

21 NCAC 26 .0314 CORPORATE PRACTICE OF LANDSCAPE ARCHITECTURE

(a) Prior to offering and rendering landscape architectural services as set forth in G.S. 89A and Rule .0206 of this Chapter, all corporations shall, submit an application for registration and must be granted registration by the Board. Application for registration to practice landscape architecture within the State of North Carolina shall be made on the appropriate application for organization certificate of registration for a corporation or a PLLC provided by the Board on its website and include the required application fee. Certificates for corporate practice may be issued only under the provisions of G.S. Chapter 55B, except as provided in Paragraph (b) of this Rule and G.S. Chapter 57D.

(b) Applications for certificate of registration as exempt from the Professional Corporation Act under the provisions of G.S. 55B-15 shall be made through the Board's website: www.ncbola.org accompanied by the corporate application fee. To be eligible as an exempt corporation under the provisions of G.S. 55B-15, the following conditions shall exist:

- (1) The corporation or limited liability company must have been incorporated or organized prior to June 5, 1969 and permitted by law to render professional services, or must be a corporate successor to such corporation or limited liability company as defined by G.S. 55B-15; or
- (2) The corporation or limited liability company must have been incorporated or organized prior to October 1, 1979 and must have been a bona fide firm engaged in the practice of landscape architecture and such services as may be ancillary thereto within the State of North Carolina prior to that date.

(c) Firm registration must be renewed on or before June 30th. If the Board has not received the annual renewal fee and completed application on or before June 30th, the firm license shall expire and be delinquent. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each registered firm. The firm shall designate a firm manager to complete the renewal documentation required by the Board. The Board shall not accept incomplete renewal documentation. Renewal documentation shall be accompanied by the renewal fee. If the accompanying payment in the amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm registration until the renewal fee is paid. When the annual renewal has been completed according to the provisions of G.S. 89A-5, the Board Executive shall approve renewal for the firm registration for the current renewal year. The firm registration shall not be renewed until the individual landscape architect in responsible charge for the firm has completed the individual renewal process.

(d) Within one year of expiration, the firm registration may be renewed at any time upon the return of the completed renewal documents, the annual renewal fee, and the late renewal fee. After one year from the date of expiration for non-payment of the annual renewal fee, the registered firm shall not be eligible to seek renewal, as set forth in G.S. 89A-5, and the Board may reinstate the firms' certificate of registration only as allowed by G.S. 89A-4.

(e) Renewal fees are non-refundable.

(f) A registered corporation may adopt a seal pursuant to Rule .0207 of this Chapter.

(g) In addition to the requirements and limitations of G.S. Chapter 55 and G.S. Chapter 55B, the firm name used by a landscape architectural corporation shall conform with Rule .0206 of this Chapter 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 the Board's rules in effect at the date of such adoption.

(h) Landscape architects may practice in this State through duly authorized limited liability companies only as provided under G.S. 57D-2-01(c). Any limited liability company that offers to practice or practices landscape architecture in this State shall comply with the same requirements applicable to professional corporations under Rules .0201, .0206, .0214, .0218 and .0219 of this Chapter.

*History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 89A-3.1(4);
Eff. March 1, 2015;
Amended Eff. January 1, 2022.*