

## CHAPTER 02 - BOARD OF ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

### SECTION .0100 - GENERAL PROVISIONS

#### **21 NCAC 02 .0101 AUTHORITY: NAME AND LOCATION OF BOARD**

The "North Carolina Board of Architecture and Registered Interior Designers," subsequently herein referred to as the "Board," is established and authorized by Chapter 83A of the General Statutes of North Carolina. Unless otherwise directed, all communications shall be addressed to the Board at 434 Fayetteville Street, Suite 2005, Raleigh, North Carolina 27601.

*History Note:* Authority G.S. 83A-2; 83A-6;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. June 1, 1995; May 1, 1989; November 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Amended Eff. October 1, 2021.

#### **21 NCAC 02 .0102 ORGANIZATION OF BOARD AND OFFICERS**

In addition to the annual meeting as prescribed in G.S. 83A-2, other meetings of the Board may be called by the president or any four Board members. The officers of the Board shall be elected at the annual meeting for terms of one year and until a successor is elected. Vacancies in the officers' terms, occurring from death, resignation, disability or expiration of Board service, shall be filled by election at the next Board meeting following the vacancy.

*History Note:* Authority G.S. 83A-2; 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.

#### **21 NCAC 02 .0103 DUTIES OF OFFICERS**

#### **21 NCAC 02 .0104 PROCEDURE**

#### **21 NCAC 02 .0105 DISCIPLINARY ACTION AND PROCEDURE**

*History Note:* Authority G.S. 83A-6; 83-14;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1991; May 1, 1989; November 1, 1979;  
Repealed Eff. June 1, 1995.

#### **21 NCAC 02 .0106 SEAL OF BOARD**

The official seal adopted by the Board is the Great Seal of the State of North Carolina with the inscription of the Board name on the perimeter.

*History Note:* Authority G.S. 83-5; 83A-6;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0107 FORMS**

Any forms referred to or required by these rules are available on the Board web site at [www.ncbarch.org](http://www.ncbarch.org).

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

**21 NCAC 02 .0108 FEES**

The fees required by the Board are set forth below:

License to Practice Architecture:	
By Exam	\$50.00
By Reciprocity	\$150.00
Firm License	\$75.00
Annual License to Practice Architecture Renewal:	
Individual	\$50.00
Firm	\$100.00
Late Renewal Penalty for Individual Architects and Firms:	
Up-to-30 days	\$50.00
30 days to 1 year	\$100.00
Reinstatement of Expired License:	
Architect	\$250.00
Firm	\$250.00
Registration to Practice Interior Design:	
Individual Registration	\$100.00
Firm Registration	\$75.00
Annual Registration to Practice Interior Design Renewal:	
Individual	\$50.00
Firm	\$50.00
Late Renewal Penalty for Interior Designers and Interior Design Firms:	
Up-to-30 days	\$50.00
30 days to 1 year	\$100.00
Reinstatement of Expired Registration	
Interior Designer	\$250.00
Interior Design Firm	\$250.00

All fees paid to the Board are non-refundable.

*History Note: Authority G.S. 55B-10; 83A-4; 83A-11;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. 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;  
Amended Eff. November 1, 2017;  
Temporary Amendment Eff. December 13, 2021.*

**21 NCAC 02 .0109 DEFINITIONS**

In addition to the statutory definitions in G.S. 83A-1, as used in these Rules, the following terms shall have the following meanings:

- (1) "Delinquent" is the status of a license or registration that has not been renewed in accordance with 21 NCAC 02 .0213(b) for individuals and 21 NCAC 02 .0214(c) for firms.
- (2) "Licensed" means holding a license to practice architecture in the State of North Carolina as defined by G.S. 83A. "Registered" has the same meaning as 'registered interior designer' as set forth in G.S. 83A.
- (3) "Fictitious name" is any assumed name, style or designation other than the proper name of the entity using such name. The surname of a person, standing alone or coupled with words that describe the business, is not a fictitious business name. The inclusion of words that suggest additional owners, such as "Company," "& Company," "& Sons," "& Associates," makes the name an assumed or fictitious name. For partnerships, the last name of all partners must be listed, or the fictitious name definition applies.
- (4) "Architectural Firm" means any Professional Corporation or Professional Limited Liability Company approved by the Board and engaged in the practice of architecture. "Registered Interior Design Firm" means any Business Corporation or Limited Liability Company approved by the Board and engaged in registered interior design services.
- (5) "Procurement" means purchasing or pricing of materials to construct a building or structure.
- (6) "Direct Supervision" as used in G.S. 83A means responsible control as defined in 21 NCAC 02 .0203.
- (7) "Continuing Competency" as used in North Carolina General Statute 83A-6(a)(5) means continuing education obtained post licensure or registration that enables an architect or registered interior designer to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture and interior design to safeguard the public's health, safety and welfare.
- (8) "Health, safety and welfare" (HSW) as used in North Carolina General Statute 83A-6(a)(5) means technical and professional subjects that according to these rules safeguard the public and that are necessary for the proper evaluation, design, construction and utilization of buildings and the built environment.
- (9) "Architect-of-record" or "Designer-of-record" means persons or entities whose seals appear on plans, specifications, and contract documents.

*History Note:* Authority G.S. 83A-6;  
Eff. November 1, 2010;  
Amended Eff. October 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Temporary Amendment Eff. November 30, 2021.

## **SECTION .0200 - PRACTICE OF ARCHITECTURE**

### **21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP CONTACT INFORMATION AS ON FILE WITH THE BOARD**

- (a) Every individual licensee and registrant shall keep the Board advised of their preferred current contact information, including physical mailing address, email and phone numbers, principle place of business and electronic mail address and the name of the firm or partnership where they are employed.
- (b) Each firm or partnership shall within 30 days notify the Board of all changes in ownership, of association, contact information, electronic email or physical address. Upon the dissolution of a firm, the architect or registered interior designer in responsible control of the firm at the time of dissolution shall within 30 days notify the Board concerning such dissolution, and of the succeeding status and addresses of the firm. This requirement is in addition to registration, listing and renewal requirements set out elsewhere in rules of this Chapter.

*History Note:* Authority G.S. 83A-5; 83A-6;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. November 1, 2010; June 1, 1995;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Temporary Amendment Eff. November 30, 2021.*

## **21 NCAC 02 .0202      APPLICABILITY OF BOARD RULES**

The Executive Director shall make available on the Board web site at [www.ncbarch.org](http://www.ncbarch.org) Chapter 83A of the North Carolina General Statutes and the rules of the Board adopted hereunder. Rules adopted and published by the Board under the provisions of Chapter 83A and Chapter 150B shall be binding upon every individual holding a license or registration from the Board, and upon all firms legally authorized to offer or to perform architectural or registered interior design services in this state.

*History Note:      Authority G.S. 83A-6;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. July 1, 2014; June 1, 1995; May 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Temporary Amendment Eff. November 30, 2021.*

## **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.*

**21 NCAC 02 .0204 FORMS OF PRACTICE**

- (a) The practice of architecture shall be carried out by one of the following types of entities:
  - (1) sole practitioners;
  - (2) professional limited liability companies that are established under the provisions of G.S. 57D-2-02;
  - (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
  - (4) professional corporations that are established under the provisions of G.S. 55B; or
  - (5) general partnerships.
- (b) The practice of registered interior design shall be carried out by one of the following types of entities:
  - (1) sole practitioners;
  - (2) limited liability companies that are established under the provisions of G.S. 57D;
  - (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
  - (4) business corporations that are established under the provisions of G.S. 55; or
  - (5) general partnerships.

Each limited liability partnership and each general partnership engaged in the practice of architecture or registered interior design in North Carolina shall keep a current list of all resident and non-resident partners of the partnership. One annual listing by a representative of the partnership shall satisfy the requirement of this Paragraph for all partners in the firm; however, each partner shall remain responsible for compliance with the rules. Changes in the information required by this Paragraph shall be filed with the Board office within 30 days after the change occurs.

(c) All individuals who practice architecture through entities described in Subparagraphs (a)(1) through (a)(4) of this Rule shall be licensed to practice architecture.

(d) All individuals who practice registered interior design through entities described in Subparagraphs (b)(1) through (b)(4) of this Rule shall be registered to practice interior design.

*History Note: Authority G.S. 55B; 57C; 59-84.2; 83A-4; 83A-6; 83A-8; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. October 1, 2012; December 1, 2010; June 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021.*

**21 NCAC 02 .0205 NAME OF FIRM**

(a) A licensee or registrant shall not engage in the practice of architecture or registered interior design under a firm name which is misleading or deceptive in any way as to the legal form of the firm or the persons who are partners, officers, members, or shareholders in the firm. The Board shall approve all firm names to be used in this State. Examples of misleading or deceptive firm names include the following:

- (1) Use of "architects" or "registered interior designers" when the number of architects or registered interior designers in a firm does not warrant such use;
- (2) Use of the name of an employee unless that employee is a licensed or registered partner, licensed or registered officer, licensed or registered member or licensed or registered shareholder;
- (3) Use of the name of a deceased architect or registered interior designer in order to benefit from their reputation, when that architect or registered interior designer was not a former partner, officer, member or shareholder in the present firm;
- (4) Use of a name which is deceptively similar to that of existing firm name; and
- (5) Use of a fictitious name by a sole proprietor.

(b) Failure of the firm to register a fictitious name shall be prima facie evidence of the name being misleading or deceptive.

*History Note: Authority G.S. 55B-5; 83A-6; 83A-9; 83A-12; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. November 1, 2010; July 1, 2006; June 1, 1995, April 1, 1991; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021.*

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

(a) An architect shall seal his or her work whether or not the work is for an exempt project as defined in G.S. 83A-13. An architect shall not sign nor seal drawings, specifications, reports, or other professional work that were not prepared by the architect or under his or her responsible control. Documents shall be sealed as follows:

- (1) An architect may 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:
  - (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 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:

(A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to drawings or sets of specifications. The design of the seal shall be two concentric circles in which the Architectural Firm's approved name and "North Carolina" shall be between the inner and outer circles and the firm's license registration number is placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter.

(B) For a Professional Corporation the words "Registered Architectural Corporation, North Carolina" shall be along the inside perimeter of the inner circle. For a Professional Limited Liability Company, the words "Registered Architectural Company" shall be along the inside perimeter of the inner circle.

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

(4) The use of pre-printed documents bearing a pre-printed facsimile of the signed and dated seal is prohibited.

(5) Architects shall affix their seal on one original of all their drawings and sets of specifications prepared by them for use in this State as follows:

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

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

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

(6) Presentation documents, such as renderings used to communicate conceptual information, shall not be sealed or signed.

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

(8) Those sheets or pages prepared by licensed professional consultants, such as structural, mechanical or electrical engineers, retained by the architect shall bear the seal and registration number of the consultant responsible therefore and shall not be sealed by the architect.

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

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

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

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

(1) the seal of the original architect appears on the documents to authenticate authorship;

(2) the words "Prototypical Design Documents/Not for Construction" appear on each sheet of the documents by the original architect;

(3) the succeeding North Carolina architect identifies all modifications to the standard design documents;

- (4) the succeeding North Carolina architect assumes responsibility for the adequacy of the design for the specific application in North Carolina and for the design conforming with applicable building codes, local conditions, site condition; and
  - (5) the succeeding North Carolina architect affixes his or her seal to the prototypical design documents with a statement as follows: "These documents have been 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 or her seal and signature to contract documents developed by others not under the architect'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 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 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) The 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:
- (1) Information stored in electronic files representing plans or specifications that must be sealed under the provisions of G.S. 83A-10 shall be signed, dated, and sealed by the architect in responsible control.
    - (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 Subparagraph (a)(5) of this Rule.
  - (2) An architect utilizing a digital signature to seal electronic documents for use in this State shall ensure that the digital signature is:
    - (A) Unique to the person using it;
    - (B) Capable of verification;
    - (C) Under the sole control of the person using it; and
    - (D) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
  - (3) Each electronically signed file shall have an authentication code defined as a "message digest," as set forth in the Federal Information Processing Standards (FIPS)180-4, "Secure Hash Standard," amended August 2015. The standard is incorporated by reference, including subsequent amendments and editions, and may be accessed at no cost at <http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.180-4.pdf>.
  - (4) The architect is responsible for the security of the digital seal.

*History Note:* Authority G.S. 83A-6; 83A-10; 83A-12;  
Eff. February 1, 1976;

*Readopted Eff. September 29, 1977;*  
*Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989;*  
*October 1, 1985;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
*13, 2015;*  
*Amended Eff. November 1, 2017.*

**21 NCAC 02 .0207 DENIAL: SUSPENSION OR REVOCATION OF LICENSE**

*History Note: Authority G.S. 83A-1; 83A-6; 83A-7; 83A-15;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. October 1, 1989; May 1, 1989; November 1, 1979;*  
*Repealed Eff. June 1, 1995.*

**21 NCAC 02 .0208 DISHONEST CONDUCT**

*History Note: Authority G.S. 14-353; 83A-6; 83A-14; 83A-15;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. November 1, 2010; July 1, 2006; December 1, 1995; June 1, 1995; October 1,*  
*1989; May 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
*13, 2015;*  
*Temporary Repeal Eff. November 30, 2021.*

**21 NCAC 02 .0209 UNPROFESSIONAL CONDUCT**

*History Note: Authority G.S. 83A-6; 83A-14; 83A-15;*  
*Eff. February 1, 1976;*  
*Amended Eff. February 24, 1976;*  
*Readopted September 29, 1977;*  
*Amended Eff. November 1, 2010; July 1, 2006; June 1, 1995; July 1, 1992; October 1, 1989; May*  
*1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*  
*13, 2015;*  
*Amended Eff. November 1, 2017;*  
*Temporary Repeal Eff. November 30, 2021.*

**21 NCAC 02 .0210 INCOMPETENCE**

No person shall be permitted to practice architecture or registered interior design if such person has been declared insane or incompetent by a court of law.

*History Note: Authority G.S. 83A-6; 83A-14; 83A-15;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. July 1, 2006; June 1, 1995; 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.*

**21 NCAC 02 .0211 UNAUTHORIZED PRACTICE**

*History Note: Authority G.S. 83A-1(7); 83A-6; 83A-10; 83A-12; 83A-13; 83A-17;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*

*Amended Eff. December 1, 1991; May 1, 1989; November 1, 1979;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Repealed Eff. September 1, 2019.*

## **21 NCAC 02 .0212 INDEPENDENT JUDGMENT AND DISCLOSURE**

*History Note: Authority G.S. 83A-6; 83A-16; 83A-17;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. June 1, 1995; 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 Repeal Eff. November 30, 2021.*

## **21 NCAC 02 .0213 INDIVIDUAL LICENSES AND REGISTRATIONS**

(a) **Renewal.** The license to practice architecture or interior design 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 or registrant via electronic mail. It shall be the professional responsibility of the licensee or registrant to renew the license or registration on or before the 30th day of July each year. Continued practice after such date shall constitute unlawful practice as set forth in G.S. 83A-12 and may be grounds for disciplinary action. The licensee or registrant shall complete the current renewal documentation required by the Board. The licensee or registrant shall submit to the Board the completed license or registration renewal documentation, along with the annual license or registration renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying payment in the amount of the renewal fee is dishonored by the licensee or registrant's drawee bank for any reason, the Board shall suspend the license or registration 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 this Chapter, the Executive Director shall approve renewal of the license or registration for the current renewal year. Renewal fees are non-refundable.

(b) **Late Renewal.** 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 or registration shall expire and be placed on delinquent status. For the purpose of this Rule, "delinquent status" means an administrative revocation and is not considered discipline. The license or registration 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 penalty and demonstration of compliance with Section .0900 of this Chapter.

(c) **Reinstatement.** After one year from the date of expiration, the Board shall revoke the license or registration for failure to renew. Reinstatement shall occur pursuant to G.S. 83A-11 and Sections .0300 and .0900 of this Chapter.

(d) Any individual who is currently licensed or registered 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; 93B-15(b);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. 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;*  
*Amended Eff. November 1, 2017;*  
*Temporary Amendment Eff. November 30, 2021.*

## **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 21 NCAC 02 .0204(a) and 21 NCAC 02 .0204(c), 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](http://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.

(b) Architecture firm licensure and interior design firm registration shall be renewed on or before December 31st each year. If the Board has not received the annual renewal fee and completed application on or before December 31st each year, the architecture firm license or interior design firm registration shall expire. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each licensed and registered firm. 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 complete according to the provision 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 must be maintained for a period of seven years after the renewal is submitted. Renewal fees are non-refundable.

(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 21 NCAC 02 .0206.

(e) Approval of Name. In addition to the requirements and limitations of G.S. 55 and 55B, the firm name used by an architectural or registered interior design firm shall conform with Rule .0205 and be approved by the Board before being used. This Rule shall not prohibit the continued use of any firm name adopted in conformity with the General Statutes of North Carolina and Board Rules in effect at the date of such adoption.

*History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8;  
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;  
Temporary Amendment Eff. November 30, 2021.*

## **21 NCAC 02 .0215 OUT OF STATE FIRMS**

(a) Architectural and registered interior design firms from other states may be granted firm certificates of licensure or registration for practice in this State upon receipt by the Board of a completed application, fees, the submission of a copy of their firm charter, or other corresponding documents, amended as may be necessary to ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act for architectural firms and G.S. 55, the Business Corporation Act for registered interior design firms. In addition to the other requirements as set out in G.S. 83A-8, out of state interior design firms must, prior to registration, receive from the Secretary of State of North Carolina a certificate of authority to do business within the state. Architectural firms must obtain a certificate for filing from the Board prior to submitting application to the Secretary of State for a Certificate of Authority.

(b) Designated Individuals. If an out of state entity offers both architectural and engineering services, then it must comply with requirements set forth in G.S. 89C. An out of state entity must have at least one officer, director and shareholder licensed as an architect in this state. Two-thirds of the issued and outstanding shares of the foreign corporations must be owned by licensed architects or engineers who are licensed to practice their profession in a jurisdiction of the United States. However, the firm must designate at least one architect who is licensed in the State of North Carolina to be in responsible control for the firm practice of architecture within the State of North Carolina. A registered interior design firm must designate one registered interior designer to be in responsible control of all interior design work offered and performed by that firm in this State.

(c) Partnerships. An out of state architectural or registered interior design partnership may practice architecture or registered interior design, if every partner in the firm is licensed or registered as an individual in this state under Rule .0213 and the partnership complies with Paragraph (f) this Rule.

(d) Limited Liability Companies. An out of state Limited Liability Company may practice architecture or registered interior design if the Limited Liability Company complies with G.S. 57D and at least one member and one owner are licensed or registered as an individual under Rule .0213 and comply with Paragraph (a) of this Rule.

(e) Limited Liability Partnerships. An out of state Limited Liability Partnership may practice architecture or registered interior design, if the Limited Liability Partnership complies with G.S. 59, and at least one partner is licensed or registered as an individual under Rule .0213.

(f) Failure to Renew and Reinstatement. If the Board has not received the annual firm renewal fee and completed application on or before December 31st each year the firm license or registration shall expire and be deemed delinquent. The firm registration may be renewed at any time within one year, upon the return of the completed application, 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 license or registration shall be automatically revoked. The Board may reinstate the firm's license or registration, as allowed by G.S. 83A-11.

*History Note:* Authority G.S. 55B-6; 83A-6; 83A-8;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. December 1, 2010; June 1, 1995; 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;  
Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0216 ANNUAL LISTING OF PARTNERSHIP**

*History Note:* Authority G.S. 83A-6; 83A-9;  
Eff. May 1, 1991;  
Amended Eff. June 1, 1995;  
Repealed Eff. November 1, 2010.

#### **21 NCAC 02 .0217 ARCHITECT EMERITUS**

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 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 reference to an architect on "Emeritus Status" on any letter, title, sign, card or 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. July 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0218 LIMITED LIABILITY COMPANIES**

Architects may practice in this state through duly authorized limited liability companies only as provided under G.S. 57D. Registered interior designers may practice in this state through duly authorized limited liability companies only as provided under G.S. 57D. Any limited liability company that offers to practice or practices architecture or registered interior design in this state must comply with the same requirements applicable to professional corporations or business corporations under Rules .0201, .0202, .0204, .0205, .0214, and .0215 of this Chapter.

*History Note:* Authority G.S. 57C-2-01; 83A-6;  
Eff. June 1, 1995;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Temporary Amendment Eff. November 30, 2021.*

## **21 NCAC 02 .0219 REGISTERED LIMITED LIABILITY PARTNERSHIPS**

*History Note: Authority G.S. 83A-6; 59-84.2; 59-84.3;*  
*Eff. June 1, 1995;*  
*Repealed Eff. November 1, 2010.*

### **SECTION .0300 - EXAMINATION PROCEDURES**

## **21 NCAC 02 .0301 APPLICATION FOR REGISTRATION BY EXAM**

*History Note: Authority G.S. 83A-4; 83A-6; 83A-7;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. November 1, 2010; July 1, 1996; December 1, 1992; May 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Repealed Eff. November 1, 2017.*

## **21 NCAC 02 .0302 ARCHITECTURAL LICENSURE BY EXAMINATION**

(a) 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 seeking licensure by exam in North Carolina must direct NCARB to transmit a completed AXP record to the North Carolina Board of Architecture and Registered Interior Designers.

(b) Upon passing all sections of the NCARB ARE, fulfillment of all NCARB 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 Board to determine compliance with G.S. 83A-7(a)(1)a. G.S. 83A-7(a)(1)a. shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph. The Board shall grant 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 have completed a NAAB accredited degree program that is identified as an NCARB endorsed Integrated Path To Architectural Licensure Degree Program;
- (4) have completed the NCARB AXP; and
- (5) submits the Application for Licensure by Exam and fee.

(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.

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

(e) During the application process, Board members, in order to augment the evidence submitted in an application may interview the applicant regarding qualifications required in Paragraph (b) of this Rule. The Board shall determine whether an interview is needed on a case-by-case basis, based upon information in the application, including any academic or professional discipline.

(f) To complete the ARE, an exam candidate shall receive a passing grade in each division of the ARE. Information regarding NCARB grading methods and procedures can be found on their web site at [www.ncarb.org](http://www.ncarb.org).

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

(h) The fees for examination, or parts thereof, are set and collected by the NCARB. Fee information is available on the NCARB web site [www.ncarb.org](http://www.ncarb.org).

(i) The standards of the National Council of Architecture Registration Boards and its components are hereby incorporated by reference including subsequent amendments and editions, and can be accessed at no charge at [www.ncarb.org](http://www.ncarb.org).

*History Note:* Authority G.S. 83A-1; 83A-6; 83A-7; 83A-12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. March 1, 2016; July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; July 1, 1996; June 1, 1995; December 1, 1992; July 1, 1991;  
Amended Eff. November 1, 2017;  
Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY**

(a) An individual who holds a current license in good standing from a National Council of Architecture Registration Boards (NCARB) recognized jurisdiction and a Certified Council Certificate issued by NCARB shall qualify for licensure by reciprocity upon receipt of a certified record from NCARB and the Board application for licensure by reciprocity and fee as provided in G.S. 83A-7(b). Revocation of the certificate by NCARB shall automatically suspend the architect's license to practice in North Carolina until such time as the certificate is reinstated by NCARB.

(b) In order to supplement or clarify the contents of a record or application, the Board may interview with the applicant to satisfy the Board, or its designee that the applicant has had architectural practice experience to be able to practice architecture in this state.

*History Note:* Authority G.S. 83A-6; 83A-7;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; October 1, 1995; May 1, 1989; October 1, 1984; September 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0304 ALIEN APPLICANTS**

*History Note:* Authority G.S. 83-4;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Repealed Eff. November 1, 1979.

#### **21 NCAC 02 .0306 INTERIOR DESIGN REGISTRATION**

(a) Those individuals who wish to become registered to practice as a registered interior designer in North Carolina, shall demonstrate that they have satisfied the educational and professional experience eligibility requirements adopted by the Council for Interior Design Qualification (CIDQ) to sit for the Council for Interior Design Qualification Examination (NCIDQ), shall successfully complete the NCIDQ Examination and submit the Board application for registration and fee. Revocation of the certificate by NCIDQ shall automatically suspend the interior designer's registration to practice in North Carolina until such time as the certificate is reinstated by NCIDQ.

(b) An architect may be granted registration to practice interior design so long as they are currently licensed and in good standing in the State of North Carolina and submit the Board application for registration and fee.

(c) The Board in order to augment the evidence submitted in an application may interview with the applicant to satisfy the Board, or its designee that the applicant has had sufficient interior design practice experience to be able to competently practice registered interior design in this state.

(d) The standards of the CIDQ and NCIDQ and its components are hereby incorporated by reference including subsequent amendments and editions, and can be accessed at no charge at [www.cidq.org](http://www.cidq.org).

*History Note:* Authority G.S. 83A-7;  
Temporary Adoption Eff. November 30, 2021.

## SECTION .0400 - RULES: PETITIONS: HEARINGS

### 21 NCAC 02 .0401 RULE-MAKING PETITIONS

(a) A person may petition the Board to adopt a new rule or change or amend an existing rule by sending a rule-making petition to the Board at the Board's address set out in Rule .0101. The petition must be titled "Petition for Rule-making" and must include the following information:

- (1) the name and 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 rule or amended rule;
- (4) an explanation of why the new rule, amendment, or repeal is requested and the effects of the new rule, amendment, or repeal on the Board's procedure or the persons regulated by the Board;
- (5) any other information the person submitting the petition considers relevant.

(b) The Board must decide whether to grant or deny a petition for rule-making within 120 days of receiving the petition. In making its decision, the Board will consider the information submitted with the petition and any other relevant information.

(c) When the Board denies a petition for rule-making, it must send written notice of the denial to the person who submitted the request. The notice must state the reason for the denial. When the Board grants a rule-making petition, it must initiate rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

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

### 21 NCAC 02 .0402 NOTICE OF RULE-MAKING HEARINGS

Upon a determination to hold a rule-making proceeding, either in response to a petition or otherwise, the Board shall give notice to all interested persons pursuant to the procedure established in Article 3A of Chapter 150B of the North Carolina General Statutes.

*History Note:* Authority G.S. 83A-6; 150B-12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. June 1, 1995; May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

### 21 NCAC 02 .0403 NOTICE MAILING LIST

Any person desiring to be placed on the mailing list for Board rule-making notices may file such request in writing, furnishing his name and mailing address to the Board. The letter of request should state those subject areas within the authority of the Board for which the person wants notice. The Board may require reasonable postage and stationery cost to be paid by persons receiving such notice.

*History Note:* Authority G.S. 83A-6; 150B-12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

### 21 NCAC 02 .0404 SUBMISSION OF DATA

Any person desiring to present data, views or arguments on a proposed rule must comply with the statement of procedure as contained in the Notice of Hearing for the rule. Any person desiring to make an oral presentation to

the Board prior to or at the hearing is encouraged to submit a written copy of the presentation to the Board prior to or at the hearing.

*History Note:* Authority G.S. 83A-6; 150B-12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**21 NCAC 02 .0405 PRESIDING OFFICER: POWERS AND DUTIES**

The presiding officer at a rule-making hearing shall have complete control of the proceedings, including recognition of the speakers, time allotments for presentations, the right to question speakers, direction of the discussion and management of the hearing. The presiding officer, at all times, shall take care that each person participating in the hearing is given a fair opportunity to present views, data and comments.

*History Note:* Authority G.S. 83A-6; 150B-12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. June 1, 1995; May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**21 NCAC 02 .0406 RECORD OF PROCEEDINGS**

A record of all rule-making proceedings will be maintained in the Board office for as long as the rule is in effect. This record shall contain: the original petition (if any), the notice, all written comments submitted, statements of explanation made to any interested party, and the minutes of the proceedings.

*History Note:* Authority G.S. 83A-6; 150B-12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

- 21 NCAC 02 .0407 REQUEST TO PARTICIPATE**
- 21 NCAC 02 .0408 CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS**
- 21 NCAC 02 .0409 RECEIPT OF REQUEST: SPECIFIC TIME LIMITS**
- 21 NCAC 02 .0410 WRITTEN SUBMISSIONS**
- 21 NCAC 02 .0411 PRESIDING OFFICER: POWER AND DUTIES**
- 21 NCAC 02 .0412 STATEMENT OF REASONS FOR DECISION**
- 21 NCAC 02 .0413 RECORD OF PROCEEDINGS**
- 21 NCAC 02 .0414 EMERGENCY RULES**

*History Note:* Authority G.S. 83-4; 150A-11; 150A-12(a); 150A-12(d); 150A-12(e);  
150A-12(6); 150A-13; 150A-14;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Repealed Eff. May 1, 1989.

**SECTION .0500 - DECLARATORY RULINGS**

**21 NCAC 02 .0501 PROCEDURE FOR DECLARATORY RULING**

(a) The Board shall decide whether to grant or deny a request to make a declaratory ruling on the validity of a rule or on the applicability of particular facts to a statute or to a rule or order of the Board within 60 days of receiving the petition. The Board shall deny a request for a declaratory ruling when the Board deems the petition undesirable.

The Board will ordinarily refuse to grant a petition for a declaratory ruling when there has been a similar factual determination in a contested case or one is likely to be made in a pending contested case or investigation.

(b) The Board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence as offered in the petition for the declaratory ruling. When the Board determines that a rule is invalid, the Board shall initiate rule-making proceedings and send written notice of the proceeding to the person who submitted the request.

*History Note:* Authority G.S. 83A-6; 150B-17;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

**21 NCAC 02 .0502 SUBMISSION OF REQUEST FOR RULING**  
**21 NCAC 02 .0503 DISPOSITION OF REQUESTS**  
**21 NCAC 02 .0504 RECORD OF DECISION**  
**21 NCAC 02 .0505 EFFECTIVE DATE**

*History Note:* Authority G.S. 83-4; 150A-11; 150A-17;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Repealed Eff. May 1, 1989.

#### **SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES**

##### **21 NCAC 02 .0601 PROFESSIONAL STANDARDS COMMITTEE**

(a) The Professional Standards Committee ("Committee") shall be appointed by the President of the Board. Complaints regarding violations of the law or board rules shall be referred to the Committee.

(b) The Committee shall determine whether a complaint warrants further investigation or, if proven, constitutes probable cause and justifies contested case proceedings.

(c) If probable cause is found by the Committee, the staff and board counsel shall serve a Notice of Hearing for a contested case proceeding. However, a Consent Agreement resolving the complaint may be negotiated and recommended to the Board by the Committee, either before or after service of the Notice of Hearing.

(d) If probable cause is not found, the Committee may dismiss such a matter with or without prejudice.

*History Note:* Authority G.S. 83A-6; 83A-14; 83A-15; 150B-41;  
Eff. March 1, 1984;  
Amended Eff. November 1, 1991; May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

##### **21 NCAC 02 .0602 RIGHT TO HEARING**

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0601;  
Amended Eff. May 1, 1989;  
Repealed Eff. June 1, 1995.

##### **21 NCAC 02 .0603 REQUEST FOR HEARING**

(a) Any time an individual believes he is a person aggrieved by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual may file a formal request for a hearing.

(b) Before an individual may file a request, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) Subsequent to such informal action, if still dissatisfied, the individual shall submit a request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information:

- (1) name and address of the petitioner;
- (2) a concise statement of the action taken by the Board which is challenged;
- (3) a concise statement of the way in which the petitioner has been aggrieved; and
- (4) a clear and specific statement of request for a hearing.

(d) The request shall be acknowledged promptly and, if deemed appropriate by the Board in accordance with Rule .0604 of this Section, a hearing will be scheduled.

*History Note: Authority G.S. 83A-6; 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0602;  
Amended Eff. June 1, 1995; June 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

#### **21 NCAC 02 .0604 GRANTING OR DENYING HEARING REQUESTS**

(a) The Board shall grant a request for a hearing if it determines that the party requesting the hearing is a "person aggrieved" within the meaning of G.S. 150B-2(6).

(b) The denial of request for a hearing shall be issued no later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons for the denial of the request.

(c) Approval of a request for a hearing will be signified by the issuing of a notice as required by General Statutes 150B-38(b) and explained in Rule .0605 of this Section.

*History Note: Authority G.S. 83A-6; 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0603;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*

#### **21 NCAC 02 .0605 NOTICE OF HEARING**

(a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):

- (1) the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;
- (2) the date, time, and place for a pre-hearing conference, if any; and
- (3) any other information deemed relevant to informing the parties as to the procedure of the hearing.

(b) The Board shall give notice to all parties with a notice of hearing either personally or by certified mail or, if those methods are unavailable, in accordance with G.S. 1A-1, Rule 4(j1). In the event that notice is accomplished by certified mail, the delivery date on the return receipt shall be the date of the service of notice.

(c) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license or registration. Upon service of the order, the licensee or registrant to whom the order is directed shall immediately cease the practice of architecture in North Carolina. The Board shall promptly give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

*History Note:* Authority G.S. 83A-6; 150B-3(c); 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0604;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

#### **21 NCAC 02 .0606 WHO SHALL HEAR CONTESTED CASES**

All contested case hearings will be conducted by the full Board or by a panel consisting of at least a majority of the members of the Board. When required by Chapter 150B of the North Carolina Statutes, the Board shall apply to the Office of Administrative Hearings for the designation of an administrative law judge to hear the case pursuant to G.S. 150B-40(e).

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38; 150B-40;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0605;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

#### **21 NCAC 02 .0607 PETITION FOR INTERVENTION**

(a) A person desiring to intervene in a contested case must file a written petition with the Board. The request must bear the notation: PETITION TO INTERVENE IN THE CASE OF (name of case).

(b) The petition must include the following information:

- (1) the name and address of petitioner;
- (2) the business or occupation of petitioner, where relevant;
- (3) a full identification of the hearing in which petitioner is seeking to intervene;
- (4) the statutory or non-statutory grounds for intervention;
- (5) any claim or defense in respect of which intervention is sought;
- (6) a summary of the arguments or evidence petitioner seeks to present.

(c) If the Board determines to allow intervention, notice of that decision will be issued promptly to all parties and to the petitioner. In cases of discretionary intervention, such notification will include a statement of any limitations of time, subject matter, evidence, or whatever else is deemed necessary that are imposed on the intervenor.

(d) If the Board's decision is to deny intervention, the petitioner shall be notified promptly. Such notice shall be in writing, identifying the reasons for the denial, and shall be issued to the petitioner and all parties.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0606;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

#### **21 NCAC 02 .0608 TYPES OF INTERVENTION**

(a) Intervention of Right. A petition to intervene of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that Rule and his petition is timely.

(b) Permissive Intervention. A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that Rule and the Board determines that:

- (1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges, or duties and those of the parties to the hearings; and

- (2) Permitting intervention by the petitioner as a party would aid the purpose of the hearing.
- (c) Discretionary Intervention. The Board may allow discretionary intervention, with whatever limits and restrictions are deemed appropriate.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0607;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

#### **21 NCAC 02 .0609 INFORMAL PROCEDURES**

- (a) The Board and the party or parties may agree in advance to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.
- (b) Informal disposition may be made of any contested case or any issue therein by stipulation, agreement, or consent order at any time after Notice of Hearing or during the proceedings.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0608;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

#### **21 NCAC 02 .0610 DISQUALIFICATION OF BOARD MEMBERS**

- (a) Self-disqualification. If for any reason a Board member determines that personal bias or other factors render that member unable to conduct the hearing and perform all duties in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.
- (b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (name of case).
- (c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.
- (d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed ten days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.
- (e) Procedure for Determining Disqualification:
- (1) The Board will appoint a Board member to investigate the allegations of the affidavit.
  - (2) The investigator will report to the Board the findings of the investigation.
  - (3) The Board shall decide whether to disqualify the challenged individual.
  - (4) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the other members of the Board.
  - (5) A record of proceedings and the reasons for any decision reached will be maintained as part of the contested case record.
  - (6) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.

- (7) If disqualification of a Board member leaves less than a majority of the Board, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).
- (8) Where a petition for disqualification is filed less than ten days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38; 150B-40;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from 21 NCAC 2 .0609;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

## **SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS**

### **21 NCAC 02 .0701 CONTINUANCES FAILURE TO APPEAR**

- (a) The presiding officer may grant continuances and adjournments only in compelling circumstances.
- (b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance adjournment, the hearing shall be conducted in the party's absence.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38; 150B-40;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. November 1, 2010; May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

### **21 NCAC 02 .0702 WITNESSES**

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded or transcribed. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38; 150B-40;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

### **21 NCAC 02 .0703 SUBPOENAS**

- (a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be made in writing to the Board, shall identify any document sought with sufficient particularity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and location in which the witness is commanded to appear. The Board shall issue the requested subpoenas within five days of receipt of the request.
- (b) Subpoenas shall contain:
  - (1) the caption of the case;
  - (2) the name and address of the person subpoenaed;

- (3) the date, hour, and location of the hearing in which the witness is commanded to appear;
- (4) a particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any;
- (5) the identity of the party on whose application the subpoena was issued;
- (6) the date of issue;
- (7) the signature of one of the members of the Board or the Board's Secretary; and
- (8) a "return of service." The "return of service" form, as filled out pursuant to Paragraph (c) of this rule shall include:
  - (A) the name and capacity of the person serving the subpoena,
  - (B) the date on which service was made,
  - (C) the person on whom service was made,
  - (D) the manner in which service was made, and
  - (E) the signature of the person making service.

(c) The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person serving the subpoena shall fill out the "return of service" form, as required in Subparagraph (b)(8) of this Rule for each copy and return one copy of the subpoena, with the attached "return of service" form completed, to the Board.

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

(e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or other undue hardship.

(f) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(g) The party who requested the subpoena, in such time as may be granted by the presiding officer, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(h) After receipt of the objection and response thereto, if any, the presiding officer shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties, of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(i) After the close of such hearing, a majority of the Board members hearing the contested case shall rule on the challenge and issue a written decision. A copy of the decision shall be issued to all parties and made a part of the record.

*History Note:* Authority G.S. 83A-6; 150B-38; 150B-39;  
 Eff. February 1, 1976;  
 Readopted Eff. September 29, 1977;  
 Amended Eff. November 1, 2010; May 1, 1989;  
 Readopted Eff. October 1, 2015.

**21 NCAC 02 .0704 FINAL AGENCY DECISION**

In all cases heard by the Board of Architecture and Registered Interior Designers, the Board will issue its decision within 60 days after its next regularly scheduled meeting following the close of the hearing. This decision will be the prerequisite "final agency decision" for the right to judicial review.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38; 150B-42;  
 Eff. February 1, 1976;  
 Readopted Eff. September 29, 1977;  
 Amended Eff. May 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Amended Eff. October 1, 2021.

**21 NCAC 02 .0705 PROPOSALS FOR DECISIONS**

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings. The parties may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be received within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.

(b) Any exceptions to the procedure during the hearing, the handling of the administrative law judge, rulings on evidence, or any other matter must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision. The written exceptions must bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (name of case).

(c) Any party may present oral argument to the Board upon request. The requests must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, notice will be issued promptly to all parties designating the time and place for such oral argument.

(e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered will be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

*History Note:* Authority G.S. 83A-6; 150B-11; 150B-38; 150B-40;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.

## SECTION .0800 - JUDICIAL REVIEW

### **21 NCAC 02 .0801      RIGHT TO JUDICIAL REVIEW** **21 NCAC 02 .0802      MANNER OF SEEKING REVIEW: TIME FOR FILING PETITION: WAIVER**

*History Note:* Authority G.S. 83-4; 150A-43;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Repealed Eff. May 1, 1989.

## SECTION .0900 - CONTINUING EDUCATION

### **21 NCAC 02 .0901      SCOPE**

The rules in this Section set forth the continuing education requirements to be complied with by licensees or registrants.

*History Note:* Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;  
Eff. July 1, 1998;  
Amended Eff. July 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Temporary Amendment Eff. November 30, 2021.

### **21 NCAC 02 .0902      DEFINITIONS**

*History Note:* Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;

*Eff. July 1, 1998;*  
*Repealed Eff. October 1, 2012.*

#### **21 NCAC 02 .0903 REQUIREMENTS**

- (a) Every licensee and registrant shall obtain 12 contact hours of continuing education for each calendar year. "Contact Hour" means a minimum of 50 minutes contact.
- (b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's and registered interior designer's knowledge and competence in technical and professional architectural and interior design subjects related to safeguarding public health, safety and welfare("HSW"). "Structured educational activities" are activities in which at least 75 percent of an activity's content and instructional time is devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under the areas identified as HSW by individuals or organizations, whether delivered by direct contact or distance learning methods.
- (c) Licensees and registrants shall not carry forward any contact hours into the subsequent period.
- (d) Licensees and registrants shall certify completion of the contact hours for the previous calendar year with annual renewal.

*History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*  
*Eff. July 1, 1998;*  
*Amended Eff. October 1, 2012;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Temporary Amendment Eff. November 30, 2021.*

#### **21 NCAC 02 .0904 DETERMINATION OF CREDIT**

The Board may randomly audit the compliance of individual licensees and registrants and require proof in the form of records maintained pursuant to Rule .0905 of this Section of participation in courses or programs that conform with the content and contact hours calculation requirements contained in G.S. 83A-6(a) and these Rules.

*History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*  
*Eff. July 1, 1998;*  
*Amended Eff. October 1, 2012; July 1, 2006;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Temporary Amendment Eff. November 30, 2021.*

#### **21 NCAC 02 .0905 RECORD KEEPING**

- (a) The licensee or registrant shall maintain records to support credits claimed. Records required include:
- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, the name of the instructor or speaker and contact hours earned; or
  - (2) Attendance certificates or other evidence of participation; or
  - (3) Records maintained by the American Institute of Architects Continuing Education System(AIA/CES) or the International Design Continuing Education Council (IDCEC).
- (b) Records shall be retained by the licensee or registrant for a period of six years after the credit is claimed and provided to the Board upon request.

*History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;*  
*Eff. July 1, 1998;*  
*Amended Eff. October 1, 2012;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;*  
*Temporary Amendment Eff. November 30, 2021.*

#### **21 NCAC 02 .0906 EXCEPTIONS**

A licensee or registrant shall be exempt from the continuing education requirements for any of the following reasons:

- (1) New licensees or registrants for the calendar year in which they become licensed or registered;
- (2) Architects currently licensed by and in good standing with the Board (whose license is not suspended or revoked) who are serving in the armed forces of the United States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2 are granted a waiver of their mandatory continuing education requirements for the time period disregarded pursuant to the Internal Revenue Code 26 U.S.C. 7508.
- (3) The Board shall exempt a licensee or registrant if the Board determines that the licensee or registrant is experiencing physical disability, illness, or other extenuating circumstances that prevent the licensee or registrant from continuing education. Supporting documentation must be furnished to the Board.
- (4) Licensees who receive emeritus status from the Board. In order to return to active practice, licensees shall complete continuing education requirements for each exempted year not to exceed two years.

*History Note:* Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;  
 Eff. July 1, 1998;  
 Amended Eff. October 1, 2012; July 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0907 REINSTATEMENT**

A former licensee or registrant may only apply for reinstatement pursuant to G.S. 83A-11 if they have earned all delinquent contact hours within the 12 months preceding the application. However, if the total number of contact hours required to become current exceeds 24, then 24 shall be the maximum number required.

*History Note:* Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;  
 Eff. July 1, 1998;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0908 RECIPROCITY**

The requirements of North Carolina shall be deemed satisfied by a non-resident licensee or registrant provided:

- (1) Licensee or registrant's resident jurisdiction has a similar continuing education program; and
- (2) The same jurisdiction accepts the North Carolina continuing education requirements as satisfying their requirements.

*History Note:* Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;  
 Eff. July 1, 1998;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Temporary Amendment Eff. November 30, 2021.

#### **21 NCAC 02 .0909 FORMS**

All renewal applications shall require the completion of a continuing education certification provided by the Board documenting the contact hours claimed for the renewal period. The licensee or registrant shall supply sufficient detail to permit audit verification and shall certify and sign the continuing education certification with the renewal application and fee.

*History Note:* Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;  
 Eff. July 1, 1998;  
 Amended Eff. October 1, 2012;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
 Temporary Amendment Eff. November 30, 2021.

**21 NCAC 02 .0910 NON-COMPLIANCE**

(a) If any credits are disallowed by the Board, then the licensee or registrant shall have 60 calendar days after notification to substantiate the original claim or obtain other contact hours to meet the minimum requirements.

(b) Licensees or registrants who fail to complete the continuing education requirement by the end of the previous calendar year shall have their license placed on probation and shall complete the outstanding continuing education by December 31<sup>st</sup> of the current calendar year. If the licensee or registrant fails to complete the outstanding continuing education requirements their license shall be suspended for 60 days or until such time as compliance is demonstrated if prior to 60 days. If the licensee or registrant fails to complete the outstanding continuing education within the 60 days suspension period, their license or registration shall be revoked.

*History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; 83A-15;  
Eff. July 1, 1998;  
Amended Eff. October 1, 2012; July 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;  
Temporary Amendment Eff. November 30, 2021.*