

21 NCAC 02 .0203 RULES OF PROFESSIONAL CONDUCT

In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the practice of architecture and registered interior design, the Rules of Professional Conduct in this Rule are adopted in accordance with G.S. 83A and are binding upon every person holding a license to practice architecture (licensee) or registered interior designer (registrant), and on all firms authorized to offer or render architectural or registered interior design services in this state. All persons licensed or registered under the provisions of G.S. 83A are charged with having knowledge of the Board Rules and are deemed to be familiar with their provisions and to understand them. Each licensed or registered person and entity shall affirm in their renewals that they have read and understand the current laws and rules.

- (1) Licensees and registrants shall conduct their practice in order to protect the public health, safety and welfare. The licensee or registrant shall always recognize the primary obligation to protect the public in the performance of the professional duties. The architect or registered interior designer acts as a professional adviser to their client and their advice must be unprejudiced. If the licensee or registrant's professional judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, the licensee or registrant shall inform the employer, the client, the contractor, other affected parties, and any appropriate regulatory agency of the possible consequences of the situation.
- (2) In designing a project, the licensee or registrant shall consider all applicable federal, state and municipal building laws and rules. A licensee or registrant shall undertake to perform professional services only when they, together with those whom the licensee or registrant may engage as consultants, are qualified by education, training and experience in the specific technical areas involved. While a licensee or registrant may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such laws and rules, once having obtained such advice, a licensee or registrant shall not design a project in violation of such laws and rules.
- (3) In practicing architecture or interior design, the licensee or registrant shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects or interior designers of good standing, practicing in the same locality.
- (4) Responsible Control. No architect or registered interior designer shall affix their seal and signature to contract documents developed by others not under the architect's or registered interior designer's responsible control. "Responsible control" means that amount of control over and professional knowledge of the content of technical submissions during their preparation as is exercised by an architect or registered interior designer applying the required professional standard of care, including:
 - (a) Dissemination of programmatic requirements;
 - (b) Ongoing coordination and correlation of services with other aspects of the total design of the project;
 - (c) Verification with consultant that owner's requirements are being met;
 - (d) Authority over the services of those who assisted in the preparation of the documents;
 - (e) Assumption of responsibility for the services;
 - (f) Incorporation of services and technical submissions into design documents to be issued for permitting purposes; and
 - (g) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's or registered interior designer's consultants, owners, contractors, or other sources the architect or registered interior designer trusts that is incidental to and intended to be incorporated into the architect's or registered interior designer's technical submissions if the architect or registered interior designer has coordinated and reviewed such information.
- (5) An architect or registered interior designer shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with their application for license or registration renewal.
- (6) An architect or registered interior designer shall not assist the application for licensure or registration of a person known by the architect or registered interior designer to be unqualified with respect to education, training, experience, or character.
- (7) An architect or registered interior designer shall issue public statements only in an objective and truthful manner and:

- (a) Shall be objective and truthful in all professional reports, statements, or testimony. The architect or registered interior designer shall include all relevant and pertinent information in such reports, statements or testimony;
 - (b) When serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the individual's testimony;
 - (c) Shall issue no statements, criticisms, or arguments on architectural or interior design matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the architect or registered interior designer has prefaced the comment by explicitly identifying their name, by disclosing the identities of the party or parties on whose behalf the architect or registered interior designer is speaking, and by revealing the existence of any pecuniary interest the architect or registered interior designer may have in the matters; and
 - (d) Shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another architect or registered interior designer, nor indiscriminately criticize another architect's or registered interior designer's work in public. Indiscriminate criticism includes statements without valid basis or cause or that are not objective and truthful or that fail to include all relevant and pertinent information. If the architect or registered interior designer believes that another architect or registered interior designer is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Board of Architecture and Registered Interior Designers in the form of a complaint.
- (8) An architect or registered interior designer shall avoid conflicts of interest and:
- (a) Shall inform the employer or client, and any reviewing agency, of any business association, interests, or circumstances which could influence judgment or the quality of services;
 - (b) Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are disclosed to, and agreed to, in writing, by all interested parties;
 - (c) Shall not solicit or accept financial or other valuable considerations from material, furniture, fixtures, or equipment suppliers for specifying their products unless disclosed to the client;
 - (d) An architect or registered interior designer shall not pay or offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work. Gifts of nominal value (including, reasonable entertainment and hospitality) and securing salaried positions through employment agencies are permitted;
 - (e) When in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or registrant or the licensee's or registrant's firm in private architectural or registered interior design practices;
 - (f) Shall not engage in any false, deceptive, fraudulent, or misleading advertising; and
 - (g) Shall not attempt to supplant another architect or registered interior designer in a particular employment after becoming aware that the other has been selected for the employment.
 - (h) When acting as the interpreter of building contract documents and the judge of contract performance, an architect or interior designer shall render decisions impartially, favoring neither party to the contract.
 - (i) If, in the course of their work on a project, an architect or registered interior designer becomes aware of a decision taken by their employer or client, against their advice, which violates applicable state or municipal building laws and regulations and which will, in their judgment, materially affect adversely the safety to the public of the finished project, the architect or registered interior designer shall:
 - (i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;

- (ii) refuse to consent to the decision;
 - (iii) in circumstances where the architect or registered interior designer reasonably believes that other such decisions will be taken notwithstanding his objection, terminate their services with reference to the project; and
 - (iv) in the case of termination in accordance with clause in Sub-item (i)(iii) of this Rule, the architect or registered interior designer shall have no liability to their client or employer on account of such termination.
- (j) If an architect or registered interior designer has any business association or direct or indirect financial interest which is substantial enough to influence their judgment in connection with the performance of professional services, they shall fully disclose in writing to their client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, they will either terminate such association or interest or offer to give up the commission or employment.
- (k) An architect making public statements on architectural questions shall disclose when they are being compensated for making such statements.
- (l) A registered interior designer making statements on interior design questions shall disclose when they are being compensated for such statements.
- (9) A licensee or registrant shall solicit or accept work on the basis of qualifications and:
- (a) Shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;
 - (b) The licensee or registrant shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;
 - (c) Shall, with regard to fee bidding on public projects, comply with the provisions of G.S. 143-64.31 et seq., (or for federal projects, the Brooks Act, 40 U.S. Code 541 et seq.) and shall not knowingly cooperate in a violation of any provision of G.S. 143-64.31 et seq. (or of 40 U.S. Code 541 et seq.); and
 - (d) Shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded unless it is stated that no degree or certificate was awarded.
 - (e) An architect or registered interior designer shall represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit. Misrepresentation shall be found if the following is not complied with:
 - (i) Each licensee or registrant shall state their prior professional experience and the firm they are representing while presenting qualifications to all prospective clients. If the licensee or registrant uses visual representations of prior projects or experience, all designers or architects of record shall be identified.
 - (ii) An architect or registered interior designer who has been an employee of another firm may not claim credit for projects contracted for in the name of the previous employer. They shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee and identify the previous firm. The architect or registered interior designer shall also describe the nature and extent of their participation in the project.
 - (iii) An architect or registered interior designer who presents a project that has received awards or public recognition shall comply with the requirements in this Item with regard to project presentation to the public and prospective clients.
 - (iv) Projects that remain unconstructed and are listed as credits in presentation items shall be listed as "unbuilt" or a similar designation, as determined by the architect or registered interior designer.
- (10) A licensee or registrant shall perform services in an ethical manner, as required by this Rule, and in a lawful manner and:
- (a) Shall not knowingly associate with or permit the use of the licensee's or registrant's name or firm name in a business venture by any person or firm which the licensee or registrant

- knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not properly licensed; and
- (b) If the licensee or registrant has knowledge or reason to believe that another person or firm may be in violation of the Board Rules (21 NCAC 02) or of the North Carolina Architectural and Registered Interior Design Practice Act (G.S. 83A), they shall present such information to the Board in writing in the form of a complaint and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.
 - (c) An architect or registered interior designer shall cooperate with the Board in connection with any inquiry it shall make. Cooperation includes responding to all inquiries from the Board or its representative and claiming correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee or registrant from the Board in a timely manner. The Board shall utilize electronic mail as its primary method of communication with licensees and registrants. Timely is defined as within the time specified in the correspondence, or if no time is specified, within 30 days of receipt.
- (11) An architect or registered interior designer who has received a reprimand or civil penalty or whose professional license or registration is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board if the licensee's or registrant's action constitutes a violation of G.S. 83A or the rules adopted by the Board.
 - (12) In addition to the grounds stated in G.S. 83A-14 and G.S. 83A-15(3), the following acts or omissions 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 registration or firm certificate of licensure or registration to practice architecture or registered interior design:
 - (a) An architect or registered interior designer shall not, in the conduct of their professional practice, knowingly violate any state or federal criminal law. A criminal conviction shall be deemed prima facie evidence of knowingly violating the law.
 - (b) Evasion.
 - (i) An architect or registered interior designer shall not, through employment by contractors (whether or not the contractors are licensed under G.S. 87), 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 or registered interior design services, except as provided in G.S. 83A-13. In design/build arrangements, the architect or registered interior designer shall not be an employee of a person or firm not holding a license to practice architecture or registered interior design in North Carolina.
 - (ii) An architect or registered interior designer shall not furnish limited services in such manner as to enable owners, draftsmen, or others to evade the public health and safety requirements of G.S. 83A, G.S. 133-2, G.S. 153A, G.S. 153A-357, G.S. 160A-412, or G.S. 160A-417.
 - (iii) When building plans are begun or contracted for by persons not licensed or registered and qualified, an architect or registered interior designer shall not 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 to evade the requirements of G.S. 83A, G.S. 133-2, G.S. 153A-357, or G.S. 160A-417.
 - (13) An architect, registered interior designer or firm shall not maintain or represent by sign, listing, or other manner that they have a physical presence in North Carolina unless such office employs a licensed architect or registered interior designer who is a resident in North Carolina whose principal place of business is in that office. This Item does not apply to on-site project offices during construction of a project.
 - (14) It is unprofessional conduct for an architect or registered interior designer to be found by a court to have infringed upon the copyrighted works of other architects, registered interior designers or other design professionals.

- (15) An architect or registered interior designer shall not knowingly continue to offer or render architectural or registered interior design services as set forth in G.S. 83A after their license or registration expires, is placed on delinquent status, is revoked, or suspended for failure to renew.
- (16) Architects or registered interior designers preparing plans for building permits shall submit plans that are complete and buildable. Such plans shall conform with the State Building Code and local plan submission requirements. Professional judgment shall be exercised to reflect sufficient documentation necessary for plan approval. Provided, however, this Rule does not alter any standard of liability applicable to licensees or registrants.

History Note: Authority G.S. 83A-6;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989; November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Temporary Amendment Eff. November 30, 2021.