

21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE AND REGISTERED INTERIOR DESIGN

(a) Prior to offering and rendering architectural or registered interior design services as set forth in G.S. 83A and Rule .0204(a) and Rule .0204(c) of this Chapter, all firms shall submit an application for firm licensure or registration and be granted licensure or registration by the Board. Application for firm licensure or registration to practice of architecture or registered interior design within the State of North Carolina shall be made upon forms provided on the Board web site at www.ncbarch.org and include the required application fee as set forth in Rule .0108 of this Chapter. Licensure for firm practice of architecture shall be issued only under the provisions of the Professional Corporation Act, G.S. 55B and G.S 57D-2-02. Registration for firm practice of interior design shall be issued only under the provisions of the Business Corporation G.S. 55 and G.S 57D. All applications for firm licensure or registration shall contain the following:

- (1) the firm's name, mailing address, physical address, email address, and phone number;
- (2) the firm's representative completing the application;
- (3) for all officers, directors and shareholders, if the firm is a professional corporation:
 - (A) the profession;
 - (B) the credential number and jurisdiction in which the credential was issued, if outside of North Carolina;
 - (C) the credential number issued by the Board, if any;
 - (D) whether the individual is an officer, director, or shareholder; and
 - (E) percentage of stock owned.
- (4) for all members and owners, if the firm is a professional limited liability company:
 - (A) the profession;
 - (B) the credential number and jurisdiction in which the credential was issued, if outside of North Carolina;
 - (C) the credential number issued by the Board, if any;
 - (D) whether the individual is a member or manager; and
 - (E) percentage of membership held.
- (5) the names, position, and ownership interest of any non-licensed shareholder or member of the firm;
- (6) whether the firm is a professional corporation or professional limited liability company;
- (7) whether the firm intends to form a new entity with the North Carolina Secretary of State and, if so, copies of the proposed articles of incorporation or organization;
- (8) whether the firm intends to register with the North Carolina Secretary of State as a foreign entity and, if so, copies of the articles of incorporation or organization filed in the other jurisdiction;
- (9) whether the firm or any of its owners ever has had a credential denied, limited, reprimanded, suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and whether the terms of the adverse action have been satisfied;
- (10) whether the firm or any of its owners ever has been convicted of a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;
- (11) whether any criminal charges have been filed or are pending against the firm or any of its owners and, if so, the jurisdiction, charge, and case number of each such charge;
- (12) whether any court, board, agency, or professional organization has found the firm or any of its owners guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- (13) whether any disciplinary action, charges, or controversy is pending against the firm or any of its owners before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action;
- (14) whether any liens or judgments have been filed or entered against the firm or any of its owners and, if so, the jurisdiction, date, and parties to such lien or judgment;
- (15) if the firm is a foreign entity, a certification from the person identified in Subparagraph (b)(2) of this Rule that:
 - (A) the information contained in the application is true and correct to the best of his or her knowledge and belief; and

- (B) he or she has read the statutes and rules set forth in North Carolina General Statutes 55B for corporations, or Chapter 57D for PLLCs, Chapter 83A, and this Chapter.
- (16) if the firm is an entity desiring to be incorporated or organized in North Carolina, a certification from the incorporator or organizer that the information contained in the application is true and correct to the best of his or her knowledge and belief; and
- (17) a certification that the incorporator, organizer, officer, or owner of the firm has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789.

(b) Architecture firm licensure and interior design firm registration shall be renewed on or before December 31st of each year. If the Board has not received the annual renewal fee as set forth in Rule .0108 of this Chapter and completed application on or before December 31st of each year, the architecture firm license or interior design firm registration shall expire. The Board shall send a notice of renewal to each licensed and registered firm no less than 30 days prior to the renewal date. Renewal documentation shall be accompanied by the renewal fee. If the accompanying draft or check in the amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm license or registration until the renewal fees and returned check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, the Executive Director shall approve renewal for the firm for the current renewal year. Upon completion of the firm annual renewal, the Board may randomly audit the compliance of firm licenses and registrations and require proof in the form of corporate records maintained pursuant to North Carolina General Statute 55B or 57D. Such records shall be maintained for a period of seven years after the renewal is submitted. Renewal fees are non-refundable. All applications for renewal of firm licensure or registration shall contain the following:

- (1) the firm's name, mailing address, physical address, email address, and phone number;
- (2) the firm's representative completing the application;
- (3) since issuance of the firm's licensure or registration or the firm's last renewal, whichever is later,
 - (A) whether the firm or any of its owners has had a credential denied, limited, reprimanded, suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and whether the terms of the adverse action have been satisfied;
 - (B) whether the firm or any of its owners has been convicted of a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;
 - (C) whether any criminal charges have been filed or are pending against the firm or any of its owners and, if so, the jurisdiction, charge, and case number of each such charge;
 - (D) whether any court, board, agency, or professional organization has found the firm or any of its owners guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
 - (E) whether any disciplinary action, charges, or controversy is pending against the firm or any of its owners before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action; or
 - (F) whether any liens or judgments have been filed or entered against the firm or any of its owners and, if so, the jurisdiction, date, and parties involved with such lien or judgment;
- (4) an affirmation from the architectural firm's Chief Executive Officer or person designated by firm resolution as a responsible officer in charge that:
 - (A) the information contained in the renewal application is true and correct to the best of his or her knowledge and belief;
 - (B) ownership of the shares or stock or membership of the firm is in compliance with the rules and laws of North Carolina;
 - (C) any officers, directors, shareholders or members and professional employees, who are practicing architecture or registered interior design for said firm in the State of North Carolina, are duly licensed to so practice in this State;
 - (D) at least one officer, director, and shareholder or member/owner of the firm is licensed in North Carolina;

- (E) non-licensed individuals do not own no more than one-third of the total stock or ownership; and
- (F) the firm has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789.

(c) Failure to Renew and Reinstatement. Within one year of the expiration, the firm license or registration may be renewed at any time, upon the return of the completed renewal documents, the annual renewal fee, and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee the licensee or registrant shall seek reinstatement, as allowed by G.S. 83A-11. The Board may reinstate the firms' license or registration, as allowed by G.S. 83A-11.

(d) Seal. Each licensed or registered firm shall adopt a seal pursuant to Rule .0206 of this Chapter.

(e) Every firm, partnership, corporation or limited liability company that performs or offers to perform architectural or registered interior design services in the State of North Carolina shall have a resident Architect or Registered Interior Designer in Responsible Control in each separate office located in North Carolina where architectural or registered interior design services are performed or offered to be performed. Out-of-state office locations where architectural or registered interior design services are performed or offered to be performed for North Carolina projects shall have architects or registered interior designers in responsible control of only the specific projects in North Carolina.

*History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8; 83A-10;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. July 1, 2014; December 1, 2010; July 1, 1993; May 1, 1989; November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
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