildings.

e. Project Development and Documentation. This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

f. Construction and Evaluation. This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

g. pre-design—land use analysis, programming, site selection, site and soils analysis, surveying;

h. design—urban planning, master planning, building design, site design, interiors, safety and security measures;

i. construction documents—drawings, specifications, delivery methods;

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j. construction contract administration: contracts, bidding, contract negotiations.

NCARB—the National Council of Architectural Registration Boards.

Non-Resident Architect—an architect registered by the board and residing outside Louisiana.

Resident Architect—an architect residing in this state.

Sponsor—an individual, organization, association, institution or other entity which offers an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

Structured Educational Activities—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. Continuing Education Requirements

1. Beginning with license renewals effective January 1, 1999, all architects must show compliance with the educational requirements of these rules as a condition for renewing registration.

2. 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 above. Failure to comply with these requirements may result in non-renewal of the architect's registration or other discipline as set forth below.

3. Continuing Education Hours. Continuing education hours must be completed in health, safety, and welfare subjects acquired in structured educational activities. Continuing education hours may be acquired at any location. Excess continuing education hours may not be credited to a future calendar year.

E. Acceptable Educational Activities

1. Credit will be allowed only for continuing education activities in areas which:

a. directly safeguard the public's health, safety, and welfare; and

b. provide individual participant documentation from a person other than the participant for record keeping and reporting.

2. Acceptable continuing educational activities in health, safety, and welfare subjects include the following:

a. attending professional or technical health, safety, and welfare subject seminars, lectures, presentations, courses, or workshops offered by a professional or technical organization (AIA, National Fire Protection Association,

Concrete Standards Institute, NCARB, etc.), insurer, or manufacturer;

b. successfully completing health, safety, and welfare subject tutorials, short courses, correspondence courses, televised courses, or video-taped courses offered by a provider mentioned in the preceding Subparagraph;

c. successfully completing health, safety, and welfare subject monographs or other self-study courses such as those sponsored by NCARB or a similar organization which tests the architect's performance;

d. making professional or technical health, safety, and welfare subject presentations at meetings, conventions or conferences;

e. teaching or instructing health, safety, and welfare subject courses;

f. authoring a published paper, article or book;

g. successfully completing college or university sponsored courses; and

h. service upon NCARB committees dealing with health, safety, and welfare subjects.

3. Continuing educational activities need not take place in Louisiana, but may be acquired at any location.

4. All continuing education activities shall:

a. have a clear purpose and objective;

b. be well organized and provide evidence of pre-planning;

c. be presented by persons who are well qualified by education or experience in the field being taught;

d. provide individual participant documentation from a person other than the participant for record keeping and reporting; and

e. shall not focus upon the sale of any specific product or service offered by a particular manufacturer or provider.

F. Number of Continuing Education Hours Earned

1. Continuing education credits shall be measured in continuing education hours and shall be computed as follows.

a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one continuing education hour for each contact hour of attendance.

b. Successfully completing tutorials, short courses, correspondence courses, televised or video-taped courses, monographs and other self-study courses shall constitute the continuing education hours recommended by the program sponsor.

c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two continuing education hours for each contact hour spent in the actual presentation. Teaching credit shall be valid for

teaching a seminar or course in its initial presentation only. Teaching credit shall not apply to full-time faculty at a college, university or other educational institution.

d. Authoring a published paper, article or book shall be equivalent of eight continuing education hours .

e. Successfully completing one or more college or university semester or quarter hours shall satisfy the continuing education hours for the year in which the course was completed.

2. Any health, safety, and welfare subject contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the AIA as a professional registry, and contact hours listed in health, safety, and welfare subjects in the AIA/CES transcript of continuing education activities will be accepted by the board for both resident and non-resident architects.

G. Reporting, Record Keeping and Auditing

1. An architect shall complete and submit forms as required by the board certifying that the architect has completed the required continuing education hours. The board requires that each architect shall complete the language on the renewal application pertaining to that architect's continuing education activities during the calendar year immediately preceding the license renewal period. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.

2. To verify attendance each attendee shall obtain an attendance certificate from the program sponsor. Additional evidence may include but is not limited to attendance receipts, canceled checks, and sponsor's list of attendees (signed by a responsible person in charge of the activity). A log showing the activity claimed, sponsoring organization, location, duration, etc., should be supported by other evidence. Evidence of compliance shall be retained by the architect for two years after the end of the period for which renewal was requested.

3. The renewal applications or forms may be audited by the board for verification of compliance with these requirements. Upon request by the board, evidence of compliance shall be submitted to substantiate compliance of the requirements of these rules. The board may request further information concerning the evidence submitted or the claimed educational activity. The board has final authority with respect to accepting or rejecting continuing education activities for credit.

4. The board may disallow claimed credit. 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.

5. Documentation of reported continuing education hours shall be maintained by the architect for six years from the date of award.

H. Pre-Approval of Programs

1. Upon written request, the board will review a continuing education program prior to its presentation provided all of the necessary information to do so is submitted in accordance with these rules. If the program satisfies the requirements of these rules, the board will pre-approve same.

2. A person seeking to obtain pre-approval of a continuing education program shall submit the following information:

a. program sponsor(s): name(s), address(es), and phone number(s);

b. program description: name, detailed description, length of instructional periods, and total hours for which credit is sought;

c. approved seminar topic: division(s) and topic(s) from the current list of approved seminar topics;

d. program instructor(s)/leader(s): name(s) of instructor(s)/ leader(s) and credential(s);

e. time and place: date and location of program; and

f. certification of attendance: sponsor's method for providing evidence of attendance to attendees.

3. Such information shall be submitted at least 30 calendar days in advance of the program so that the board may analyze and respond.

4. The sponsor of a pre-approved program may announce or indicate as follows:

"This course has been approved by the Louisiana State Board of Architectural Examiners for a maximum of _____ Continuing Education Hours."

I. Continuing Education Disciplinary Guidelines

1. The board sets forth below the normal discipline which will be imposed upon an architect who fails to fulfill the continuing education requirements required by the licensing law and these rules. The purpose of these guidelines is to give notice to architects of the discipline which will normally be imposed. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

2. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations:

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Violation	Discipline
1. Architect has hours but lacks in accepted setting or subject matter	Architect will be allowed 60 days to obtain needed hours. Architect will be audited next year.
2. Architect signs renewal, has obtained some, but not all, hours needed as of December 31 For a second offense within 5 years	Fine of \$750, and architect must obtain required hours before renewing. Architect will be audited annually next three years. Fine of \$1,500, architect's license suspended for six months, and architect must obtain required hours before renewing. Architect will be audited annually next three years.
3. Architect signs renewal; architect has not obtained any continuing education hours and fails to do so within sixty (60) days.	Fine up to \$5,000, and architect's license suspended until architect obtains necessary hours. Architect will be audited annually the next five years.

J. Reinstatement

1. A former registrant may only apply for reinstatement if he has earned all delinquent continuing education hours in the year preceding the application, or the current year. However, if the total number of delinquent continuing education hours exceeds 24, then 24 shall be the maximum number of hours required.

2. An architect who has been granted emeritus or other similar honorific but inactive status by the board may only return to the active practice of architecture if he has earned the continuing education requirements for each exempted year in the year preceding the application, or the current year. However, if the total number of delinquent continuing education hours exceeds 24, then 24 shall be the maximum number of hours required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:565 (April 2003), amended LR 33:2419 (November 2007), LR 38:1012 (April 2012), LR 40:1693 (September 2014), LR 45:752 (June 2019).

§1317. Interpretation of R.S. 37:155(A)(3)

A. Registered architects of other states will be deemed to be associated with a registered architect of this state on a specific project within the meaning of R.S. 37:155(A)(3) only when:

1. a written agreement is signed by both the out-of-state and the in-state architects describing the association prior to executing the work;
2. the in-state architect reviews all documents prepared by the out-of-state architect and makes necessary revisions to bring the design documents into compliance with applicable codes, regulations, and requirements;
3. the in-state architect independently performs or contracts with an engineer or engineers licensed in Louisiana to perform necessary calculations, and maintains such calculations on file;
4. after reviewing, analyzing and making revisions and/or additions, the in-state architect issues the documents

with his/her title block and seal (by applying his/her seal the architect assumes professional responsibility as the architect of record); and

5. the in-state architect maintains control over the use of the design documents just as if they were his/her original design.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:567 (April 2003).

§1319. Interpretation of R.S. 37:141(B)(3); Design/Build

A. A partnership or corporation offering a combination of architectural services together with construction services may offer to render architectural services only if:

1. an architect registered in this state or otherwise permitted to offer architectural services participates substantially in all material aspects of the offering;
2. there is written disclosure at the time of the offering that such architect is engaged by and contractually responsible to such partnership or corporation;
3. such partnership or corporation agrees that such architect will have responsible control of the architectural work and that such architect's services will not be terminated prior to the completion of the project without the consent of the person engaging the partnership or corporation; and
4. the rendering of architectural services by such architect will conform to the provisions of the architectural registration law and the rules adopted thereunder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003).

§1321. Interpretation of R.S. 37:145; Architectural Engineers

A. A registered professional engineer who has a degree entitled "Architectural Engineering" from a public or private college or university accredited by the accreditation board for engineering and technology to offer such a degree may use the title "Architectural Engineer." A corporation, partnership, limited liability company, or group may include the title "Architectural Engineer" in its firm name, provided an owner, partner, or principal of that firm is a registered professional engineer who has such a degree from a public or private college or university so accredited.

B. This interpretation limits the use of the words "Architectural Engineer" to the descriptive title only. Nothing contained herein shall be construed to authorize or allow such an individual or firm to practice architecture in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003).

Chapter 15. Titles, Firm Names, and Assumed Names

§1501. Misleading and Confusing Names Prohibited

A. The statutory authorization for architects to offer to the public the practice of architecture and the rendering of architectural services is not an authorization to hold out as an architect any person who is not registered by the board. An architect shall not practice architecture under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003), amended LR 37:2402 (August 2011).

§1503. Architect's Responsibility

A. As a licensed professional, it is the responsibility of the architect to select and use a name which is neither misleading nor confusing. In case of doubt, an architect should first consult the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003).

§1505. Use of Term "Architect," "Architecture," or "Architectural"

A. Whenever the term *architect*, *architecture*, or *architectural* is used in a firm name, or whenever a firm includes its name in any listing of architects or of firms rendering architectural services, the name of at least one Louisiana licensed architect followed by the title *architect* must be included either as a part of the firm title itself or at least one Louisiana licensed architect must be identified as an architect on the firm letterhead and any website.

Allowed	Not Allowed
Smith and Jones, Architecture and Planning	Smith and Jones, Architecture and Planning
John Smith, Architect	(unless Smith and Jones are both licensed by the board to practice architecture in Louisiana)
Smith and Jones, Architecture and Engineering	Smith and Jones, Architecture and Engineering
John Smith, Architect	(unless Smith and Jones are both licensed by the board to practice architecture in Louisiana)
Design Professionals Architecture and Planning	Design Professionals Architecture and Planning
John Smith, Architect	Heritage Architectural Services
Heritage Architectural Services	John Smith, Architect
John Smith, Architect	John Smith, Architect, and Associates
John Smith, Architect, and Associates	Heritage Architectural Services

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003), amended LR 37:2402 (August 2011).

§1507. Use of the Plural Term "Architects"

A. If the firm title indicates that the firm contains two or more architects, the names of at least two Louisiana licensed architects followed by the title *architect* must be included either as a part of the firm title itself or at least two Louisiana licensed architects must be identified as architects on the firm letterhead and any website. An architectural firm which loses an architect or architects so that it may no longer use the plural term "architects" is required to change its name as soon thereafter as is reasonably possible, which change shall occur no later than one year from the departure of the architect or architects.

Allowed	Not Allowed
Communications Architects	Communications Architects
John Smith, Architect	
Jack Jones, Architect	
Smith and Jones, Architectural Services	
(if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:568 (April 2003), amended LR 37:2402 (August 2011).

§1509. Firm Name Which Includes Names of Licensed Architect or Architects Only

A. A firm name which includes only the name or names of a licensed architect or architects engaged in the active practice of architecture is not required to include the name of a licensed architect followed by the title "architect" as a part of the firm title itself. However, if the firm title indicates that the firm is a sole proprietorship or that only one architect is a member of the firm, the identity of the architect shall be shown on the firm letterhead and any website. If the firm title indicates that the firm contains two or more architects, at least two architects shall be identified as such on the firm letterhead and any website.

Allowed	Not Allowed
Smith and Jones, Architects	Smith and Jones, Architects
(if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	(if Jones is not licensed by the board)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2402 (August 2011).

§1511. Use of "AIA"

A. The use of "AIA," in and of itself, is not an acceptable substitution for the title "architect" on any listing, publication, announcement, letterhead, business card, website or sign used by an individual practicing architecture in connection with his practice where such title is required.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Allowed	Not Allowed
John Smith, Architect John Smith, Architect, AIA	John Smith, AIA (if the title "architect" is required)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2402 (August 2011).

§1513. Use of the Term "Associate"

A. An architect may only use the word "associate" in the firm title to describe a full time officer or employee of the firm. The plural form may be used only when justified by the number of associates who are full time firm employees. An architectural firm which loses an associate or associates so that it may no longer use the plural form is required to change its name as soon thereafter as is reasonably possible, which change shall occur no later than one year from the departure of the associate or associates. Identification of the associates in the firm title, listing, publication, letterhead, or announcement is not required.

Allowed	Not Allowed
John Smith & Associates, Architects (if John Smith is licensed by the board and the firm employs two or more associates as defined herein)	John Smith and Associates, Architects (if the firm employs only one associate as defined herein)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended by the Office of the Governor, Division of Administration, Board of Architectural Examiners LR 32:83 (January 2006), amended LR 37:2403 (August 2011).

§1515. Sole Proprietorship, Partnership, Group, Association, or Limited Liability Company

A. The firm name of any form of individual, partnership, corporate, limited liability company, group, or associate practice must comply with all of the rules set forth in this Chapter.

Allowed	Not Allowed
John Smith, Architect John Smith, AIA, Architect John Smith, Architect, AIA John Smith and Associates, Architect (if John Smith is licensed by the board to practice architecture in Louisiana and the firm employs two or more associates as defined in the rules) Smith and Jones, Architect and Engineer (if John Smith is licensed by the board to practice architecture in Louisiana) Smith and Jones, Architects and Engineer (if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	Smith and Jones, Architects and Engineers (if either Smith or Jones is not licensed by the board to practice architecture in Louisiana) Smith and Jones, Architects (if either Smith or Jones is not licensed by the board to practice architecture in Louisiana)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2403 (August 2011).

§1517. Professional Architectural Corporations

A. The corporate name of a professional architectural corporation registered with this board must comply with R.S. 12:1088.

B. The corporate name of a professional architectural corporation may include an acronym such as "PAC," "APAC," or "APC" as an acceptable substitute for one of the suffixes listed in R.S. 12:1088.

Allowed	Not Allowed
Smith and Jones, A Professional Architectural Corporation Smith and Jones, APAC Smith and Jones, Architects, A Professional Architectural Corporation Smith and Jones, Architects, APAC Heritage Architects, A Professional Architectural Corporation Heritage Architects, APC	Smith and Jones, Inc. Smith and Jones, A Professional Interior Architectural Corporation

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:569 (April 2003), amended LR 37:2403 (August 2011).

§1519. Architectural-Engineering Corporation

A. The corporate name of an architectural-engineering corporation registered with this board must comply with R.S. 12:1172.

Allowed	Not Allowed
Smith and Jones, An Architectural-Engineering Corporation Smith and Jones, Inc. Heritage Architects, Ltd.	Smith and Jones

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003).

§1521. Fictitious Name

A. For the purpose of these rules, a fictitious name is any name other than the real name or names of an individual. Any individual, partnership, corporation, limited liability company, group, or association may practice architecture under a fictitious name provided the name complies with all of the rules of this Chapter.

Allowed	Not Allowed
Heritage Architecture John Smith, Architect Architectural Design John Smith, Architect Architectural Design Consultants John Smith, Architect Jack Jones, Architect Heritage Architects, A Professional Corporation	Heritage Architecture Architectural Design Architectural Design Consultants John Smith, Architect

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003), amended LR 37:2403 (August 2011).

§1523. Practicing in a Firm with Other Professionals

A. An architect who practices in a firm with one or more engineers, land surveyors, landscape architects, interior designers, or other professionals in an allied profession is permitted to use in the firm title a phrase describing the professions involved such as "architect and engineer," "architects, engineers, and surveyors," etc. provided:

1. the title does not hold out to the public as an architect any person who is not registered by the board;
2. the name of any allied professional in the firm title is practicing in accordance with the applicable statutes and regulations that govern the practice of that allied profession; and
3. the title complies with all the rules of this Chapter.

Allowed	Not Allowed
Smith and Jones, Architect and Engineer John Smith, Architect Smith and Jones, Architects and Engineers John Smith, Architect Jack Jones, Architect	Smith and Jones, Architect and Engineer (if neither Smith nor Jones is an architect licensed by the board)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003), amended LR 37:2403 (August 2011).

§1525. Deceased or Retired Member Predecessor Firms

A. An architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession. The status of any deceased or retired member must be clearly shown on the firm letterhead and website by use of the words "retired" or "deceased" or by showing the years of the member's birth and death. Upon the retirement or death of a firm member, the firm letterhead and website should be changed as soon as reasonably possible, which change shall occur no later than one year following the retirement or death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April

2003), amended LR 37:2404 (August 2011), amended LR 48:2735 (November 2022).

§1527. Unlicensed Persons

A. Unlicensed persons cannot use the term *architect*, *architectural*, *architecture* or anything confusingly similar to indicate that such person practices or offers to practice architecture, or is rendering architectural services. A person who has obtained a degree in architecture may not use the title *graduate architect*.

Allowed	Not Allowed
Designer	Architectural Designer
Draftsman	Architectural Draftsman
Building Designer Products	Architectural Building Designer

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003).

§1529. Intern Architect

A.1. A person who:

- a. has completed the education requirements set forth in NCARB Circular of Information No. 1;
- b. is participating in or who has successfully completed the Intern Development Program ("IDP"); and
- c. is employed by a firm which is lawfully engaged in the practice of architecture in this state may use the title "intern architect" but only in connection with that person's employment with such firm.

2. The title may not be used to advertise or offer to the public that such person is performing or offering to perform architectural services, and accordingly such person may not include himself in any listing of architects or in any listing of persons performing architectural services. Such person may use a business card identifying himself as an "intern architect", provided such business card also includes the name of the architectural firm employing such person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003).

§1531. Business Cards

A. The business card of an architect should comply with all of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 37:2404 (August 2011).

§1533. Limited Liability Company

A. The name of a limited liability company registered with the board must comply with R.S.12:1306 and include

the words "limited liability company" or "professional limited liability company," or the abbreviation "L.L.C.," "P.L.L.C.," or "L.C."

Allowed	Not Allowed
Smith and Jones, Architects, Limited Liability Company (if Smith and Jones are both licensed architects)	Smith and Jones, Architects (if the entity is a limited liability company)
Smith and Jones, Architects, Professional Limited Liability Company (if Smith and Jones are both licensed architects)	
Smith and Jones, Architects, L.L.C. (if Smith and Jones are both licensed architects)	
Smith and Jones, Architects, P.L.L.C. (if Smith and Jones are both licensed architects)	
Smith and Jones, Architects, L.C. (if Smith and Jones are both licensed architects)	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 37:2404 (August 2011).

§1535. Non-Resident Firms

A. A non-resident corporation or limited liability company legally engaged in the practice of architecture in the jurisdiction of its origin shall have the right to retain its non-resident identity upon obtaining a certificate of registration for practicing architecture in Louisiana, provided its identity is in full compliance with the jurisdiction of its origin and the entity is in full compliance with all of the requirements for practicing architecture in Louisiana.

B. A non-resident partnership or other entity legally engaged in the practice of architecture in the jurisdiction of its origin shall have the right to retain its non-resident identity in Louisiana, provided its identity is in full compliance with the jurisdiction of its origin and the entity is in full compliance with all of the requirements for practicing architecture in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 37:2404 (August 2011).

§1537. Exemptions

A. If an architect or architectural firm believes that the requirements of this Chapter are unduly burdensome or impractical because of the large number of architects employed, or for any other reason, it shall request in writing an exemption from the board.

B. The request for an exemption shall be made before any name which does not fully comply with the requirements of these rules is used, and it shall fully explain why the architect or architectural firm believes that the

requirements of this Chapter are unduly burdensome or impractical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 37:2404 (August 2011).

§1539. Architect Emeritus

A. An architect who has received emeritus status from the board pursuant to §1105.E should use the title "architect emeritus."

Allowed	Not Allowed
John Smith, Architect Emeritus (if John Smith has received emeritus status from the board pursuant to Rule §1105.E)	John Smith, Architect (if John Smith has received emeritus status from the board pursuant to Rule §1105.E)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 39:2737 (October 2013).

Chapter 17. Professional Architectural Corporations, Architectural-Engineering Corporations, and Architectural Firms

§1701. Professional Architectural Corporations

A. The practice of architecture in Louisiana by a professional architectural corporation is permissible when such corporation is lawfully constituted under the professional architectural corporations law, R.S. 12:1086 et seq., and it obtains a certificate of authority from the board authorizing it to so practice.

B. A person seeking a certificate of authority for a professional architectural corporation to practice architecture in Louisiana shall obtain an application from the board website, www.lastbdarchs.com. The applicant is required to complete the application fully and file same with the board. Upon receipt of such application and the fee described below, the board shall either approve said application and issue a certificate of authority to the professional architectural corporation, or disapprove said application advising the applicant of the reason(s) therefor. The certificate of authority must be renewed on an annual basis.

C. The fee for obtaining an initial certificate of authority for a resident professional architectural corporation is \$75. The fee for obtaining an initial certificate of authority for a non-resident professional architectural corporation is \$150.

D. Architectural services rendered on behalf of a professional architectural corporation must be performed by or under the responsible supervision of one or more natural person(s) duly licensed to practice architecture in Louisiana. Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications,

drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only when the requirements of §1313 of this Part are fully satisfied.

E. The architects licensed in this state who perform or directly supervise the performance of architectural services on behalf of a professional architectural corporation are responsible to the board for all of the acts and conduct of such corporation.

F. It shall be the responsibility of the directors of a professional architectural corporation to advise the board of any organizational change that would relate to the authority granted under this rule. Any failure to do so could result in imposition by the board of one or more of the disciplines set forth in R.S. 37:153 and/or R.S. 37:154 against the professional architectural corporation and the directors. Possible disciplines include, but are not limited to, the suspension, revocation, or rescission of:

1. the certificate of authority issued to the professional architectural corporation; and
2. the license of the directors.

G. A professional architectural corporation holding a certificate of authority and desiring to continue offering architectural services shall make application for renewal each year on or prior to June 30 by downloading a renewal form from the board website, www.lastbdarchs.com. Upon receipt of the completed application and the fee described below prior to June 30, a renewal certificate will be issued.

H. The fee for renewing a certificate of authority for a resident professional architectural corporation is \$75. The fee for renewing a certificate of authority for a non-resident professional architectural corporation is \$150.

I. The failure of a professional architectural corporation to renew its certificate of authority on or before June 30 shall not deprive such corporation of the right of renewal thereafter, provided it pays a delinquent fee to the board. The delinquent fee to be paid upon the renewal of a certificate of authority by a resident professional architectural corporation is \$75. The delinquent fee to be paid upon the renewal of a certificate of authority by a non-resident professional architectural corporation is one \$150. This delinquent fee shall be in addition to the renewal fee set forth in the preceding paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 43:645 (April 2017).

§1703. Architectural-Engineering Corporations

A. The practice of architecture in Louisiana by an architectural-engineering corporation is permissible when such corporation is lawfully constituted under the architectural-engineering corporations law, R.S. 12:1171 et seq., and it obtains a certificate of authority from the board authorizing it to so practice.

B. A person seeking a certificate of authority for an architectural-engineering corporation to practice architecture in Louisiana shall obtain an application from the board website, www.lastbdarchs.com. The applicant is required to complete the application fully and file same with the board. Upon receipt of such application and the fee described below, the board shall either approve said application and issue a certificate of authority to the architectural-engineering corporation, or disapprove said application advising the applicant of the reason(s) therefor. The certificate of authority must be renewed on an annual basis.

C. The fee for obtaining an initial certificate of authority for a resident architectural-engineering corporation is \$75. The fee for obtaining an initial certificate of authority for a non-resident architectural-engineering corporation is one \$150.

D. Pursuant to R.S. 12:1173, the architectural-engineering corporation shall designate in its application for certificate of authority one or more supervising professional architect(s) who shall perform or directly supervise the performance of all architectural services by said corporation in Louisiana. Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only when the requirements of §1313 of this Part are fully satisfied. Only natural persons:

1. who are licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158;
2. who are full-time active employees of the architectural-engineering corporation; and
3. whose primary occupation is with the architectural-engineering corporation may be designated as a supervising professional architect.

E. The architects licensed in this state who perform or directly supervise the performance of architectural services on behalf of an architectural-engineering corporation are responsible to the board for all of the acts and conduct of such corporation.

F. It shall be the responsibility of the designated supervising professional architect(s) of an architectural-engineering corporation to advise the board of any organizational change that would relate to the authority granted under this rule. Any failure to do so could result in imposition by the board of one or more of the disciplines set forth in R.S. 37:153 and/or R.S. 37:154 against the architectural-engineering corporation and the designated supervising professional architect(s). Possible disciplines include, but are not limited to, the suspension, revocation, or rescission of:

1. the certificate of authority issued to the architectural-engineering corporation; and

2. the license of the designated supervising professional architect(s).

G. An architectural-engineering corporation holding a certificate of authority and desiring to continue offering architectural services shall make application for renewal each year on or prior to June 30 by downloading a renewal form from the board website, www.lastbdarchs.com. Upon receipt of the completed application and the fee described below on or prior to June 30, a renewal certificate will be issued.

H. The fee for renewing a certificate of authority for a resident architectural-engineering corporation is \$75. The fee for renewing a certificate of authority for a non-resident architectural-engineering corporation is \$150.

I. The failure of an architectural-engineering corporation to renew its certificate of authority on or before June 30 shall not deprive such corporation of the right of renewal thereafter, provided it pays a delinquent fee to the board. The delinquent fee to be paid upon the renewal of a certificate of authority by a resident professional architectural corporation is \$75. The delinquent fee to be paid upon the renewal of a certificate of authority by a non-resident architectural-engineering corporation is \$150. This delinquent fee shall be in addition to the renewal fee set forth in the preceding paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:571 (April 2003), amended LR 43:645 (April 2017).

§1705. Architectural Firms

A. For purposes of this rule, the term *architectural firm* shall mean a corporation, partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity lawfully organized under the laws of Louisiana or other lawful jurisdiction for the purpose of practicing architecture.

B. The practice of architecture in Louisiana by an architectural firm is only permissible when such firm is lawfully constituted under the laws of Louisiana or under the laws of some other lawful jurisdiction for the purpose of practicing architecture, and it complies with all of the requirements of this rule.

C. Except as provided *infra* in this rule, no architectural firm shall solicit, offer, execute, or perform architectural services in Louisiana without first receiving a certificate of authority from the board authorizing it to do so.

D. An architectural firm soliciting, offering, contracting to perform, or performing the practice of architecture in Louisiana shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

E. A person seeking a certificate of authority for an architectural firm to practice architecture in Louisiana shall obtain an application from the board website,

www.lastbdarchs.com. The applicant is required to complete the application fully and file same with the board. Upon receipt of such application and the fee described below, the board shall either approve said application and issue a certificate of authority to the architectural firm, or disapprove said application advising the applicant of the reason(s) therefor. The certificate of authority must be renewed on an annual basis.

F. The fee for obtaining an initial certificate of authority for a resident architectural firm is \$75. The fee for obtaining an initial certificate of authority for a non-resident architectural firm is \$150.

G. The architectural firm shall designate in its application for certificate of authority one or more supervising professional architects who shall perform or directly supervise the performance of all architectural services by said firm in Louisiana. Performing or directly supervising the performance of all architectural services shall mean unrestricted, unchecked, and unqualified command of, and legal accountability for, the architectural services performed. Specifications, drawings, or other related documents will be deemed to have been prepared by the architect or under the architect's direct supervision only when the requirements of §1313 of this Part are fully satisfied. Only natural persons:

1. who are licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158;
2. who are full-time active employees of the architectural firm; and
3. whose primary occupation is with the architectural firm may be designated as a supervising professional architect.

H. When the architectural firm designates an architect as a supervising professional architect, the architectural firm authorizes that architect to appear for and act on behalf of the firm in connection with the execution and performance of contracts to provide architectural services.

I. An architectural firm may practice architecture in Louisiana only as long as it employs a designated supervising professional architect who complies with §1705.F above. If the architectural firm designates only one architect as the supervising professional architect and that architect ceases being a full-time active employee of the architectural firm on a primary basis, the authority of such firm to practice architecture in Louisiana is suspended until such time as the firm designates another supervising professional architect pursuant to §1705.F above.

J. The architect(s) designated as the supervising professional architect(s) of the architectural firm is responsible to the board for all of the acts and conduct of the architectural firm.

K. The supervising professional architect(s) of the architectural firm shall advise the board of any organizational change that would relate to the authority granted under this rule. Any failure to do so could result in

imposition by the board of one or more of the disciplines described in R.S. 37:153 and/or R.S. 37:154 against the architectural firm and the designated supervising professional architect(s). Possible disciplines include, but are not limited to, the suspension, revocation, or rescission of:

1. the certificate of authority issued to the architectural firm; and
2. the license of the designated supervising professional architect(s).

L. A corporation, partnership, limited liability partnership, limited liability company, association, sole proprietorship, or other entity lawfully organized under the laws of Louisiana or other lawful jurisdiction for the purpose of offering a combination of architectural services together with construction services (i.e., a design/build firm), must obtain a certificate of authority from the board as set forth in this rule and also comply with §1319 of this Part.

M. A joint venture practicing architecture in Louisiana shall not be required to obtain a certificate of authority from the board; however, all architectural firms practicing architecture in Louisiana as members of a joint venture are required to obtain a certificate of authority and otherwise comply with this rule.

N. A non-resident architectural firm associated within the meaning of §1317 of this Part with a resident architect or architectural firm for a specific and isolated project is not required to obtain a certificate of authority from the board, provided the resident architect is licensed in Louisiana or the resident architectural firm has obtained a certificate of authority from the board.

O. A sole proprietorship practicing architecture in Louisiana in the name of an individual registered with the board is not required to obtain a certificate of authority to practice architecture in Louisiana. A sole proprietorship practicing architecture in Louisiana under some name other than the name of an individual registered with the board is required to obtain a certificate of authority from the board.

P. A non-resident architectural firm retained by a Louisiana architect as a consultant only is not required to obtain a certificate of authority from the board.

Q. The architectural firm shall satisfy all of the requirements of the Louisiana secretary of state for doing business in this state.

R. An architectural firm holding a certificate of authority and desiring to continue offering architectural services in Louisiana shall make application for renewal each year on or prior to June 30 by downloading a renewal form from the board website, www.lastbdarchs.com. Upon receipt of the completed application and the renewal fee described below on or prior to June 30, a renewal certificate will be issued.

S. The fee for renewing a certificate of authority for a resident architectural firm is \$75. The fee for renewing a certificate of authority for a non-resident architectural firm is \$150.

T. The failure of an architectural firm to renew its certificate of authority on or before June 30 shall not deprive it of the right of renewal thereafter, provided it pays a delinquent fee to the board. The delinquent fee to be paid upon the renewal of a certificate of authority by a resident architectural firm is \$75. The delinquent fee to be paid upon the renewal of a certificate of authority by a non-resident architectural firm is \$150. This delinquent fee shall be in addition to the renewal fee set forth in the preceding paragraph.

U. Rules regulating the names of architectural firms are contained in Chapter 15 *supra*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:572 (April 2003), amended LR 43:646 (April 2017).

§1707. Effective Date

A. Any license or certificate of authority issued by the board to a professional architectural corporation, architectural-engineering corporation, or limited liability company for the period ending June 30, 2017, shall expire no later than such date, and the rules in existence at the time such license or certificate is issued shall apply to the practice of architecture by such firm.

B. These rules shall apply to any professional architectural corporation, architectural-engineering corporation, or architectural firm seeking to obtain an initial certificate of authority from the board to practice architecture in Louisiana, or to renew any such certificate, for the period after July 1, 2017.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 43:647 (April 2017).

**Chapter 19. Rules of Conduct:
Violations**

§1901. Rules of Conduct

A. Competence

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

COMMENTARY This rule is based on the common law "standard of care" that has been accepted by courts in this country for over 100 years in judging the performance of architects.

2. In designing a project, an architect shall take into account the applicable federal, state, and local building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws

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and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

3. An architect shall perform professional services only when the architect, together with those whom the architect may engage has the necessary knowledge and skill in the specific technical areas involved.

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

4. An architect shall not be permitted to practice architecture if, in the board's judgment, the architect's professional competence is substantially impaired. The assessment of impairment should be performed by an appropriately qualified professional.

COMMENTARY This rule empowers the board to act preemptively in the interest of public health, safety, and welfare when the board becomes concerned that an architect's competence may be impaired, rather than waiting until the impaired competence causes harm.

B. Conflict of Interest

1. An architect shall not accept compensation in connection with services from more than one party on a project unless the circumstances are fully disclosed and waived in writing by all 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. An architect shall not solicit or accept compensation from material or equipment suppliers for specifying or endorsing their products in connection with a project. As used herein, "compensation" shall mean customary and reasonable business hospitality, entertainment, or product education.

COMMENTARY Unlike Rule B.1, this rule does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education may be determined by jurisdictional ethics laws, company policies, and tax guidelines. In Louisiana, a Code of Governmental Ethics is found at La. R.S. 42:1101 et seq.

3. An architect shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. An architect has a conflict of interest when:

a. the architect has or may acquire a financial or other interest in the project, someone participating in it, or any component of it; or

b. the architect's judgment may be adversely affected by a relationship with another party.

4. An architect, when acting by agreement of the parties as the independent interpreter of building contract documents or as the judge of contract performance, shall render decisions impartially.

COMMENTARY This rule governs the construction industry relationship where the architect is to act impartially as the interpreter of building contract documents and/or the judge of contract performance, even though paid by the owner. The rule recognizes that these roles are not inevitable 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 either of these two roles.

5. An architect serving as an AXP Supervisor for a candidate for licensure shall not have, nor enter into, any relationship with the candidate that would interfere with the objectivity of the AXP Supervisor's certification of the candidate's experience.

COMMENTARY AXP Supervisors should balance their duty to protect the public with their role in licensure candidate development. Balancing these duties make the AXP Supervisors' objectivity critical.

C. Full Disclosure

1. An architect shall not make statements that are misleading, deceptive, or false.

2. An architect making public statements on architectural matters shall disclose if the architect is being compensated for making such statements or has an economic interest in the issue.

3. An architect shall not misrepresent the architect's qualifications, capabilities, and experience or that of the architect's firm.

4. An architect shall not misrepresent or overstate the scope of the architect's responsibility in connection with work for which the architect or the architect's firm is claiming credit.

COMMENTARY Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications or his/her work.

5.a. If, in the course of an architect's work on a project, the architect becomes aware of a decision made by the architect's employer or client, against the architect's advice, which violates applicable federal, state, or local building laws and regulations and which will, in the architect's judgment, materially and adversely affect adversely the health and safety of the public, the architect shall:

i. refuse to consent to the decision, and

ii. report the decision to the official charged with enforcement of building laws and regulations,

iii. in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding the architect's objection, terminate the provision of services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

b. In the case of a termination in accordance with §1901.C.5.a.iii, the architect shall have no liability to his or her client or employer on account of such termination.

COMMENTARY In the circumstances described, the architect is compelled to report the matter to the appropriate building official even though to do so may adversely affect the client's interests. The rule specifically intends to exclude matters of safety during the course of construction that are the obligation of the contractor.

6. An architect shall not make a false statement or fail to disclose accurately and completely a material fact lawfully requested by the board in connection with the architect's application for licensure or renewal.

7. An architect shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect to be unqualified.

8. An architect possessing knowledge of a licensure candidate's qualifications for licensure shall cooperate with the candidate, the board, and/or NCARB by responding appropriately and in a timely manner regarding those qualifications.

9. An architect possessing knowledge of a violation of the jurisdiction's laws or rules governing the practice of architecture by another shall report such knowledge to the board. It is the professional duty of the architect to do so.

D. Compliance with Laws

1. An architect shall not violate the law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the architect's practice.

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

3. An architect shall comply with the licensing laws and regulations governing the architect's professional practice in any U. S. jurisdiction. An architect may be subject to disciplinary action if the architect is disciplined in any other U.S. jurisdiction.

4. An architect shall neither offer nor make any payment or gift with the intent of influencing an official's judgment in connection with a prospective or existing project in which the architect is interested.

5. An employer engaged in the practice of architecture found by a court or administrative tribunal to have violated the law of the United States or any U.S. jurisdiction protecting the rights of persons working for the employer, such as those pertaining to harassment, discrimination, and unfair competition, shall be subject to discipline.

E. Sealing Documents

1. An architect shall seal only those technical submissions that were prepared under the architect's responsible control except as noted in Rules E.2 and E.3 below.

2. An architect of record may seal technical submissions not required by law to be prepared by an architect including information supplied by manufacturers, suppliers, installers, or contractors, when that information is intended to be incorporated into the architect of record's technical submissions and the architect of record has reviewed such information and can reasonably trust its accuracy.

3. An architect of record may seal prototypical building documents prepared by an architect licensed in any U.S. jurisdiction, but only if the architect of record determines that such documents are in compliance with the requirements of the project's jurisdiction and incorporates them into the architect of record's own technical submissions.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:572 (April 2003), amended LR 31:3159 (December 2005), LR 45:754 (June 2019).

§1903. Violations

A.1. When the board receives a complaint, report, or other information which, if established as being true, would constitute just cause under the law for revocation, suspension, denial of license, or other form of discipline or punishment specified in R.S. 37:153 or R.S. 37:154, the board may:

- a. conduct its own investigation or inquiry;
- b. refer the matter to an investigator for an investigation;
- c. refer the matter to its Complaint Review Committee ("CRC"); and/or
- d. file its own complaint against the architect or the other person (hereinafter in this Section the "respondent") who may have violated the law or rules.

2. In accordance with R.S. 37:153.F, a complaint (whether made by the board or other person) shall be in the form of a sworn affidavit. If a complaint, report, or other such information is received by the executive director, the director will, within her discretion, forward same to either the board (for action consistent with this Section) or to the CRC.

B. The CRC is a committee of the board appointed by the president consisting of at least two board members. The CRC may review complaints and other information concerning possible violations of law or rules, make or have made whatever investigation it deems appropriate concerning such possible violations, file complaints, decide whether an attempt should be made to resolve alleged violations informally (without a full board hearing), discuss or confer with a respondent concerning the alleged violations and/or a possible resolution thereof, make recommendations to the full board concerning a possible

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resolution of the alleged violations (if the respondent consents to such recommendations), present and explain any recommendations made to the full board, and generally perform whatever other actions it deems necessary or appropriate in the receipt, investigation, handling, and/or disposition of complaints or information concerning possible violations of the law or rules.

C. The board, investigator, and/or CRC shall conduct such investigation or make whatever other inquiry deemed appropriate to determine whether the matter should be dismissed or pursued further. To assist in the investigation, the board may issue, as necessary, such subpoenas as may be required to obtain documents and compel the appearance of witnesses.

D. The executive director may, but shall not be required, to provide written notice to the respondent that an investigation has been initiated. In determining whether to provide notice to the respondent, the director shall consider whether such notice may prejudice the investigation. Any notice shall describe the nature or basis of the complaint or the other information giving rise to the investigation, contain a preliminary statement of the possible violations of law or rules that may be involved, and provide the respondent with an opportunity to respond in writing and provide information relating to the investigation.

E. The executive director will provide a copy of the complaint to the respondent. The executive director will normally provide the complaint immediately, unless in the judgment of the executive director, the board or the CRC doing so may prejudice the investigation. In determining whether providing a complaint to the respondent immediately may prejudice the investigation, the executive director may consult with the president and/or the CRC. The respondent shall be allowed a reasonable opportunity to respond in writing to the complaint and provide whatever information that the respondent would like the board to consider.

F. The board may at any time dispose of any complaint or other matter informally. Such informal resolution may take the form of any informal disposition recognized in R.S. 49:955(D) or any other form of agreement or disposition which adequately addresses the complaint or the matter under investigation.

G. For the purpose of resolving a complaint or other matter without a full board hearing, the board, CRC, or the respondent may suggest that an informal conference be held. If the board or the CRC suggests such a conference, attendance by the respondent at this conference shall be purely voluntary, and no inferences or negative presumptions shall result if a respondent declines to attend or otherwise participate in such a conference.

H. The persons who will normally attend an informal conference are one or both of the board members comprising the CRC, the executive director, the board attorney, and the respondent. The CRC may request that other persons, such as the investigator, also attend, if such attendance would facilitate the discussion and potentially resolve the complaint

or other matter at issue. The respondent may bring his or her attorney to the conference, although such legal representation is not necessary.

I. At the start of an informal conference, the CRC, executive director, or board attorney will explain the purpose of the informal conference; discuss the specific charges that may be presented to the board if it becomes necessary to schedule a formal hearing; and present some or all of the evidence that the board might introduce at a formal hearing to substantiate the charges. The respondent will be provided an opportunity to discuss the board's evidence, present his or her own evidence, and show that no violation of the law or rules has occurred. Statements made at the informal conference may not be introduced at a formal hearing unless all parties consent. No transcript of the informal conference will be made.

J. The respondent has the right to terminate an informal conference at any time and to request a formal hearing called for the purpose of adjudicating any alleged violation of the law or rules.

K. If at the end of the informal conference it appears that no violation of the law or the rules has occurred, no further action will be taken, and the CRC will recommend to the board that the complaint be dismissed or, if no complaint has been filed, that no further action be taken concerning the matter being considered.

L. If at the end of the informal conference it appears that a violation may propose of the law or the rules has occurred, the CRC a stipulation, settlement agreement, or consent order to the respondent. If the proposal for resolving the matter is agreeable to the respondent, the CRC will then submit the proposed stipulation, settlement agreement, or consent order to the board and recommend that the board accept its recommendation.

M. If the respondent does not consent to the proposal made by the CRC for resolving the matter at the end of the informal conference, the CRC will advise the board that an informal conference was unsuccessful in resolving the matter and that the complaint, if one has been filed, may be scheduled for a formal hearing. If no complaint has been filed, the CRC will advise the respondent of whatever action it intends to take concerning the matter being considered. The CRC may file its own complaint against the respondent and, if so, that complaint may be scheduled for a formal hearing before the full board.

N. The CRC will present and explain its recommendations for the proposed stipulation, settlement agreement, or consent order at a board meeting. The members of the CRC may vote on whether the recommendations should be accepted by the board. If CRC's recommendations are not accepted by the board, the members of the CRC will not be allowed to deliberate concerning or vote on anything further concerning the matter which the CRC has considered.

O. The board may accept or reject the recommendations proposed by the CRC. If the recommendations are accepted

by the board, the recommendations will be reduced to writing, signed by the board president and the respondent, and entered as a stipulation, written settlement, or consent order by the board. No further disciplinary action on the matters covered may be undertaken by the board.

P. If CRC's recommendations are not accepted by the board, the board may schedule the complaint for a full hearing or take whatever other action it deems appropriate.

Q. The results of any proposed informal disposition (stipulation, agreed settlement, or consent order recommended by the CRC) or formal disposition (stipulation, agreed settlement, or consent order entered as a result of a hearing) are public information. Formal dispositions are published in the board newsletter and sent to the NCARB.

R. Hearings before the board shall be in accordance with R.S. 37:141 et seq. and the Administrative Procedure Act, R.S. 49:951 et seq.

S. The board may obtain the services of a reporter to make a record of the hearing. The respondent may contact the executive director to determine whether a reporter will be provided by the board.

T. In all cases the board's executive director stands instructed to support and cooperate with counsel and the courts in any manner possible, and to keep the board advised of relevant matters as the case develops.

U. In the board office there shall be maintained a current file of all complaints alleging violations, reflecting all information and action pertinent thereto.

V. Upon its own motion, the board may reopen any such case on record and direct a reinvestigation of the respondent's actions subsequent to resolution to the original complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003), amended LR 30:2469 (November 2004).

§1905. Aggravating and Mitigating Circumstances

A. The board is authorized to discipline architects and architectural firms in accordance with the provisions of the licensing law and its rules. In considering the appropriate discipline to be imposed, the board may consider any aggravating or mitigating circumstances proven by clear and convincing evidence.

B. Aggravating circumstances which may increase the discipline to be imposed include, but are not limited to:

1. conduct giving rise to serious reservations about the capability of the licensee or certificate holder to effectively and safely practice;
2. prior disciplinary actions in any jurisdiction;
3. dishonest or selfish motive;
4. a pattern of misconduct;

5. multiple offenses;
6. lack of cooperation with the board's investigation;
7. submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
8. refusal to acknowledge wrongful nature of conduct;
9. vulnerability of victim;
10. substantial experience in the practice of architecture;
11. indifference to making restitution; and
12. illegal conduct, including that involving the use of controlled substances.

C. Mitigating circumstances which may reduce the discipline to be imposed include, but are not limited to:

1. a long term of distinctive service to the profession;
2. self reporting of the offense or of additional projects of which the board was unaware;
3. absence of a prior disciplinary record;
4. absence of dishonest or selfish motive;
5. personal or emotional problems;
6. timely good faith effort to make restitution or to rectify consequences of misconduct;
7. full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
8. inexperience in the practice of architecture;
9. character or reputation;
10. physical disability;
11. mental disability or chemical dependency including alcoholism or drug abuse when:
 - a. there is medical evidence that the licensee or certificate holder is affected by a chemical dependency or mental disability;
 - b. the chemical dependency or mental disability caused the misconduct;
 - c. the licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
 - d. the recovery arrested the misconduct and recurrences of that misconduct is unlikely;
12. delay in disciplinary proceedings;
13. imposition of other penalties or sanctions;
14. remorse;
15. remoteness of prior offenses.

D. The following factors should not be considered as either aggravating or mitigating:

1. forced or compelled restitution;
2. agreeing to the client's demand for certain result;
3. withdrawal of complaint against the architect;

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- 4. resignation prior to completion of disciplinary proceedings;
- 5. complainant's recommendation as to sanction; and
- 6. failure of injured client to complain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:483 (March 2013).

§1907. General Disciplinary Guidelines

A. The board sets forth below the normal discipline which will be imposed upon a licensee or certificate holder found to have violated the licensing law or its rules. The purpose of these general disciplinary guidelines is to give notice to architects and architectural firms of the discipline which will be imposed for violations of particular provisions of the law or rules. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

B. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules, or

other violations of the law or rules will be grounds for enhancement of penalties.

C. The maximum fine that may be imposed under R.S. 37:153.A is \$5,000 per violation. Each day that a violation occurs shall be considered a separate violation under R.S. 37:143.A. The board may also revoke, rescind, or suspend the certificate of, place on probation, reprimand, or admonish any registrant or certificate holder found to have violated its provisions.

D. The maximum fine that may be imposed under R.S. 37:154.A is \$1,500 per violation in the case of an individual, or \$5,000 per violation in the case of a person other than an individual. Each day the violation occurs shall constitute a separate offense.

E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a \$5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
Failure to stamp or seal plans	R.S. 37:152.A provides that all contract drawings and specifications issued by the architect for use in this state shall be stamped or sealed.	\$500 fine and private reprimand.
Fraud, deceit, dishonesty, misrepresentation, misconduct	R.S. 37:153.A.1 authorizes the board to discipline any registrant or certificate holder found to have committed an act of fraud, deceit, gross incompetence, dishonesty, misrepresentation, misconduct or gross negligence in the practice of architecture. R.S. 37:153.A.5 authorizes the board to discipline any registrant or certificate holder found to have committed an act of willfully misleading or defrauding any person employing him as an architect. R.S. 37:153.A.7 authorizes the board to discipline any registrant or certificate holder found to have committed any fraud, deceit, material misstatement, or perjury in applying for a certificate of licensure or registration or in taking any examination or in applying for any renewal certificate.	\$3,000 fine, revocation, and public reprimand for fraud, deceit, dishonesty or intentional misrepresentation; \$1,500 fine, suspension, and public reprimand for negligent misrepresentation and misconduct.
Gross incompetence, gross negligence	R.S. 37:153.A.1 is discussed <i>supra</i> .	\$3,000 fine, suspension for no less than one year, and public reprimand.
Incompetence as defined in Rule § 1901.A	Rule §1901.A provides that, 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 in good standing, practicing in the same locality.	\$1,500 fine, probation for one (1) year, and public reprimand.
"Plan stamping"	R.S. 37:152.B provides that no architect shall affix his seal or stamp or permit it to be affixed to any specification, drawing, or other related document which was not prepared either by him or under his responsible supervision. R.S. 37:153.A.2 authorizes the board to discipline any registrant or certificate holder found to have committed an act of affixing his seal or stamp or name to any specification, drawing, or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document. Rule §1305 interprets R.S. 37:152.B.	\$3,000 fine, probation and/or suspension for one (1) year, and public reprimand.
Removal of an architect's seal or stamp	R.S. 37:152.A prohibits the removal of an architect's seal or stamp.	\$3,000 fine, suspension for one (1) year, and public reprimand.
Using the certificate or seal of another	R.S. 37:154.A prohibits any person from presenting or attempting to use as his own the certificate of registration or the seal of another.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Use of another architect's plans without written approval	R.S. 37:152.A prohibits the use of an architect's plans, unless otherwise provided by law or by written approval of the architect.	\$1,500 fine and public reprimand.
Impersonating another registrant	R.S. 37:154.A prohibits any person from falsely impersonating any other registrant or certificate holder of like or different name.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Practice on suspended license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 authorizes the board to discipline any registrant or certificate holder found to have used his seal or stamp or engaged in any other act constituting the practice of architecture at a time when his certificate of registration is suspended.	\$3,000 fine, revocation, and public reprimand.

Title 46, Part I

Violation	Provision	Discipline
Practice on revoked license in violation of R.S. 37:152.B	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:154.A	R.S. 37:154.A prohibits the use of an expired or revoked certificate of registration.	\$1,000 fine for individual/ \$3,000 fine for firm, revocation, and public reprimand.
Individual practice without obtaining proper licensure	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$1,500 fine and public reprimand.
Firm practice without obtaining proper licensure	R.S. 37:154.A prohibits any person (corporation, company, partnership, firm, business entity, or individual) from practicing or offering to practice architecture in this state without being certified in accordance with the provisions of the licensing law.	\$1,500 fine and public reprimand.
Individual or firm practice with an expired license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 prohibits practicing architecture at a time when current renewal has not been obtained in accordance with the law.	Fine is based on length of time of such practice: three (3) months to six (6) months - \$500 fine; six (6) months to twelve (12) months or fraction thereof- \$1,000 fine; after one (1) year or fraction thereof, \$1,000 fine per year. Public reprimand.
Felony conviction, conviction of crime or pleading guilty or <i>nolo contendere</i>	R.S. 37:153.A.4 authorizes the board to discipline any registrant or certificate holder convicted of a felony. R.S. 37:153.A.8 authorizes the board to discipline any registrant or certificate holder convicted of any crime or entering a plea of guilty or <i>nolo contendere</i> to any criminal charge an element of which is fraud or which arises out of such individual's practice of architecture.	\$3,000 fine, revocation, and public reprimand.
Licensee disciplined or refused certification or renewal by another jurisdiction	R.S. 37:153.A.9 authorizes the board to discipline any registrant or certificate holder upon refusal of the licensing authority of another state, territory, or district to issue or renew a license, permit, or certificate to practice architecture, or the revocation or suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority on grounds other than non-payment of a registration fee.	Compliance with discipline imposed by other jurisdiction.
Providing false testimony before board	R.S. 37:153.A.10 authorizes the board to discipline any registrant or certificate holder who provides false testimony before the board.	\$3,000 fine, revocation, and public reprimand.
Giving false or forged evidence to the board in obtaining a certificate of registration	R.S. 37:154.A prohibits the giving of false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.	\$3,000 fine, revocation, and public reprimand.
Failing to provide requested information	R.S. 37:153.A.11 authorizes the board to discipline any registrant or certificate holder who fails to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of the licensing law.	\$1,000 fine and suspension until requested information is provided. Public reprimand.
False or misleading advertising or solicitation	R.S. 37:153.A.12 authorizes the board to discipline any registrant or certificate holder found to have used any advertising or solicitation which is false or misleading.	\$500 fine per violation and public reprimand.
Use of misleading or confusing name	Rule §1501 prohibits the use of an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.	For failing to respond within thirty (30) days after formal notice, \$500 fine.
Knowingly designing a project in violation of laws or regulations	Rule §1901.A.2 prohibits an architect from knowingly designing a project in violation of applicable state and municipal building laws and regulations.	\$3,000 fine, revocation, and public reprimand.
Providing services when not qualified to do so	Rule §1901.A.3 provides that 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.	\$2,000 fine and public reprimand.
Providing services when competence is impaired by physical or mental disabilities	Rule §1901.A.4 provides that 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.	Suspension until competence proved, followed by probation.
Accepting compensation from more than one party without full disclosure and agreement, or from suppliers	Rule §1901.B.1 provides that an architect shall not accept compensation for 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. Rule §1901.B.3 provides that an architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their projects.	\$1,500 fine and public reprimand.
Failing to render decisions impartially	Rule §1901.B.4 provides that, 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. R.S. 37:153.A.6 authorizes the board to discipline any registrant or certificate holder found to have violated any lawful rule.	\$500 fine and public reprimand.
Practicing without full disclosure as defined in Rules § 1901.B.2 or § 1901.C	Rule §1901.B.2 provides that, if an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. Rule §1901.C requires full disclosure by the architect under various circumstances.	\$1,500 fine and public reprimand.
Knowingly violating any state or federal criminal law	Rule §1901.D prohibits an architect from knowingly violating any state or federal criminal law.	\$3,000 fine, revocation, and public reprimand.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Violation	Provision	Discipline
Making improper payment or gift	Rule §1901.D.2 provides that an architect shall neither offer nor make any payment or gift to a government official with the intent of influencing the official's judgment in connection with a perspective or existing project in which the architect is interested.	\$500 fine and private reprimand.
Aiding unlicensed practice	Rule §1901.C.6 provides that an architect shall not assist the application or registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.	\$1,500 fine and public reprimand.
Failing to report	Rule §1901.C.7 provides that an architect possessing knowledge of a violation of the rules by another architect shall report such knowledge to the board.	\$500 fine and private reprimand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:484 (March 2013).

Chapter 21. Architects Selection Board

§2101. Districts

A. Only one architect may be elected from each of the districts set forth in R.S. 38:2311(A)(1)(a).

B. If the parishes comprising any district or if the number of districts are changed by the legislature, these rules shall be revised to be consistent with the latest expression of the legislature without the need of formal action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2103. Nominations

A. For terms commencing September 15 of each year, the board will accept nominations for election to the Architects Selection Board on the following basis: any resident architect holding a current Louisiana license desiring nomination must deliver a written nomination on a current form and/or reproduction obtained from board office to the board office in Baton Rouge, signed by not less than 10 resident architects other than the nominee holding a current Louisiana license, between May 1 and May 31 at 5 p.m. preceding the election. The nomination shall state the parish in which the nominee resides and the district for which election is sought. Nominations received on or before such deadline shall be considered timely delivered. Confirmation of receipt is the sole responsibility of the nominee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2105. Waiver of Election

A. If only one resident architect is nominated from any district, no election shall be held in that district, and that nominee shall be deemed elected without any further activity of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2107. Ballots

A. If an election is necessary, an official ballot and an official return envelope will be mailed to each resident architect in Louisiana in good standing approximately three weeks after the closing date for nominations. On the ballot shall be printed the names of the candidates for each district in alphabetical order, the date for the return of the ballots, and any other information the board believes helpful in the election process. Attachments to the ballot may include biographical information of the candidates and instructions.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §2109.C are satisfied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2109. Voting

A. Only resident architects in good standing in Louisiana shall have the right to vote. A resident architect may vote in one or more but less than all district elections, and no ballot shall be voided for that reason.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C.1. The ballot shall not be valid unless:

a. the signature and license number appear on the return envelope; and

b. the return envelope is received by the board office on or before the deadline.

2. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided. Any ballot containing more than one vote for candidates in one district will be entirely voided. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided:

a. the signature and license number of the voting architect appear on the return envelope; and

b. the return envelope is received by the board office on or before the deadline.

D. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all resident architects. Ballots received after the deadline shall not be counted.

E. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2111. Plurality

A. The candidate elected in each district will be based on plurality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2113. Tabulation

A. On a date fixed by the president, within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;

2. count all ballots properly prepared; and

3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the candidates of the results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2115. Tie

A. In the event no candidate receives a plurality, a run-off election between those candidates who received the highest number of votes will be held.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each resident architect in Louisiana in good standing approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §2107, except only the names and information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person elected, and for tabulating votes set forth in §§2109, 2111, and 2113 shall be applicable.

E. In the event no candidate in the run-off election receives a plurality, the procedure set forth herein shall be repeated until one candidate receives a plurality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003).

§2117. Vacancies

A. Any vacancy occurring with respect to any person elected shall be filled in the following manner:

1. the executive director shall give notice of the vacancy to any person who has previously requested such notice in writing; and

2. the executive director shall also publish in the official journal of the state an advertisement which will appear for a period of not less than 10 calendar days:

- a. the advertisement in the official journal of the state need not appear more than three times during the 10 day period;

- b. the executive director may publish other such advertisements in his or her discretion;

- c. the advertisements shall:

- i. identify the district in which a vacancy has occurred; and

- ii. state that any resident architect in that district holding a current Louisiana license desiring nomination:

- (a). must furnish a nomination signed by not less than 10 resident architects holding a current Louisiana license by certified mail to the board office;

- (b). that a sample of the nomination may be obtained upon request from the board office, the deadline for filing the nomination; and

- (c). any other information the board may consider necessary.

3. The deadline for filing a nomination to fill a vacancy shall be at least 10 calendar days subsequent to the expiration of the last advertisement appearing in the official journal of the state.

4. The board shall appoint one of the nominees to fill the vacancy, which appointee shall serve the unexpired term. If only one qualified architect submits a nomination to fill the vacancy, the executive director shall send a letter to that architect advising of his or her appointment to the Architects Selection Board, and no further board action shall be necessary to confer such appointment.

B. If the deadline for submission of nominations has passed and (i) the board has not received a nomination from a qualified architect for election to a district that will become vacant on September 15 or (ii) no architect has been nominated or elected to fill a vacancy on the Architects Selection Board that will occur on September 15 for some other reason, the board shall fill the upcoming vacancy by the procedures described in the preceding paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:576 (April 2003), amended LR 35:949 (May 2009).

§2119. Election Contest

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003).

Chapter 22. Louisiana Architecture Education and Research Fund

§2201. Proposals

A. A proposal for an award from the Louisiana Architecture Education and Research Fund must include a plan for assessing the success of the program or project and demonstrate an outcome containing specific, measurable changes in knowledge, understanding, skill levels, or approaches related to the purpose of R.S. 37:144(G).

B. Emphasis of the proposed program or project should be placed on issues central to the architect's responsibility for the public health, safety, and welfare, and issues central to practice.

C. Proposals may include activities that are studio or design-based that result in a building project, design project, or built project.

D. Proposals may include activities such as classroom, laboratory, or seminar-based courses.

E. Proposals must be offered as part of a NAAB-accredited B.Arch or M.Arch professional degree program or as part of a pre-professional degree program with direct entry into a NAAB-accredited M.Arch degree program.

F. Two or more NAAB-accredited institutions may collaborate on a proposal for activities, programs, or projects that the architecture programs of each institution will work together jointly in fulfillment of the objectives of the award.

G. There are no restrictions on the type of proposal, so long as it meets the requirements presented in these guidelines and is in keeping with R.S. 37:144(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:268 (February 2018).

§2203. Eligibility

A. Proposals will only be accepted from an architecture academic division (school, department, etc.) located in Louisiana that has a program accredited by the National Architectural Accrediting Board (NAAB).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2205. Budgets

A. The proposal shall contain a well-considered budget that sets forth specific, detailed, and realistic estimates of expected expenses and a timeline for implementation of the program or project.

B. Any substantive change from the budget originally proposed will require approval from board.

C. If other sources of funding have already been obtained and will be a part of the project budget, a description of the amounts, sources, and payment schedules shall be included in the proposal budget.

D. The proposal budget shall describe in detail the proposed use of all funds requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2207. Proposal Submissions

A. Proposals must be submitted to the board no later than April 1 preceding the fiscal year for which an award is sought.

B. Part 1 of the proposal shall include an architecture program information submission form and letters of commitment, as follows:

1. information submission form (form available from the board website); and
2. letters of commitment.

C. Part 2 of the proposal shall include an abstract, narrative, and budget as follows.

1. The proposal abstract shall contain a concise summary or abstract of the project.
2. The proposal narrative shall contain the following:
 - a. description of specific, realistic outcomes;
 - b. explanation of how specific aspects of the proposal will respond to issues of the Architectural Experience Program and/or the architect registration exam;
 - c. description of how the project will address the academic environment in which it will be implemented; and
 - d. description of the approach to achieve the project outcomes, including:
 - i. explanation of how the project will raise student awareness for health, safety, and welfare;
 - ii. explanation of how the approach will have immediate impact on student development;
 - iii. explanation of how the approach will have on-going impact on curriculum development (if applicable);
 - iv. description of level of student engagement, and
 - v. plan for assessing the project.

3. The proposal budget shall contain the information described in §2205 supra.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2209. Review Criteria

A. The board's assessment of proposals submitted will be based upon the proposal's effectiveness in integrating practice and education and upon:

1. outcomes—statements of specific, measurable, and realistic changes that will result from the board award;
2. integration—creation of innovative and effective concepts and methods to integrate non-faculty architect practitioners in the education of students in significant and meaningful ways;
3. impact—achievement of immediate and continuing impact on student education and development and the architecture curriculum and response to specific needs of the students, the school, the institution, and the profession;
4. effectiveness—effectiveness in raising student awareness of issues central to practice and the architect's responsibility for health, safety, and welfare and responding to relevant issues identified through the NCARB Architectural Experience Program (AXP) or the NCARB architect registration exam;
5. participation—proposed student participation, level of participation, and description of impact on project participants. Student reach should be as broad as possible; and
6. budget—effectiveness and appropriateness of the proposed budget in relation to project goals and the criteria set forth herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2211. Awards

A. Within its sole discretion, the board reserves the right not to make any awards.

B. Within its sole discretion, the board may not award the full funds available.

C. An award will be payable to the academic division (school, department, etc.) that houses the NAAB accredited program in which the project director(s) is employed.

D. The board may award the available funds equally to each eligible NAAB accredited institution or, depending on the proposals and funding available, a competitive process may be implemented.

E. Unless the award provides otherwise, awards will be payable in two installments:

1. 80 percent upon notice of award and acceptance of the board award conditions;
2. 20 percent upon the board's receipt and approval of the final report.

F. The board will consider an alternate payment schedule only if explained and justified in the initial proposal budget.

G. Funds awarded must be used specifically to support the integration of practice and education as described in the proposal and in conformance with this rule.

H. Funds awarded should be used in the academic year received; however, funds must be used within two academic years.

I. If funds awarded are not used within the academic year received, the architecture program will be unable to receive funds in the succeeding academic year.

J. A request for an extension of the project development, project implementation time period, or unused funds must be submitted to the board in writing no later than three months before the beginning of the requested extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

§2213. Use of Funds Awarded

A. Funds awarded may be used toward costs and expenses such as:

1. materials, resources, and fees associated with the National Council of Architectural Registration Board (NCARB) Architectural Experience Program (AXP) or the Architect Registration Exam (ARE);

2. new equipment and technology, including hardware, software, and interconnectivity with non-faculty architect practitioners, etc.;

3. expendable supplies such as building materials, model materials, and office supplies, printing and copying costs;

4. publications to encourage replication or adaption of the project, or development of similar projects;

5. travel and per diem for non-faculty architect practitioners, students, faculty, and consultants; or

6. honoraria for non-faculty architect practitioners and consultants.

B. Funds awarded may not be used toward costs or expenses such as:

1. institutional indirect and/or overhead costs;
2. salary for faculty, adjunct faculty, or visiting faculty to teach a proposed course;
3. expenses for existing courses; or
4. individual faculty enhancement activities.

C. The awards shall be named the “Teeny Simmons’ Award” in honor of the late Mary “Teeny” Simmons, who faithfully served the board for over 41 years, including 39 years as its executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

§2215. Report

A. The architecture academic division must complete a report documenting the degree to which the expected outcomes were achieved and the degree to which the project was implemented.

B. The report should detail how the award was spent, including any portion of the award which was not spent.

C. Any portion of the award not spent should be returned to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

Chapter 23. Application of Rules

§2301. Severability

A. If any provision or item of the rules of the board or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the rules of the board which can be given effect without the invalid provisions, items or applications, and to this end the provisions of the rules of the board are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003).

§2303. Adoption and Amendment of Rules

A. These rules may be amended pursuant to the Administrative Procedure Act, R.S. 49:951 et seq.

B. An interested person may petition the board requesting the adoption, amendment, or repeal of a rule. The petition shall be sent to the board at the board’s office. The petition shall be titled “Petition for Rule-Making,” and it shall include the following information:

1. the name, telephone number, physical address, and any email address of the person submitting the petition;
2. a citation to any rule for which a change or repeal is requested;
3. a draft of any proposed new rule or amended rule;
4. an explanation of why the new rule, amendment, or repeal is being requested and a detailed statement as to the effects of the new rule, amendment, or repeal upon the board’s procedures and upon persons regulated by the board; and

5. any other information that the person submitting the petition considers relevant.

C. In its consideration of the petition, the board may request further information from the person or persons requesting the adoption, amendment, or repeal of a rule.

D. The board shall decide whether to grant or deny a petition for rule-making within 90 days of its receipt of the petition. In making its decision, the board shall consider the information submitted with the petition and any other relevant information.

E. If the board denies a rule-making petition, it shall send written notice of its denial to the person who submitted the petition. The notice shall state in writing the reasons for the denial.

F. If the board grants a rule-making petition, it shall initiate rule-making proceedings within 90 days of its receipt of the petition, and it shall send written notice that rule-making proceedings have been initiated to the person who submitted the petition.

G. The board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence is offered in the petition for the declaratory ruling. When the board determines that a rule is invalid, the board shall initiate rule-making proceedings, sending written notice of the proceedings to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:577 (April 2003), amended LR 47:1868 (December 2021).

§2305. Declaratory Orders and Rulings

A. The board may issue, upon request, a declaratory order or ruling as to the applicability of any statutory provision or of any rule or order of the board. Declaratory orders and rulings shall have the same status as board decisions or orders in disciplinary and enforcement proceedings.

B. A request for a declaratory order or ruling shall be made in the form of a written petition to the board on a form provided by the board. To be considered, the form must be completed in full.

C. A petition properly made shall be considered by the board.

D. In its consideration of the petition, the board may request further information from the person or persons who filed the petition. Any such request for further information must be answered promptly and fully.

E. The declaratory order or ruling of the board on said petition shall be in writing and mailed to the petitioner at the last address furnished to the board.

F. If the request for declaratory order or ruling concerns or is related to pending or anticipated litigation, administrative action, or other adjudication, the board

may defer issuing a declaratory order or ruling until the litigation, administrative action, or other adjudication is final.

G. The board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence offered by the petitioner for the declaratory ruling. When the board determines that a rule is invalid, the board shall initiate rule-making proceedings, sending written notice of the proceedings to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 47:1869 (December 2021).