



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- xx ☐ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: North Carolina Board of Architecture

2. Link to agency website pursuant to G.S. 150B-19.1(c): www.ncbarch.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

xx ☐ AMENDMENT: 21 NCAC 02 .0108 Fees

☐ REPEAL:

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? xx ☐ Yes

If yes: Public Hearing date: 07/14/2017

Public Hearing time: 9:00 a.m.

Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): To clarify the name of an application based an updated process for licensure.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Cathe M. Evans, Executive Director

Address: 127 W. Hargett St. #304 Raleigh, NC 27601

Phone (optional): 919-733-9544

Fax (optional):

E-Mail (optional): cathe@ncbarch.org

10. Comment Period Ends: 07/31/2017

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Cathe M. Evans

Address: 127 W. Hargett St. #304, Raleigh, NC 27601

Phone: 919-733-9544

E-Mail: cathe@ncbarch.org

Agency contact, if any: same

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: 04/07/2017

14. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

21 NCAC 02 .0108 is proposed for amendment as follows:

21 NCAC 02 .0108 FEES

Fees required by the Board, are payable in advance and are set forth below:

Initial Registration Application by Exam

Residents and Non-Residents	\$ 50.00
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Firm <u>Registration</u>	\$ 75.00
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Application to take the Architectural Registration <u>for Exam Candidate Record Review</u>	\$ 50.00
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Annual license renewal

Individual	\$ 50.00
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Firm	\$100.00
------	----------

Late renewal Penalty	\$ 50.00
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Reciprocal registration	\$150.00
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Individual or Firm Reinstatement shall be the fee as set forth in G.S. 83A-11 and G.S. 55B-10.

All fees paid to the Board are non-refundable.

Other publications and services provided by the Board are available on the Board web site at www.ncbarch.org.

History Note: Authority G.S. 83A-4; 83A-11; 55B-10;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. October 1, 2017; July 1, 2014; December 1, 2010; June 1, 1995; December 1, 1992;

May 1, 1991; May 1, 1989; July 1, 1987;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.



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3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☒ AMENDMENT: 21 NCAC 02 .0206 Requirement for and Use of Professional Seals

☐ REPEAL:

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? ☒ Yes

If yes: Public Hearing date: 07/14/2017

Public Hearing time: 9:00 a.m.

Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): Improve flow of text for seal specifications, update wording as used in current practice, update specifications for use of digital seal/electronic signatures.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

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Phone:

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13. The Agency formally proposed the text of this rule(s) on
Date: 04/07/2017

14. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

21 NCAC 02 .0206 is proposed for amendment as follows:

21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL

(a) As more fully set out in this Rule, an architect must seal his/her work whether or not the work is for an exempt project as defined in North Carolina General Statute 83A-13. An architect shall not sign nor seal drawings, specifications, reports or other professional work which were not prepared by the architect or under his/her responsible control. Documents shall be sealed as follows:

(1) An architect may ~~sign or~~ seal those portions of the professional work that:

- (A) were prepared by or under the responsible control of persons who are registered architects in this state if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work; and
- (B) are not required by law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work.

(2) Individual Seal Design shall be as follows: Design.

~~Every licensed architect shall have an individual seal which shall be composed of two concentric circles with outer and inner circle diameters of approximately 1.5 inches and 1 inch respectively. The architect's name and primary place of business shall be between the inner and outer circles. The words "Registered Architect, North Carolina" shall be along the inside perimeter of the inner circle. The architect's North Carolina registration number shall be in the center of the inner circle. The original signature of the individual named on the seal and date is a required part of an individual seal and a seal image lacking said signature and date is incomplete and shall not be considered a "seal" for purposes of these Rules. (See facsimile on Board web site.)~~

(A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to original drawings or sets of specifications for use in this State. For the purposes of this Rule, the term "for use in this State" means drawings and sets of specifications prepared for bidding, procurement, permitting or for construction. For purposes of this Rule, "original" means the version of drawings and sets of specifications from which all lawful copies can be made.

(B) The standard design of the seal shall be two concentric circles in which "North Carolina" and the name of the licensee are placed within the outermost circle and in which the license number of the licensee and "Registered Architect" placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter.

(C) The original, handwritten, signature of the individual named on the seal shall be considered part of an individual seal and shall appear across the face of each original seal imprint along with the date of affixation.

(3) Firm Seal Design shall be as follows: Design. ~~Every firm shall have a firm seal, which shall be composed of two concentric circles with outer and inner circle diameters of approximately 1.5~~

1 inches and 1 inch respectively. The Architectural Firm's approved North Carolina name and place
2 of business shall be between the inner and outer circles. Seals shall be made as follows:

3 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
4 facsimile that becomes a permanent addition to drawings or sets of specifications. The
5 design of the seal shall be two concentric circles in which the Architectural Firm's approved
6 name and "North Carolina" shall be between the inner and outer circles and the firm's
7 license registration number is placed within the innermost circle. The size shall be 1 ½ to
8 1 ¾ inches in diameter. For a Professional Corporation the words "Registered Architectural
9 Corporation, North Carolina" shall be along the inside perimeter of the inner circle. The
10 firm's North Carolina registration number shall be in the center of the inner circle. (See
11 facsimile on Board web site.)

12 (B) For a Professional Corporation the words "Registered Architectural Corporation, North
13 Carolina" shall be along the inside perimeter of the inner circle. (See facsimile on Board
14 web site.) For a Professional Limited Liability Company the words "Registered
15 Architectural Company" shall be along the inside perimeter of the inner circle. The firm's
16 North Carolina registration number shall be in the center of the inner circle. (See facsimile
17 on the Board web site.)

18 A sole proprietorship is not required to have firm seal and shall seal all work with the individual
19 seal as set forth in Subparagraph (2) of this Paragraph.

20 (4) ~~Seal Types. The seal required for use on original technical submissions not intended for duplication~~
21 ~~shall be of a type which will produce an impression facsimile of the seal, or a rubber stamp which~~
22 ~~will produce an ink facsimile of the seal. The seal required for use on original technical submissions~~
23 ~~intended for duplication shall be of a type which will produce an ink facsimile of the seal such as a~~
24 ~~rubber stamp, or a substantially similar electronic or digital representation of the design. The use~~
25 ~~of pre-printed documents bearing a pre-printed facsimile of the signed and dated seal is prohibited.~~

26 (5) ~~Individual Seal, Signature and Date Required. Architects shall affix their seal on one original of all~~
27 ~~their drawings and sets of specifications prepared by them for use in this State as follows:~~

28 (A) on the cover sheet of each design and on each drawing prepared by the architect for the
29 design;

30 (B) on the index page identifying each set of specifications; and

31 (C) on the index page of all other technical submissions. For the purposes of this Rule, technical
32 submissions refer to plans, drawings, specifications, studies, addenda and other technical
33 reports prepared for use in this state in the course of practicing architecture.

34 The original signature of the individual named on the seal shall be considered part of an individual
35 seal and shall appear across the face of each original seal imprint along with the date of affixation.
36 For the purposes of this Rule, the term "for use in this State" means drawings and sets of
37 specifications prepared for bidding, procurement, permitting or for construction. For purposes of

1 this Rule, "original" means the version of drawings and sets of specifications from which all lawful
2 copies can be made.

3 (6) Presentation documents (renderings, drawings used to communicate conceptual information only)
4 shall not be sealed or signed.

5 (7) Documents considered incomplete by the architect may be released for interim review without the
6 architect's seal or signature affixed, but shall be dated, bear the architect's name and be
7 conspicuously marked to indicate the documents are for interim review and not intended for bidding,
8 procurement, permit, or construction purposes.

9 (8) Sheets or Pages Prepared By Licensed Professional Consultants. Those sheets or pages prepared by
10 licensed professional consultants (for example, structural, mechanical or electrical engineers)
11 retained by the architect shall bear the seal and registration number of the consultant responsible
12 therefore and shall not be sealed by the architect.

13 (9) Original Signature. The use of signature reproductions such as rubber stamps, computer generated
14 or other facsimiles are not permitted in lieu of actual handwritten and hand dated signatures;
15 provided, however, a digital signature as defined in Paragraph (e) of this Rule may be used in lieu
16 of a handwritten signature and handwritten date.

17 (10) ~~Authorized The~~ use of the prescribed seal is an individual act whereby the architect must personally
18 sign over the imprint of the seal. By sealing documents for use in this State an architect is
19 representing that he/she as in responsible control over the content of such documents and has applied
20 the required professional standard of care. The architect is responsible for security of the seal when
21 not in use.

22 (11) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an
23 architect's individual seal as required in Paragraph (d). The firm seal must be affixed in addition to
24 the individual seal on the cover sheet.

25 (b) ~~Standard design~~ Prototypical Building design documents prepared by architects who are registered in this state or
26 in their state of origin may be sealed by a succeeding licensed architect registered in North Carolina provided:

- 27 (1) the seal of the original architect appears on the documents to authenticate authorship;
28 (2) the words "~~standard design document~~" "Prototypical Design Documents/Not for Construction" be
29 placed appear on each sheet of the documents by the original architect;
30 (3) the succeeding North Carolina architect identifies all modifications to the standard design
31 documents;
32 (4) the succeeding North Carolina architect assumes responsibility for the adequacy of the design for
33 the specific application in North Carolina and for the design conforming with applicable building
34 codes; codes, local conditions, site condition; and
35 (5) the succeeding North Carolina architect affixes his/her seal to the ~~standard design~~ prototypical
36 design documents and with a statement substantially as follows: "These documents have been
37 properly examined by the undersigned. I have determined that they comply with existing local

North Carolina codes, and I assume responsibility for the adequacy of the design for the specific application in North Carolina."

(c) Post Construction record drawings prepared by an architect, but based upon representations of contractors, are not plans that are for "bidding, procurement, permit or construction purposes" and therefore shall not be sealed by the architect as long as the documents bear the name of the architect and include language stating "these drawings are based in part upon the representations of others and are not for bidding, procurement, permit or construction purposes".

(d) Responsible Control. No architect shall affix his/her seal and signature to contract documents developed by others not under his responsible control. Responsible control includes that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by an architect applying the required professional standard of care, including:

- (1) Dissemination of programmatic requirements;
- (2) Ongoing coordination and correlation of services with other aspects of the total design of the project;
- (3) Verification with consultant that owner's requirements are being met;
- (4) Authority over the services of those who assisted in the preparation of the documents;
- (5) Assumption of responsibility for the services;
- (6) Incorporation of services and technical submissions into design documents to be issued for permitting purposes; and
- (7) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information

(e) Procedure for digitally signing and electronically sealing electronically transmitted plans, specifications, reports or other documents prepared for use in this State in the course of practicing architecture is as follows: For purposes of this Rule the term "Signature" shall mean handwritten or digital as follows:

- (1) Information stored in electronic files representing plans or specifications which must be sealed under the provisions of G.S. 83A, shall be signed, dated and sealed by the architect in responsible control. A handwritten message identification containing the name of the person who applied it; or
 - (a) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.
 - (b) The date that the electronic signature file was created or the digital signature was placed in to the document must appear on the document in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in section (a)(5)(A)(B)(C) of this rule.
- (2) A digital signature that is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be: An architect utilizing a digital signature to seal electronic documents for use in this State shall assure that the digital signature is:
 - (A) Unique to the person using, it;

- 1 (B) Capable of verification;
2 (C) Under the sole control of the person using it; and
3 (D) Linked to a document in such a manner that the digital signature is invalidated if any data
4 in the document is changed.

5 ~~A digital signature that uses a process approved by the Board is presumed to meet the criteria set forth in~~
6 ~~Parts (e)(2)(A) through (e)(2)(D) of this Rule. The architect is responsible for the security of the digital~~
7 ~~signature.~~

8 (3) Each electronically signed file shall have an authentication code defined as a message digest
9 described in Federal Information Processing Standards (FIPS) Publication 180-4 "Secure Hash
10 Standard," March 2012, amended, which is hereby adopted and incorporated by reference by the
11 Board and can be obtained from the Internet [http://csrc.nist.gov/publications/fips/fips180-4/fips-](http://csrc.nist.gov/publications/fips/fips180-4/fips-180-4.pdf)
12 180-4.pdf.

13 (4) The architect is responsible for the security of the digital seal.

14 ~~(f) For the purposes of this Rule, technical submissions refer to plans, drawings, specifications, studies, addenda and~~
15 ~~other technical reports prepared for use in this state in the course of practicing architecture.~~

16
17 *History Note: Authority G.S. 83A-6; 83A-10; 83A-12;*

18 *Eff. February 1, 1976;*

19 *Readopted Eff. September 29, 1977;*

20 *Amended Eff. October 1, 2017; December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993;*

21 *May 1, 1989; October 1, 1985;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*

23 *2015.*



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☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

xx ☐ AMENDMENT: 21 NCAC 02 .0209 Unprofessional Conduct

☐ REPEAL:

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? xx ☐ Yes

If yes: Public Hearing date: 07/14/2017

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Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): Adding two statutes that were amended by HB 255 to include architects, to clarify that failing to renew a license and continuing to practice is considered unprofessional conduct.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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21 NCAC 02 .0209 Unprofessional Conduct is proposed for amendment as follows:

21 NCAC 02 .0209 UNPROFESSIONAL CONDUCT

In addition to those grounds as stated in G.S. 83A-15(3) the following acts or omissions, among others, may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for denial, suspension, or revocation of a license or certificate of registration to practice architecture:

- (1) Compliance With Laws. It is unprofessional conduct for an architect, in the conduct of his or her professional practice, to knowingly violate any state or federal criminal law. A criminal conviction shall be deemed prima facie evidence of knowingly violating the law.
- (2) Compliance With Foreign Registration. It is unprofessional conduct for an architect to knowingly violate the laws governing the practice of architecture or the rules promulgated by any other architectural licensing board in any United States jurisdiction. A finding by a foreign architectural registration board that an architect has violated a law or rule governing the practice of architecture shall be deemed prima facie evidence of knowingly violating the law or rule.
- (3) Product Specification. It is unprofessional conduct for an architect to solicit or accept financial or other valuable consideration from material or equipment suppliers for specifying their products.
- (4) Advertising. It is unprofessional conduct for an architect to engage in any false, deceptive, fraudulent, or misleading advertising.
- (5) False Statements. It is unprofessional conduct for an architect to knowingly make false statements about the professional work of; or to maliciously injure the prospects, practice, or employment position of others active in the design and construction of the physical environment.
- (6) Evasion is:
 - (a) It is unprofessional conduct for an architect, through employment by contractors (whether or not the contractors are licensed under G.S. 89), or by another individual or entity not holding an individual or firm registration from the Board, to enable the employer to offer or perform architectural services, except as provided in G.S. 83A-13. In design/build arrangements, the architect shall not be an employee of a person or firm not holding a registration to practice architecture in North Carolina.
 - (b) It is unprofessional conduct for an architect to furnish limited services in such manner as to enable owners, draftsmen, or others to evade the public health and safety requirements of Chapter 83A, G.S. 133-2, G.S. 153A-352, G.S. 160A-412(c), G.S. 153A-357, or G.S. 160A-417.
 - (c) When building plans are begun or contracted for by persons not licensed and qualified, it is unprofessional conduct for an architect to take over, review, revise, or sign or seal such drawings or revisions thereof for such persons, or do any act to enable either such persons or the project owners, directly or indirectly, to evade the requirements of Chapter 83A, G.S. 133-2, G.S. 153A-357, or G.S. 160A-417.

- 1 (7) Branch Office. It is unprofessional conduct for an individual architect or firm to maintain or
2 represent by sign, listing, or other manner that he/she maintains an architectural office or branch
3 office in North Carolina unless such office has a registered resident architect in North Carolina
4 whose principle place of business is in that office. This item does not apply to on-site project offices
5 during construction of a project.
- 6 (8) Misrepresentation Regarding Prior Experience. An architect shall accurately represent to a
7 prospective or existing client or employer his/her qualifications and the scope of his/her
8 responsibility in connection with work for which he is claiming credit. Misrepresentation shall be
9 as follows:
- 10 (a) Each architect shall state his or her prior professional experience and the firm the architect
11 is representing while presenting qualifications to prospective clients, both public and
12 private. If an architect uses visual representations of prior projects or experience, all
13 architects-of-record must be identified. Architect-of-record means persons or entities
14 whose seals appear on plans, specifications and contract documents.
- 15 (b) An architect who has been an employee of another architectural practice may not claim
16 credit for projects contracted for in the name of the previous employer. The architect shall
17 indicate, next to the listing for each project, that individual experience gained in connection
18 with the project was acquired as an employee, and identify the previous architectural
19 firm. The architect shall also describe the nature and extent of his/her participation in the
20 project.
- 21 (c) An architect who was formerly a principal in a firm may make additional claims provided
22 he/she discloses the nature of ownership in the previous architectural firm (e.g. stockholder
23 or junior partner) and identifies with specificity his/her responsibilities for that project.
- 24 (d) An architect who presents a project that has received awards or public recognition must
25 comply with the requirements in Item (8) of this Rule with regard to project presentation
26 to the public and prospective clients.
- 27 (e) Projects which remain unconstructed and which are listed as credits shall be listed as
28 "unbuilt" or a similar designation.
- 29 (9) Fee Bidding on Public Projects. An architect shall not knowingly cooperate in a violation of any
30 provisions of G.S. 143-64.31.
- 31 (10) An architect shall cooperate with the Board in connection with any inquiry it shall
32 make. Cooperation includes responding in a timely manner to all inquiries of the Board or its
33 representative which is mailed in accordance with 21 NCAC 02 .0201.
- 34 (11) Copyright Infringement. It is unprofessional conduct for an architect to be found by a court to have
35 infringed upon the copyrighted works of other architects or design professionals.

1 (12) It is unprofessional conduct for an individual to continue offering and rendering architectural
2 services as set forth in G.S. 83A after his/her license expires, is placed on delinquent status or
3 revoked for failure to renew.
4

5 *History Note: Authority G.S. 83A-6; 83A-14; 83A-15;*

6 *Eff. February 1, 1976;*

7 *Amended Eff. February 24, 1976;*

8 *Readopted September 29, 1977;*

9 *Amended Eff. October 1, 2017; November 1, 2010; July 1, 2006; June 1, 1995; July 1, 1992;*

10 *October 1, 1989; May 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
12 *2015.*



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

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VOLUME:

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CHECK APPROPRIATE BOX:

- xx ☐ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: North Carolina Board of Architecture

2. Link to agency website pursuant to G.S. 150B-19.1(c): ncbarch.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

xx ☐ AMENDMENT: 21 NCAC 02 .0213 Individual Licenses

☐ REPEAL:

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? xx ☐ Yes

If yes: Public Hearing date: 07/14/2017

Public Hearing time: 9:00 a.m.

Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): To clarify the administrative process of license renewals.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ **Rule(s) is automatically subject to legislative review. Cite statutory reference:**

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Cathe M. Evans, Executive Director

Address: 127 W. Hargett St. #304 Raleigh, NC 27601

Phone (optional): 919-733-9544

Fax (optional):

E-Mail (optional): cathe@ncbarch.org

10. Comment Period Ends: 07/31/2017

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Cathe M. Evans

Address: 127 W. Hargett St. #304, Raleigh, NC 27601

Phone: 919-733-9544

E-Mail: cathe@ncbarch.org

Agency contact, if any: same

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: 04/07/2017

14. Signature of Agency Head* or Rule-making Coordinator:

***If this function has been delegated (reassigned) pursuant to**
G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

21 NCAC 02 .0213 is proposed for amendment as follows:

21 NCAC 02 .0213 INDIVIDUAL LICENSES

(a) Renewal. License registration must be renewed on or before the first day in July each year. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each individual licensee via electronic mail. The licensee shall complete the current license renewal documentation required by the Board. The licensee shall submit to the Board the completed license renewal documentation, along with the annual license renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying ~~draft or check~~ payment in the amount of the renewal fee is dishonored by the architect's drawee bank for any reason, the Board shall suspend the license until the renewal fees and check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of these Rules, the Executive Director shall approve renewal of the license for the current license year. Renewal fees are non-refundable.

(b) ~~Late Renewal, and Reinstatement.~~ If the Board has not received the annual renewal fee and completed renewal documentation, on or before the first day of July each year the license shall expire and be placed on delinquent status. An individual who continues to practice architecture as defined in G.S. 83A after their license has been placed on delinquent status shall be considered a non-licensed individual and may be deemed in violation of G.S. 83A and subject to disciplinary action. The license may be renewed at any time within one year of being deemed delinquent, upon the return of the completed renewal documentation, the annual renewal fee and the late renewal fee penalty and demonstration of compliance with Section .0900 of the rules in this Chapter. ~~After one year from the date of delinquency the license may no longer be renewed, but the licensee must seek reinstatement. Reinstatement shall occur according to the directives of G.S. 83A-11 and Section .0900 of the rules in this Chapter.~~

~~(c) After one year from the date of expiration the license will be revoked for failure to renew. Reinstatement shall occur according to the directives of G.S. 83A-11 and Section .0900 and Section .0300 of the rules in this Chapter.~~

~~(e) (d)~~ Any individual who is currently licensed by and in good standing with the Board who is serving in the armed forces of the United States shall not be subject to late fees, suspension or revocation for failure to renew licensure on or before the first day July each year, provided that the individual has been granted an extension of time to file a tax return as set forth in G.S. 105-249.2.

History Note: Authority G.S. 83A-6; 83A-11;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. October 1, 2017; December 1, 2010; July 1, 2006; July 1, 1999; May 1, 1989;

November 1, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

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1. Rule-Making Agency: North Carolina Board of Architecture

2. Link to agency website pursuant to G.S. 150B-19.1(c): ncbarch.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

xx ☐ AMENDMENT: 21 NCAC 02 .0217 Emeritus Status

☐ REPEAL:

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? xx ☐ Yes

If yes: Public Hearing date: 07/14/2017

Public Hearing time: 9:00 a.m.

Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): To update rule based to be consistent with national standards for emeritus status architects.	
8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000. <input type="checkbox"/> Rule(s) is automatically subject to legislative review. Cite statutory reference:	
9. The person to whom written comments may be submitted on the proposed rule(s): Name: Cathe M. Evans, Executive Director Address: 127 W. Hargett St. #304 Raleigh, NC 27601 Phone (optional): 919-733-9544 Fax (optional): E-Mail (optional): cathe@ncbarch.org	
10. Comment Period Ends: 07/31/2017	
11. Fiscal impact (check all that apply). If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact. <div style="margin-left: 20px;"> <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected Analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required by G.S. 150B-21.4 <input type="checkbox"/> No fiscal note required by G.S. 150B-21.3A(d)(2) </div>	
12. Rule-making Coordinator: Cathe M. Evans Address: 127 W. Hargett St. #304, Raleigh, NC 27601 Phone: 919-733-9544 E-Mail: cathe@ncbarch.org Agency contact, if any: same Phone: E-mail:	13. The Agency formally proposed the text of this rule(s) on Date: 04/07/2017 14. Signature of Agency Head* or Rule-making Coordinator: <div style="border-top: 1px solid black; height: 20px; margin: 10px 0;"></div> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> Typed Name: Title:

21 NCAC 02 .0217 is proposed for amendment as follows:

21 NCAC 02 .0217 ARCHITECT EMERITUS

(a) The Board shall approve an application for Architect Emeritus status for a person who meets the following criteria:

- (1) the individual has been continuously licensed as an architect by the Board for a minimum of 10 years,
- (2) the individual agrees to permanently relinquish their license and;
- (3) the individual has no pending disciplinary action or history of criminal convictions that would support a determination that the licensee is not of good character and reputation.

~~Resident architects who have been registered in this state who are retired from active practice or other related professional activities in any jurisdictions whatsoever, may apply for "Emeritus Status" by submitting a form provided by the Board showing compliance with the requirements of this Section. "Retired" means that the architect no longer practices architecture in that he/she no longer seals and certifies documents with his/her seal or otherwise offers to practice or practices architecture as defined in G.S. 83A-1 as amended. Nonresident architects who have been continuously certified by NCARB who are retired from active practice [or other related professional activities] in any jurisdictions whatsoever, and who are "emeritus", inactive or retired in every other jurisdiction in which they are licensed may also apply for "Emeritus Status" by submitting a form provided by the Board showing compliance with the requirements of this Section. Any such "architect emeritus" must renew that status on forms provided by the Board on or before the first day of July in each year. Any reference to an architect~~ An individual on who has been granted "Emeritus Status" may use the designation "Architect Emeritus" on any letter, title, sign, card or other device. device shall list such architect as "Architect Emeritus".

History Note: Authority G.S. 83A-4; 83A-6; 83A-11; 83A-12;

Eff. November 1, 1991;

Amended Eff. October 1, 2017; July 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

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Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: North Carolina Board of Architecture

2. Link to agency website pursuant to G.S. 150B-19.1(c): ncbarch.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ AMENDMENT:

XX REPEAL: 21 NCAC 02 .0301 Application for Registration for Exam

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? xx ☐ Yes

If yes: Public Hearing date: 07/14/2017

Public Hearing time: 9:00 a.m.

Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): Repeal as the National Council of Architecture Registration Boards has amended their process for licensure and the rule is no longer accurate.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Cathe M. Evans, Executive Director

Address: 127 W. Hargett St. #304 Raleigh, NC 27601

Phone (optional): 919-733-9544

Fax (optional):

E-Mail (optional): cathe@ncbarch.org

10. Comment Period Ends: 07/31/2017

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Cathe M. Evans

Address: 127 W. Hargett St. #304, Raleigh, NC 27601

Phone: 919-733-9544

E-Mail: cathe@ncbarch.org

Agency contact, if any: same

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: 04/07/2017

14. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to
G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

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~~21 NCAC 02 .0301 APPLICATION FOR REGISTRATION BY EXAM~~

~~21 NCAC 02 .0301 APPLICATION FOR REGISTRATION BY EXAM~~

(b) The fees for examination, or parts thereof, are set by the National Council of Architecture Registration Boards.

(b) The fees for examination, or parts thereof, are set by the National Council of Architecture Registration Boards.

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. November 1, 2010; July 1, 1996; December 1, 1992; May 1, 1989;

Repealed October 1, 2017.

Repealed October 1, 2017.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

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1. Rule-Making Agency: North Carolina Board of Architecture

2. Link to agency website pursuant to G.S. 150B-19.1(c): ncbarch.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☒ AMENDMENT: 21 NCAC 02 .0302 Examination

☐ REPEAL:

4. Proposed effective date: 10/01/2017

5. Is a public hearing planned? ☒ Yes

If yes: Public Hearing date: 07/14/2017

Public Hearing time: 9:00 a.m.

Public Hearing Location: 127 W. Hargett St #304 Raleigh, NC 27601

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): To update the rule to accurately reflect the administrative processes in place now that the National Council of Architecture Registration Boards have updated their experience program and submission process.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Cathe M. Evans, Executive Director

Address: 127 W. Hargett St. #304 Raleigh, NC 27601

Phone (optional): 919-733-9544

Fax (optional):

E-Mail (optional): cathe@ncbarch.org

10. Comment Period Ends: 07/31/2017

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☐ No fiscal note required by G.S. 150B-21.4
- ☐ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Cathe M. Evans

Address: 127 W. Hargett St. #304, Raleigh, NC 27601

Phone: 919-733-9544

E-Mail: cathe@ncbarch.org

Agency contact, if any: same

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: 04/07/2017

14. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

21 NCAC 02 .0302 is proposed for amendment as follows:

21 NCAC 02 .0302 EXAMINATION

(a) As of July 25, 2016, the North Carolina Board of Architecture is a Direct Registration State with the National Council of Architecture Registration Boards (NCARB). Those individuals who wish to take the Architectural Registration Exam (ARE) must contact NCARB directly to obtain exam eligibility to take the ARE. Upon completion of all requirements set forth in the NCARB Architecture Experience Program (AXP), a candidate who wishes to obtain license registration by exam in North Carolina should direct NCARB to transmit a completed AXP record to the North Carolina Board of Architecture.

~~(a) Licensure by Examination.~~ (b) Upon successful completion of all sections of the Architectural Registration Exam (ARE) as prepared by the National Council of Architecture Registration Boards (NCARB), fulfillment of all NCARB Intern Development Program (IDP) (AXP) requirements and completion of the National Architectural Accrediting Board (NAAB) accredited degree, NCARB, as directed by the candidate, will transmit a completed AXP file to the North Carolina Board of Architecture for review. Upon notification of receipt of a completed AXP file from the Board, an individual may submit the application and fee for Candidate Record Review to determine compliance with G.S. 83A-7(a)(1)a. and fee for licensure by exam and may then be granted a license to practice architecture. G.S. 83A-7(a)(1)a. shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (4) of this Paragraph. The Board shall grant eligibility to take the ARE for licensure by exam to those individuals who:

- (1) are of good moral character as defined in G.S. 83A-1(5);
- (2) are at least 18 years of age;
- (3) have completed a NAAB accredited professional degree in architecture or who are actively enrolled in have completed a NAAB accredited degree program that is identified by the college or university as an NCARB endorsed Integrated Path To Architectural Licensure Degree Program;
- (4) are actively enrolled in have completed the NCARB IDP AXP or a program approved as equivalent by the North Carolina Board of Architecture as set forth in G.S. 83A-7(a)(2); G.S. 83A-7(a)(2); and
- (5) submits the Application for Licensure by Exam and fee.

~~(b)(c)~~ Retention of credit for purposes of licensure by examination in North Carolina.

- (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of time established by the exam provider, NCARB.
- (2) Scores received on any part of the ARE prior to July 1, 2006 are invalid.

~~(e) (d)~~ Practical training pursuant to G.S. 83A-7(a)(2) means practical experience and diversified training as defined by the ~~Intern Development Program~~ Architectural Experience Program through the NCARB.

~~(d) (e)~~ During the application process, the applicant may be interviewed by the Board members. The purpose of the interview is to augment the evidence submitted in an application with regard to qualifications required in Paragraph ~~(a) (b)~~ of this Rule.

~~(e) (f)~~ The ARE shall be graded in accordance with the methods and procedures recommended by NCARB. To successfully complete the ARE, an exam candidate shall receive a passing grade in each division of the ARE. Information regarding NCARB grading methods and procedures is found on their web site at www.ncarb.org.

1 (f) (g) A person currently employed under the responsible control of an architect, who holds a Professional Degree
2 from a NAAB accredited program, and who maintains an active NCARB ~~IDP~~ AXP record or has successfully
3 completed the NCARB ~~IDP~~ AXP may use the title "Architectural Intern" or "Intern Architect" in conjunction with his
4 or her current employment.

5 (h) The fees for examination, or parts thereof, are set and collected by the NCARB. Fee information will be made
6 available to all applicants for examination on NCARB web site www.ncarb.org.

7
8 *History Note: Authority G.S. 83A-1; 83A-6; 83A-7;*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. September 29, 1977;*

11 *Amended Eff. October 1, 2017; March 1, 2016; July 1, 2014; November 1, 2010; July 1, 2006; July*
12 *1, 2000; July 1, 1996; June 1, 1995; December 1, 1992; July 1, 1991.*