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~~RULES AND REGULATIONS~~

NOTE ON RULE CHANGES

~~The most current Arkansas State Board of Architects, Landscape Architects, and Interior Designers (ASBALAID) Rules and Regulations can be found on the ASBALAID website at <http://www.asbalaid.arkansas.gov>. The Board adopts rules in accordance with Arkansas's Administrative Procedure Act, which requires public and legislative notice of rulemaking and the submission of all major substantive rules to the Legislature for review and approval.~~



Arkansas State Board of Architects, Landscape Architects, and Interior Designers
101 East Capitol Avenue, Suite 110
Little Rock, Arkansas 72201-3822
501-682-3171
<http://www.asbalaid.arkansas.gov>



~~Arkansas State Board of Architects, Landscape Architects, and Interior Designers~~

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~~***Rules and Regulations—Effective September 15, 2013***~~

Rules and Regulations

~~The Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Registered Interior Designers Title Registration Act and its regulations - rules are being provided as a reference to licensees, candidates, and members of the public in this up-to-date format. All licensees and candidates for licensure should understand the board's statutes and regulations rules and should be familiar with their provisions. While every effort has been made to ensure the accuracy of this document, it does not have legal effect. Should any difference or error occur, the law will take precedence.~~

~~If you have a question regarding the interpretation of these statutes and regulations rules, please contact the Arkansas State Board of Architects, Landscape Architects, and Interior Designers at 101 East Capitol Avenue, Suite 110, Little Rock, AR, 72201-2822. The board can be reached by telephone at 501-682-3171, by fax 501-682-3172, or by email at asbalaid@arkansas.gov.~~

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~~CHAPTER ONE~~

~~RULES AND REGULATIONS~~

~~SECTION I~~

~~SCOPE AND DEFINITIONS~~

~~A. Purpose~~

~~These Rules and Regulations of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers are set forth for the purpose of interpreting and implementing the Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Interior Designers Title Registration Act, Arkansas Code Annotated 17-15-101, 17-35-101, and 17-36-101 et seq. These acts establish the board and grant it full responsibility for registration of architects, landscape architects, and registered interior designers. They also provide for the regulation of the practice of architecture, the practice of landscape architecture, and the use of the title "registered interior designer."~~

~~B. Citation~~

~~These rules and regulations shall be known and may be cited as the Arkansas State Board of Architects, Landscape Architects, and Interior Designers Rules and Regulations.~~

~~C. Severability~~

~~If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications of these regulations; they can be given effect without the invalid provision or application. To this end, the provisions of these regulations are declared to be severable.~~

~~D. Terms Defined by Statute~~

~~The terms defined in the Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Interior Designers Title Registration Act, Arkansas Code Annotated 17-15-101, 17-35-101, and 17-36-101 et seq., shall have the same meanings when used in these regulations, unless the context or subject matter clearly requires a different interpretation.~~

~~E. Terms Defined Herein~~

~~As used in these regulations, the following terms shall have the following meanings, unless the context or subject matter clearly requires a different~~

interpretation.

Applicant

An applicant is any individual who has submitted an application for registration to the board.

Appropriate Design Professional

The appropriate design professional is the individual who is most responsible for the portion of the work that reflects that individual's discipline or area of expertise. Examples of design professionals include architects, civil engineers, structural engineers, mechanical engineers, electrical engineers, landscape architects, and registered interior designers.

Architect

An architect is any person who is technically and legally qualified to practice architecture.

Architect Registration Examination (ARE®)

ARE® is the current Architect Registration Examination prepared by NCARB.

Broadly Experienced Architect (BEA)

BEA is a broadly experienced architect, as currently defined by NCARB.

Broadly Experienced Foreign Architect (BEFA)

BEFA is a broadly experienced foreign architect, as currently defined by NCARB.

Continuing Education (CE)

Continuing education is learning that enables a registered architect, landscape architect, or registered interior designer to regularly increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture, landscape architecture, or interior design to safeguard the public's health, safety, and welfare.

Continuing Education Hour (CEH)

A continuing education hour refers to one continuous hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect's, landscape architect's, or registered interior designer's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for

completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's, landscape architect's, or registered interior designer's time for continuing education purposes, irrespective of actual time spent on the activity.

Council for Interior Design Accreditation (CIDA)

CIDA is the Council for Interior Design Accreditation.

Council for Interior Design Qualification (CIDQ)

CIDQ is the Council for Interior Design Qualification.

Council of Landscape Architectural Registration Boards (CLARB)

CLARB is the Council of Landscape Architectural Registration Boards.

Construction Contract Administration

Construction contract administration is the portion of the architect's services that takes place during the construction of a building. Construction contract administration services must include periodic observation of the construction site to determine whether the building is being built in accordance with the construction documents. The appropriate design professional must observe the portion of the work for which he or she is directly responsible.

Education Evaluation Services for Architects (EESA)

Education Evaluation Services for Architects is a program administered by Educational Credential Evaluators, Inc., a private organization not affiliated with NCARB or any of its members.

Emeritus Architect

An emeritus architect is a registrant who has retired from the active practice of architecture and who is 65 years of age or older. An emeritus architect may use the title "architect," but may not practice architecture as defined in Arkansas Code Annotated §17-15-102.

Emeritus Landscape Architect

An emeritus landscape architect is a registrant who has retired from the active practice of architecture and who is 65 years of age or older. An emeritus landscape architect may use the title "landscape architect," but may not practice landscape architecture as defined in Arkansas Code Annotated § 17-36-102.

Architect Examination

Architect examination refers to the current Architect Registration Examination (ARE®), prepared and administered through NCARB.

Health, Safety, and Welfare Subjects

Health, safety, and welfare subjects are related to technical and professional courses that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment:

1. — Legal: Laws, codes, zoning, regulations, standards, life safety measures, accessibility, ethics, and insurance protecting the owner or the public
2. — Technical: Surveying, structural, mechanical, electrical, communication, fire protection, controls, site grading, irrigation systems
3. — Environmental: Energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, waterproofing, insulation, stormwater management
4. — Occupant Comfort: Air quality, lighting, acoustics, ergonomics
5. — Materials and Methods: Building systems, products, finishes, furnishings, equipment
6. Preservation: Historic, reuse, adaptation
7. — Pre-Design: Land use analysis, programming, site selection, site and soils analysis
8. — Design: Urban planning, master planning, building design, site design, interiors, safety and security measures
9. — Construction Documents: Drawings, specifications, delivery methods
10. — Construction Contract Administration: Contracts, bidding, contract negotiations—

Interior Design Continuing Education Council (IDCEC)

IDCEC is the Interior Design Continuing Education Council.

Intern Development Program (IDP)

Intern Development Program training requirements for certification are established, from time to time, by NCARB.

Interior Design Examination

Interior design examination refers to the current registration examination, prepared and administered through CIDQ.

Intern Architect

An intern architect is any person who possesses a professional degree in architecture from an NAAB-accredited school and is enrolled in the Intern Development Program (IDP). Use of the title "intern architect" shall not be construed to allow practice of architecture by unregistered individuals.

Landscape Architectural Accreditation Board (LAAB)

LAAB is the Landscape Architectural Accreditation Board.

Landscape Architect

A landscape architect is any person who is technically and legally qualified to practice landscape architecture.

Landscape Architect Examination

Landscape Architect Examination refers to the current Landscape Architect Registration Examination (LARE®), prepared and administered through CLARB.

Landscape Architect Registration Examination (LARE®)

LARE® is the current Landscape Architect Registration Examination prepared by CLARB.

National Architectural Accrediting Board (NAAB)

The NAAB is the National Architectural Accrediting Board.

National Council of Architectural Registration Boards (NCARB)

NCARB is the National Council of Architectural Registration Boards.

Original Documents

Original documents refer to the version of drawings and/or sets of specifications from which all lawful copies are made.

Practice of Architecture

The practice of architecture is the provision of, or the offering to provide, the services defined in the Arkansas Architectural Act in connection with the design, construction, enlargement, or alteration of a building or group of buildings and/or the space within and surrounding buildings designed for human occupancy or habitation. These services include planning, providing preliminary studies, designs, drawings, specifications, and other technical submissions. The practice of architecture also includes administrative services during construction.

Principal

A principal is any registered architect in charge of an organization's architectural practice, either alone or in partnership with other registered architects.

Prototype Building

A prototype building is any commercial building or space within a commercial building that is intended to be constructed in multiple locations, has been constructed in multiple locations, or that conveys an owner's intended uniform business program, plan, or image.

Prototypical Building Documents

Prototypical building documents are technical submissions for prototypical buildings that are prepared by, or under the responsible control of, an architect who is registered in any U. S. jurisdiction and who holds certification issued by NCARB. These documents must identify the architect, the architect's registration number, jurisdiction, or registration, and the architect's NCARB certification number. They also must be marked "Prototypical Design Documents: Not for Construction." Prototypical building documents do not make up a final comprehensive set of design and construction documents because a prototypical building requires adaptation for local building site conditions, which may require additional design.

Registered Interior Designer

A registered interior designer is any person who is technically and legally qualified to utilize the title "registered interior designer."

Responsible Control

Responsible control is the amount of control over and detailed knowledge of the content of technical submissions during their preparation, which is ordinarily exercised by registered architects who are applying the required professional standard of care. Reviewing or correcting technical submissions after they have been prepared by others does not constitute the exercise of responsible control.

because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

Structured Educational Activities

Structured educational activities are those in which at least 75 percent of an activity's content and instructional time is devoted to acceptable health, safety, and welfare subjects related to the practice of architecture, landscape architecture, and interior design. Activities may include courses of study, monographs, or other activities under the areas identified as health, safety, and welfare subjects. The activities must be provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

Technical Submissions

Technical submissions are designs, drawings, specifications, studies, and other technical reports prepared in the course of practicing architecture and landscape architecture. All technical submissions shall be identified by the name and address of the architect, landscape architect, or the architect's firm.

SECTION II

GENERAL PROVISIONS

A. Board Operation

1. ~~Board headquarters shall be located in Little Rock, at a location designated by the board.~~
2. ~~Board officers shall be a President, Vice President, and Secretary-Treasurer. Terms of office for officers shall last one (1) year.~~
3. ~~Board employees shall be the Executive Director, Administrative Assistant/Office Manager, Administrative Analyst, and/or other employees, as deemed necessary by the board.~~
4. ~~The fiscal year shall be July 1 through June 30.~~
5. ~~Board meetings shall be held at the discretion of the board, but not less than twice annually. Exact dates shall be determined by the President.~~
6. ~~Special meetings may be called by the President or by any two (2) board members.~~
7. ~~All board meetings shall take place in the State of Arkansas, as directed by the President or by two (2) board members who call a special meeting.~~
8. ~~Notice of any meeting shall be sent to each board member by the Executive Director or Administrative Assistant/Office Manager at least five (5) days prior to the meeting, unless such notice is waived by all members.~~
9. ~~All of the following records and reports shall be the responsibility of the Secretary-Treasurer, who may delegate actual preparation to staff:~~
 - a. ~~Minutes and official reports~~
 - b. ~~Registration of applicants, examinations, certifications, and renewals~~
 - c. ~~Correspondence~~
 - d. ~~Receipts and disbursements~~
10. ~~All funds collected shall be deposited into the account of the board by the Secretary-Treasurer, who may delegate these duties to staff.~~
11. ~~Fiduciary bonds covering the Secretary-Treasurer, Executive Director, and staff shall be secured as required by the board or by the State of Arkansas.~~
12. ~~All board funds shall be deposited into the Arkansas State Treasury or savings account in a financial institution chartered in the State of Arkansas.~~
13. ~~Disbursements shall be made only with the signatures of any two of the following, in accordance with the adopted Financial Oversight Procedures: President, Executive Director, Administrative Assistant/Office Manager, or Secretary-Treasurer.~~

B. Board Seal

The Seal of the board was designated in 2009. This seal shall be applied to all registrations issued by the board.



C. Public Information

At its office, the board shall maintain a roster of duly registered architects and business entities showing each registered architect's or entity's business name, registration, certificate, or authorization number, and last known mailing address. This roster shall be open to public inspection. Furthermore, a roster of all licensed architects shall be published on the board's website.

D. Prohibition or Improper Contacts

1. Prior to the filing of an application, and after the final board action on an application, verbal and written communication with individual board members or any individual members of the board's staff shall be freely permitted. However, no member of the board or its staff is authorized to give any indication of what specific actions the board may take upon the merits of an application that may be filed. Board members and staff may give general advice about the manner of completing or submitting applications, the procedures to be followed when processing applications, and the nature of the standards applied by the board in evaluating applications. When an application for registration is pending before the board, no one shall initiate any written or oral communication with individual board members concerning the matter; however, inquiries may be made, either orally or in writing, to the Executive Director or the board staff, or, in writing, to the board office.
2. Once a complaint has been filed or an enforcement action has been initiated against any individual or corporation, no person shall contact any board member to discuss the circumstances of the case. No one shall initiate any written or oral communication with individual board members concerning the matter; however, inquiries may be made, orally or in writing, to the Executive Director or board staff, or, in writing, to the board office.

E. ~~NCARB~~

1. ~~The board shall maintain membership in NCARB and shall pay the necessary costs thereof.~~
2. ~~The board shall maintain up-to-date information on the recommended policies adopted from time to time by NCARB.~~
3. ~~The board shall cooperate with NCARB in establishing uniform standards of architectural registration throughout the United States and abroad.~~

F. ~~CLARB~~

1. ~~The board shall maintain membership in CLARB and pay the necessary costs thereof.~~
2. ~~The board shall maintain up-to-date information of the recommended policies adopted from time to time by CLARB.~~
3. ~~The board shall cooperate with CLARB in established uniform standards of landscape architectural registration throughout the United States and abroad.~~

G. ~~CIDQ~~

1. ~~The board shall maintain membership in CIDQ and pay the necessary costs thereof.~~
2. ~~The board shall maintain up-to-date information of the recommended policies adopted from time to time by CIDQ.~~
3. ~~The board shall cooperate with CIDQ in established uniform standards of interior design registration throughout the United States and abroad.~~

SECTION III

APPLICATION FOR REGISTRATION

A. Submission of Registration

Every individual seeking registration shall submit an application to the board, accompanied by a photograph and the filing fee established in Arkansas Code Annotated 17-15-101, 17-35-101, and 17-36-101 et seq.

B. Supplemental Material

Material submitted to supplement any previously filed application must include copies of the originally submitted application and all materials filed with that application.

C. Application Fees

Every applicant shall include with his or her application a nonrefundable filing fee, determined in accordance with this schedule:

1. Application for Registration by Examination (ARE®) ————— \$250.00
2. Application for Registration by Examination (LARE®) ————— \$250.00
3. Application for Registration by Examination (CIDQ) ————— \$250.00
4. Application for Individual Reciprocal Registration ————— \$250.00
5. Application for Certificate of Authorization Registration ————— \$250.00
6. Application for Emeritus Status Registration ————— \$20.00

D. Annual Renewal Fees

Every applicant for registration renewal shall include with his or her application a nonrefundable renewal fee, determined in accordance with the schedule set forth as follows:

1. Annual Renewal of Individual Registration ————— \$100.00
2. Annual Renewal of Certificate of Authorization Registration — \$250.00
3. Annual Renewal of Emeritus Status Registration ————— \$20.00

E. Late Fees

Registrations for individuals and corporations that have expired or have been revoked due to non-payment of the annual renewal fee may be reinstated through the payment of the renewal fee, in effect at the time, plus a penalty of fifty dollars (\$50.00) per month for the first three (3) months in which the registration has been expired or revoked. Thereafter, an additional penalty of one hundred dollars (\$100.00) for the balance of one (1) year, for a maximum penalty of two hundred fifty dollars (\$250.00) per year, for a maximum of three (3) years, shall be levied in accordance with the schedule set forth below:

1. Individual Registration/Certificate of Authorization
(1 Month) Late _____ \$50.00
2. Individual Registration/Certificate of Authorization _____
(2 Months) Late _____ \$100.00
3. Individual Registration/Certificate of Authorization _____
(3 Months) Late _____ \$150.00
4. Individual Registration/Certificate of Authorization _____
(4-12 Months) Late _____ \$250.00
5. Individual Registration/Certificate of Authorization _____
(13 Months) Late _____ \$300.00
6. Individual Registration/Certificate of Authorization _____
(14 Months) Late _____ \$350.00
7. Individual Registration/Certificate of Authorization _____
(15 Months) Late _____ \$400.00
8. Individual Registration/Certificate of Authorization _____
(16-24 Months) Late _____ \$500.00
9. Individual Registration/Certificate of Authorization _____
(25 Months) Late _____ \$550.00
10. Individual Registration/Certificate of Authorization _____
(26 Months) Late _____ \$600.00
11. Individual Registration/Certificate of Authorization _____
(27 Months) Late _____ \$650.00
12. Individual Registration/Certificate of Authorization _____
(28-36 Months) Late _____ \$750.00

F. Miscellaneous Fees

1. Replacement or Duplicate Wall Certificate _____ \$30.00
2. Architect Electronic File of Roster _____ \$125.00
3. Landscape Architect Electronic File of Roster _____ \$125.00
4. Registered Interior Designer Electronic File of Roster _____ \$50.00
5. Returned Check Fee _____ \$25.00

SECTION IV

ARCHITECT REGISTRATION STANDARDS

A. Initial Registration Standards

To be granted initial registration, an applicant must meet the following requirements:

1. An applicant must be of good moral character, as verified by employers and other references.
2. An applicant must hold a professional degree in architecture from a degree program accredited by the NAAB or otherwise satisfy the education requirements established from time to time by NCARB for certification by NCARB.
3. An applicant must have completed the IDP requirements in accordance with current NCARB standards.
4. An applicant must have passed the ARE® in accordance with current NCARB standards.
5. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Architectural Act and Rules and Regulations.

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

B. Reciprocal Registration Standards

An applicant who holds a current and valid certification issued by NCARB and who submits satisfactory evidence of such certification to the board can be registered, provided the applicant meets the following requirements:

1. The applicant holds a valid registration as an architect issued by a registration authority recognized by NCARB and submits satisfactory evidence of such registration to the board.
2. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.
3. Before registration, the board may, at its discretion, require individual applicants to appear before the board when an NCARB record does not clearly indicate that the applicant is qualified for registration in Arkansas.

C. Registration Prohibited

One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:

1. ~~Practicing architecture without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;~~
2. ~~Conviction of a felony;~~
3. ~~Submitting a misstatement or misrepresentation of fact in connection with an application for examination, registration, application for reciprocal registration, or any other official communication with the board;~~
4. ~~Committing an act prohibited by a provision of the Arkansas Architectural Act or the Rules and Regulations of this board in effect at that time.~~

D. ~~Practice Permitted without Certificate of Registration~~

1. ~~A non-resident architect who holds an NCARB certificate may offer to practice architecture in Arkansas for an individual project, provided he or she notifies the board in writing of the following:~~
 - a. ~~That he or she holds an NCARB certificate and is not currently registered in Arkansas but will be present in Arkansas for the purpose of offering to render architectural services for a single project;~~
 - b. ~~That he or she will deliver a copy of the notice referred to above to every person conducting an architectural design competition and promise to apply to the board within thirty (30) days for registration if selected for the project.~~
2. ~~A non-resident architect who holds an NCARB certificate may offer to seek an architectural commission in Arkansas by participating in a single architectural design competition, provided that he or she notifies the board in writing of the following:~~
 - a. ~~That he or she holds an NCARB certificate and is not currently registered in Arkansas but will be present in Arkansas for the purpose of offering to render architectural services for a single project;~~
 - b. ~~That he or she will deliver a copy of the notice referred to above to every potential client to whom he or she offers to render services; and~~
 - c. ~~That he or she promises to apply to the board for registration within thirty (30) days if selected for the project.~~
3. ~~A non-resident architect may provide uncompensated professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector acting in an official capacity.~~

E. ~~Renewal~~

1. ~~Certificate of registration for individual architects shall expire on July 31 of each year and shall become invalid on August 1, unless renewed.~~

- ~~2. All renewals must be either received in the board office by the close of business on the last day of the renewal period or postmarked by the last day of the renewal period.~~
- ~~3. Only renewal forms that contain the completed renewal application, annual continuing education affidavit attesting to compliance with continuing education requirements, and the required renewal fees will be processed.~~
- ~~4. A registrant who does not properly renew his or her license may not practice after the expiration of the license. A registrant who continues to practice using an expired license will be subject to such disciplinary action as the board deems appropriate.~~

F. Emeritus Status Registration

- ~~1. Registrants who are retired from the active practice of architecture who are 65 years of age or older may request emeritus status by filling out the proper application.~~
- ~~2. Emeritus status licensees are exempt from continuing education requirements unless the architect reactivates his or her license to active status.~~
- ~~3. Registrants who have been on emeritus status for more than one (1) year may be readmitted to active practice upon proper application and completion of twenty four (24) hours of continuing education. Registrants who have been on emeritus status for one (1) year or less may be readmitted to active practice upon proper application and completion of twelve (12) hours of continuing education.~~
- ~~4. An emeritus architect seeking readmission to active practice shall pay all applicable fees, not to exceed the current license fees.~~

G. Reinstatement of Lapsed License

- ~~1. An individual whose license has lapsed for any reason may be reinstated at any time within three (3) years from the date of cancellation of the registration.
 - ~~a. Prior to reinstatement, the individual must demonstrate compliance with the Act and the current Rules and Regulations.~~
 - ~~b. The applicant must pay all fees that have accrued since the time of cancellation as well as the amount of penalties due.~~~~
- ~~2. Registrants who hold an NCARB certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.~~
- ~~3. Registrants without NCARB certification and who were initially registered in Arkansas may re-apply without retaking the ARE®.~~
- ~~4. The board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided there are no pending charges of violations of this Act.~~

SECTION V

LANDSCAPE ARCHITECT REGISTRATION STANDARDS

A. Initial Registration Standards

To be granted initial registration, an applicant must meet the following requirements.

- ~~1. An applicant must be of good moral character, as verified by employers and other references.~~
- ~~2. An applicant must hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB.~~
- ~~3. An applicant must have passed the LARE® in accordance with current CLARB standards.~~
- ~~4. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Landscape Architectural Practice Act and Rules and Regulations.~~

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

B. Reciprocal Registration Standards

An applicant who holds a current and valid record issued by CLARB and who submits satisfactory evidence of such record to the board can be registered, provided the applicant meets the following requirements.

- ~~1. An applicant must be of good moral character, as verified by employers and other references.~~
- ~~2. An applicant must hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB.~~
- ~~3. An applicant must have passed the LARE® in accordance with current CLARB standards.~~
- ~~4. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Landscape Architectural Practice Act and Rules and Regulations.~~
- ~~5. The applicant holds a valid registration as a landscape architect issued by a registration authority of the United States and submits satisfactory evidence of such registration to the board.~~
- ~~6. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.~~

~~7. Before registration, the board may, at its discretion, require individual applicants to appear before the board when a CLARB record does not clearly indicate that the applicant is qualified for registration in Arkansas.~~

C. — Registration Prohibited

~~One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:~~

- ~~1. Practicing landscape architecture without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;~~
- ~~2. Conviction of a felony;~~
- ~~3. Submitting a misstatement or misrepresentation of fact in connection with an application for examination, registration, application for reciprocal registration, or any other official communication with the board;~~
- ~~4. Committing an act prohibited by a provision of the Arkansas Landscape Architectural Practice Act or the Rules and Regulations of this board in effect at that time.~~

D. — Renewal

- ~~1. Certificate of registration shall expire on January 31 of each year and shall become invalid on February 1, unless renewed.~~
- ~~2. All renewals must be either received in the board office by the close of business on January 31 or postmarked by January 31.~~
- ~~3. Only renewal forms that contain the completed renewal application, annual continuing education affidavit attesting to compliance with continuing education requirements, and the required renewal fees will be processed.~~
- ~~4. A registrant who does not properly renew his or her license may not practice landscape architecture after the expiration of the license. A registrant who continues to practice using an expired license will be subject to such disciplinary action as the board deems appropriate.~~

E. — Emeritus Status Registration

- ~~1. Registrants who are retired from the active practice of landscape architecture who are 65 years of age or older may request emeritus status by filling out the proper application.~~
- ~~2. Emeritus status licensees are exempt from continuing education requirements unless the landscape architect reactivates his or her license to active status.~~
- ~~3. Registrants who have been on emeritus status for more than one (1) year may be readmitted to active practice upon proper application and completion of twenty-four (24) hours of continuing education. Registrants who have been on emeritus status for one (1) year or less may be~~

~~readmitted to active practice upon proper application and completion of twelve (12) hours of continuing education.~~

- ~~4. An emeritus landscape architect seeking readmission to active practice shall pay all applicable fees, not to exceed the current license fees.~~

F. Reinstatement of Lapsed License

- ~~1. An individual whose license has lapsed for any reason may be reinstated at any time within three (3) years from the date of cancellation of the registration.
 - ~~a. Prior to reinstatement, the individual must demonstrate compliance with the Act and the current Rules and Regulations.~~
 - ~~b. The applicant must pay all fees that have accrued since the time of cancellation as well as the amount of penalties due.~~~~
- ~~2. Registrants who hold a CLARB certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.~~
- ~~3. The board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided there are no pending charges of violations of this Act.~~

SECTION VI

INTERIOR DESIGNER REGISTRATION STANDARDS

A. Initial Registration Standards

To be granted initial registration, an applicant must meet the following requirements:

1. An applicant must be of good moral character, as verified by employers and other references.
2. An applicant must hold a professional degree in interior design from a degree program that has been accredited by the Council for Interior Design Accreditation (CIDA) or degree program with proof of equivalency to the CIDA program.
3. An applicant must have completed the minimum experience requirements as determined by the completed degree program.
4. An applicant must have passed the CIDQ examination in accordance with current CIDQ standards.
5. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Registered Interior Designers Title Registration Act and Rules and Regulations.

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

B. Reciprocal Registration Standards

An applicant who holds a current and valid certification issued by CIDQ and who submits satisfactory evidence of such certification to the board can be registered, provided the applicant meets the following requirements:

1. The applicant holds a valid registration as a registered interior designer issued by a registration authority of the United States and submits satisfactory evidence of such registration to the board.
2. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.
3. Before registration, the board may, at its discretion, require individual applicants to appear before the board when a CIDQ record or application does not clearly indicate that the applicant is qualified for registration in Arkansas.

C. ~~Registration Prohibited~~

~~One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:~~

- ~~1. Utilizing the title "registered interior designer" without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;~~
- ~~2. Conviction of a felony;~~
- ~~3. Submitting a misstatement or misrepresentation of fact in connection with an application for examination, registration, application for reciprocal registration, or any other official communication with the board;~~
- ~~4. Committing an act prohibited by a provision of the Arkansas Registered Interior Designers Title Registration Act or the Rules and Regulations of this board in effect at that time.~~

D. ~~Renewal~~

- ~~1. Certificate of registration shall expire on January 31 of each year and shall become invalid on February 1, unless renewed.~~
- ~~2. All renewals must be either received in the board office by the close of business on January 31 or postmarked by January 31.~~
- ~~3. Only renewal forms that contain the completed renewal application, annual continuing education affidavit attesting to compliance with continuing education requirements, and the required renewal fees will be processed.~~
- ~~4. A registrant who does not properly renew his or her license may not utilize the title "registered interior designer" after the expiration of the license. A registrant who continues to utilize the title using an expired license will be subject to such disciplinary action as the board deems appropriate.~~

E. ~~Reinstatement of Lapsed License~~

- ~~1. An individual whose license has lapsed for any reason may be reinstated at any time within three (3) years from the date of cancellation of the registration.
 - ~~a. Prior to reinstatement, the individual must demonstrate compliance with the Act and the current Rules and Regulations.~~
 - ~~b. The applicant must pay all fees that have accrued since the time of cancellation as well as the amount of penalties due.~~~~
- ~~2. Registrants who hold a CIDQ certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.~~
- ~~3. Registrants without CIDQ certification and who were initially registered in Arkansas may re-apply without retaking the CIDQ examination.~~

~~4. The board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided there are no pending charges of violations of this Act.~~

SECTION VII

ARCHITECT EXAMINATION

A. General

1. Applicants for registration by examination must pass the Architect Registration Examination (ARE®).
2. Any such applicant for registration by examination must have been approved as a candidate for examination by NCARB.

B. Application

The applicant has full, complete, and sole responsibility for furnishing to NCARB all necessary information and paying to NCARB all required fees.

C. Conditions for Examination

1. NCARB will determine the eligibility of each applicant and will forward eligibility information to ASBALAID.
2. NCARB will allow the applicant to take the ARE® at any NCARB-approved test center, whether or not it is located in the State of Arkansas.
3. ASBALAID will accept the ARE® results determined by NCARB.
4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, NCARB will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of NCARB guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

D. Fees

The examination fees for each division of the ARE® will be established by NCARB and will be paid directly to the test vendor by the candidate.

E. Disabled Examinees

1. Requests for modifications to the examination procedure to accommodate physical or other disabilities must be made to the board in writing.
2. A physician's report must accompany the request in order to confirm the nature and extent of the disability.
3. The board shall send its recommendations for modifications to NCARB for a final determination. NCARB has the final authority with regard to any modifications to the examination.

SECTION VIII

LANDSCAPE ARCHITECT EXAMINATION

A. General

1. Applicants for registration by examination must pass the Landscape Architect Registration Examination (LARE®).
2. Any such applicant for registration by examination must be 21 years of age and must have been approved as a candidate for examination by the board.
3. All applicants for registration by examination must establish a CLARB Council record and meet the established qualifications outlined in the Arkansas Landscape Architectural Practice Act.

B. Application

The application packet for the examination must contain the following:

1. The completed Arkansas application form documenting the following:
 - a. A professional degree in landscape architecture from a school or college of landscape architecture accredited by the Landscape Architecture Accrediting Board (LAAB) and Proof of satisfactory experience in landscape architecture of a minimum of two (2) years.
2. The completed Arkansas application for documenting the following:
 - a. Documentation of seven (7) years of experience in landscape architecture satisfactory to the board.
3. The board reserves the right to require an applicant to produce substantiation for any part of his or her record. The board may require substantiation of the quality and character of the training prior to admission to the examination.

C. Conditions for Examination

1. The board will determine the eligibility of each applicant and will forward eligibility information to CLARB.
2. The board will allow the applicant to take the LARE® at any CLARB—approved test center, whether or not it is located in the State of Arkansas.
3. The board will accept the LARE® results determined by CLARB.
4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of CLARB guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

SECTION IX

INTERIOR DESIGNER EXAMINATION

A. General

1. Applicants for registration by examination must pass the examination prepared and administered by CIDQ.
2. Any such applicant for registration by examination must be 21 years of age.
3. All applicants for registration by examination must obtain a CIDQ Certificate and meet the established qualifications outlined in the Arkansas Interior Designers Title Registration Act.

B. Conditions for Examination

1. CIDQ will determine the eligibility of each applicant and will forward eligibility information to the board.
2. The board will allow the applicant to take the CIDQ examination at any CIDQ approved test center, whether or not it is located in the State of Arkansas.
3. The board will accept the exam results determined by CIDQ.
4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of CIDQ guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

C. Fees

The examination fees for each division of the CIDQ examination will be established by CIDQ and will be paid directly to the test vendor by the candidate.

SECTION X

CONTINUING EDUCATION

A.Scope

~~These rules shall apply to every architect, landscape architect, and registered interior designer registered in the State of Arkansas as a condition for renewal on an annual basis.~~

B.Exemptions

~~An architect, landscape architect, or registered interior designer registered in the State of Arkansas may not be subject to participating in the continuing education requirements set forth by these rules for one of the following reasons:~~

- ~~1.A first time, new registrant by examination or first-time reciprocal registrant shall be exempt for his/her first renewal period.~~
- ~~2.Registrant is an emeritus status architect or landscape architect.~~
- ~~3.Registrant is a civilian who has served on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual reporting period.~~
- ~~4.A registrant experiencing physical disability, illness, or other extenuating circumstances may request exemption from the continuing education requirements. The registrant shall provide supporting documentation for the board's review. The board will consider such hardship cases on an individual basis. The request for a hardship must be received in the board office one (1) month in advance of the renewal period.~~

C.—Requirements

- ~~1.In addition to all other requirements for registration renewal, each Arkansas-registered architect and landscape architect must complete a minimum of twelve (12) continuing education hours each calendar year. In addition to all other requirements for registration renewal, each Arkansas registered interior designer must complete a minimum of six (6) continuing education hours each calendar year. A continuing education hour (CEH) shall represent one continuous instructional hour (50 to 60 minutes of contact) spent in structured education activities intended to increase or update the architect's, landscape architect's, or interior designer's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's, landscape architect's, or registered~~

interior designer's time for continuing education purposes irrespective of the actual time spent on the activity.

2. All CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities.
3. Structured educational activities are courses of study in which at least 75 percent (75%) of the activities' content and instructional time is devoted to acceptable health, safety, and welfare subjects. These subjects must be related to the practice of architecture, landscape architecture, or interior design including courses of study, monographs, or other activities under the areas identified as health, safety, and welfare subjects, and they must be provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
4. Health, safety, and welfare subjects are technical and professional courses that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment:
 - a. Legal: Laws, codes, zoning, regulations, standards, life safety measures, accessibility, ethics, and insurance to protect the owner or the public
 - b. Technical: Surveying, structural, mechanical, electrical, communication, fire protection, controls, site grading, irrigation systems
 - c. Environmental: Energy efficiency, sustainability, natural resources, natural hazards, hazardous materials waterproofing, insulation, stormwater management
 - d. Occupant Comfort: Air quality, lighting, acoustics, ergonomics
 - e. Materials and Methods: Building systems, products, finishes, furnishings, equipment
 - f. Preservation: Historic, reuse, adaptation
 - g. Pre-Design: Land use analysis, programming, site selection, site and soils analysis
 - h. Design: Urban planning, master planning, building design, site design, interiors, safety and security measures
 - i. Construction Documents: Drawings, specifications, delivery methods
 - j. Construction Administration: Contracts, bidding, contract negotiations
5. Attending seminars, lectures, presentations, workshops, or courses shall constitute one CEH for each hour of attendance.
6. Successfully completing tutorials, short courses, correspondence courses, Web-based courses, monographs, and other self-study courses shall constitute the CEH recommended by the program sponsor.
7. CEH credit will not be granted to faculty members at a college, university, or other educational institution.

- ~~8. Successfully completing one or more college or university semester or quarter hours in architectural, landscape architectural, or interior design subjects shall satisfy the continuing education requirement for the calendar year in which the course was completed.~~
- ~~9. Any structured program in health, safety, and welfare contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules.~~
- ~~10. The board approves the American Institute of Architects (AIA), the American Society of Landscape Architects (ASLA), and the Interior Design Continuing Education Council (IDCEC) as professional registries. The board will accept contact hours listed by the American Institute of Architects Continuing Education Services (AIA/CES), the Landscape Architect Continuing Education System (LA/CES), and the Interior Design Continuing Education Council (IDCEC) transcript of Continuing Education Activities for both resident and non-resident architects, landscape architects, and registered interior designers.~~

D. — Reporting and Record Keeping

- ~~1. At registration time, each architect, landscape architect, or registered interior designer registered in the State of Arkansas shall complete and submit an affidavit prescribed by the board attesting to his or her fulfillment of the required continuing education hours listed above during the preceding calendar year.~~
- ~~2. No carryover of continuing education hours from the previous calendar year is permitted.~~
- ~~3. Any untrue, false, or misleading statements with respect to course attendance or any other aspect of continuing education activity is considered fraud and/or misrepresentation. Such activity will subject the architect and/or program sponsor to license revocation or other disciplinary action.~~
- ~~4. Documentation of health, safety, and welfare (HSW) credit must be indicated by the course provider. The provider must clearly indicate that the course is HSW.~~

E. — Audit

- ~~1. Each affidavit may be reviewed by the board and may be subject to audit for verification of compliance with requirements.~~
- ~~2. Documentation of reported continuing education hours shall be maintained by the architect for six (6) years from the date of award.~~
- ~~3. The board may, upon audit for verification of compliance, disallow claimed credit for continuing education hours.~~

~~4.If the board disallows any continuing education hours, the architect, landscape architect, or registered interior designer shall have forty five (45) days from notice of such disallowance to provide further evidence of having completed the continuing education disallowed or to remedy the disallowance by completing the required number of continuing education hours.~~

~~F.Noncompliance and Sanctions~~

- ~~1.Failure to fulfill the continuing education requirements shall result in non-renewal of individual registration. After proper notice, if the board finds that the architect, landscape architect, or registered interior designer willfully disregarded these requirements or falsified documentation of the required continuing education hours, the architect may be subject to disciplinary action in accordance with board regulation rules.~~
- ~~2.At the discretion of the board, a temporary renewal of license may be issued for up to forty five (45) days. If the continuing education deficiency has not been cleared to the satisfaction of the board within forty five (45) calendar days, the registrant may no longer practice architecture or landscape architecture or utilize the title "registered interior designer" in the State of Arkansas without incurring disciplinary action.~~

~~G.Reinstatement~~

~~To reinstate a registration an applicant shall submit proof of completion of twelve (12) continuing education hours. Said hours may be earned either in the calendar year of reinstatement or in the immediately prior calendar year. Such hours may be applied to satisfy a continuing education requirement applicable to the first registration renewal following reinstatement but shall not be used to satisfy any continuing education requirement applicable to the second registration renewal following reinstatement.~~

SECTION XI

PRACTICE OF ARCHITECTURE IN ARKANSAS

A. Practice of Architecture as a Corporation or Partnership

- ~~1. Any corporation, professional corporation, and/or any partnership, whether organized under the laws of this or any other jurisdiction, may not offer to engage in the practice of architecture in the State of Arkansas until such corporation or partnership has obtained a certificate of authorization issued by the board; the certificate shall be valid until January 31 of the year in which it is obtained.~~
- ~~2. The board shall issue a certificate of authorization to a corporation, partnership, or limited liability association upon receipt of the materials listed below, and upon ascertaining that the conditions set forth in Ark. Code Ann. § 17-15-101 et seq. have been met.~~
 - ~~a. An application of a form approved by the board~~
 - ~~(1) In the case of a corporation, the application shall be signed by the corporation's president and secretary, and shall include the following information: the jurisdiction under which the corporation is organized; the name, resident address, and states of registration and registration numbers of each director; and the identity of each director engaging in the practice of architecture in Arkansas.~~
 - ~~(2) In the case of a partnership, the application shall be signed by a general partner who is a registered architect, and shall include the following information: the jurisdiction under which the partnership is organized; the name and resident address, and states of registration and registration numbers of each general partner; and the identity of each general partner engaging in the practice of architecture in Arkansas.~~
 - ~~b. In the case of a corporation, a copy of the corporation's articles of incorporation or similar charter document certified by the secretary of state of the jurisdiction in which the corporation is organized; however, subject to SECTION VII, articles of organization need not be re-submitted if the corporation is seeking renewal of a certificate of authorization.~~
 - ~~c. Payment of a fee of two hundred fifty dollars (\$250.00).~~

B. Unlawful Practice of Architecture

- ~~1. It shall be unlawful to practice architecture in an office not under the day-to-day supervision of a registered architect.~~

- ~~2. It shall be unlawful for an architect to falsely represent himself as being in responsible control of architectural work, or to permit his/her seal, or facsimile thereof, to be used by another for any purpose.~~
- ~~3. A firm engaged in the practice of architecture in Arkansas must employ one (1) or more persons registered to practice architecture in Arkansas who are in full authority and responsible control of the firm's architectural practice. Persons in full authority and responsible control shall mean regularly employed persons in that office who are in unrestricted, unchecked, and qualified control of, and are legally accountable for, the actions of the architectural practice.~~
- ~~4. Any office maintained for the preparation of drawings, specifications, reports, and other professional work shall have in that office an architect duly registered with this board, in full authority and responsible control, having direct knowledge and responsible control of such work.~~
- ~~5. Each firm shall provide and maintain the current mailing address and physical address of its main office and each office located in Arkansas.~~
- ~~6. If any change occurs in any of the information provided to the Board during the period for which certificate of authorization is granted, it shall be reported to the board within thirty (30) days of its effective date.~~

~~C. Suspension, Revocation, or Cancellation of Certificate of Authorization~~

~~The board may revoke, suspend, or cancel a certificate of authorization granted if any officer, director, or employee of a corporation or any general partner or employee of a partnership violates any provision of Ark. Code Ann. § 17-15-101 et seq. or these regulations. However, it shall be an affirmative defense to show that such individual was not acting as an agent of the corporation or the partnership at the time the violation occurred.~~

~~D. Design and Use of Architect's Seal~~

~~Each registered architect shall procure a seal that shall contain the name of the registered architect, license registration number, and the words:~~

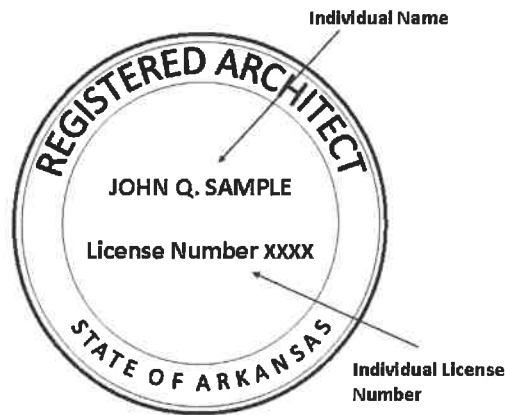
~~"REGISTERED ARCHITECT — STATE OF ARKANSAS"~~

~~The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:~~

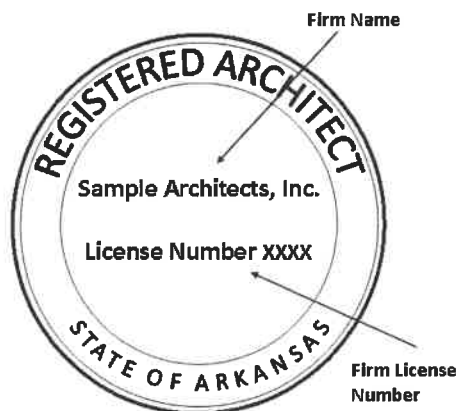
~~1. Seal Design Requirements~~

- ~~a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words "Registered Architect" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:~~

- (1) For a registered corporation, the corporation name and registered number
- (2) For a partnership, the partnership name and registration numbers of partners
- (3) For an individual, the name and registration number



INDIVIDUAL—SEAL SAMPLE



CERTIFICATE OF AUTHORIZATION—SEAL SAMPLE

- b. Any method that legibly reproduces the architect's seal is permitted.
2. Use of Architect's Seal
- a. Architects shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.
 - b. Contract documents considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall bear the architect's name and be conspicuously

~~marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.~~

~~c. These sheets or pages prepared by consultants (structural, mechanical, electrical, etc.), which are retained by the architect, shall bear the seal and registration number of the responsible consultant.~~

~~d. Once documents bearing the architect's seal are issued from the architect's office, the seal shall not be removed, except as follows: If the architect's client requests electronic drawing files that will be used as reference documents, the following statement shall be substituted for the seal:~~

**~~THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF
(NAME OF FIRM), (ADDRESS OF FIRM). THIS ELECTRONIC DOCUMENT IS
RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR
FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR
MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.~~**

~~e. Except as noted in Section (f), no architect shall affix the seal and signature to contract documents developed by others.~~

~~f. No person, other than the architect represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the architect represented and clearly indicating on the documents the extent of the modifications made.~~

~~g. On original documents, the use of signature reproductions, such as rubber stamps or computer-generated signatures or other facsimiles, shall be permitted.~~

~~h. Authorized use of the prescribed seal is an individual act whereby the architect must personally inscribe the seal. The architect is responsible for its security when not in use.~~

~~E. Unauthorized Use of Architect's Seal~~

~~1. A registered architect whose seal appears on drawings or specifications prepared by persons who are not registered or not under the architect's direct supervision will be deemed to have aided or abetted in the practice of architecture by a person not duly authorized to practice architecture.~~

~~2. A registered architect, whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the engineers or consultants, will be deemed to have aided or abetted in the practice of architecture by a person not duly authorized to practice architecture.~~

3. ~~A registered architect whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the practice of architecture by a person not duly authorized to practice architecture.~~

F. ~~Architect's Consultants~~

~~The architect is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the architect and the architect's consultants.~~

G. ~~Use of Prototypical Documents~~

~~Nothing precludes the use of prototypical documents, provided the architect:~~

1. ~~Has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents. The term "legal owner" shall mean the person who provides the architect with a letter that he or she is the owner of the documents and has the written permission to allow their use.~~
2. ~~Has reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job-specific requirements.~~
3. ~~Has independently performed and maintained on file all necessary calculations.~~
4. ~~Has issued the documents with the architect's title block and seal after reviewing, analyzing, and making revisions and/or additions. By applying the seal, the architect assumes professional responsibility as the architect of record.~~
5. ~~Has maintained design control over the use of site-adapted documents just as if they were the original design.~~
6. ~~Has the seal and name of the architect who originally developed the prototypical documents, which may remain on the construction documents, provided the original architect is licensed in the State of Arkansas and provided the original architect who prepared the prototypical documents agrees, in writing, to the use of the documents for the construction project by a second architect.~~

SECTION XII

PRACTICE OF LANDSCAPE ARCHITECTURE IN ARKANSAS

A. Design and Use of Landscape Architect's Seal

Each registered landscape architect shall procure a seal that shall contain the name of the registered landscape architect, license registration number, and the words:

"REGISTERED LANDSCAPE ARCHITECT — STATE OF ARKANSAS"

The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:

1. Seal Design Requirements

- a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words "Registered Landscape Architect" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:
- a. Any method that legibly reproduces the landscape architect's seal is

permitted.



2. Use of Landscape Architect's Seal

- a. Landscape architects shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.
- b. Contract documents considered incomplete by the landscape architect may be released for interim review without the landscape architect's seal or signature affixed, but shall bear the landscape

architect's name and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.

- e. ~~Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.), which are retained by the landscape architect, shall bear the seal and registration number of the responsible consultant.~~
- d. ~~Once documents bearing the landscape architect's seal are issued from the landscape architect's office, the seal shall not be removed, except as follows: If the landscape architect's client requests electronic drawing files that will be used as reference documents, the following statement shall be substituted for the seal:~~

~~THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF (NAME OF INDIVIDUAL), (ADDRESS OF INDIVIDUAL). THIS ELECTRONIC DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.~~

- e. ~~Except as noted in Section (f), no landscape architect shall affix the seal and signature to contract documents developed by others.~~
- f. ~~No person, other than the landscape architect represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the landscape architect represented and clearly indicating on the documents the extent of the modifications made.~~
- g. ~~On original documents, the use of signature reproductions, such as rubber stamps or computer-generated signatures or other facsimiles, shall be permitted.~~
- h. ~~Authorized use of the prescribed seal is an individual act whereby the landscape architect must personally inscribe the seal. The landscape architect is responsible for its security when not in use.~~

~~B. Unauthorized Use of Landscape Architect's Seal~~

- 1. ~~A registered landscape architect whose seal appears on drawings or specifications prepared by persons who are not registered or not under the landscape architect's direct supervision will be deemed to have aided or abetted in the practice of landscape architecture by a person not duly authorized to practice landscape architecture.~~
- 2. ~~A registered landscape architect, whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the engineers or consultants, will be deemed to have aided~~

~~or abetted in the practice of landscape architecture by a person not duly authorized to practice landscape architecture.~~

~~3. A registered landscape architect whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the practice of landscape architecture by a person not duly authorized to practice landscape architecture.~~

~~C. Landscape Architect's Consultants~~

~~The landscape architect is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the landscape architect and the landscape architect's consultants.~~

SECTION XIII

USE OF THE TITLE REGISTERED INTERIOR DESIGNER IN ARKANSAS

A. Design and Use of Interior Designer's Seal

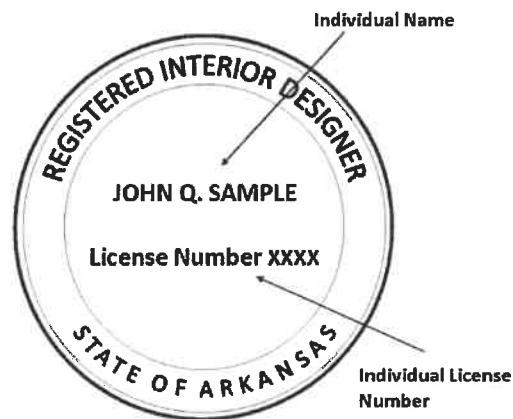
Each registered interior designers shall procure a seal that shall contain the name of the registered interior designer, license registration number, and the words:

"REGISTERED INTERIOR DESIGNER — STATE OF ARKANSAS"

The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:

1. Seal Design Requirements

- a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words "Registered Interior Designer" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:
- b. Any method that legibly reproduces the registered interior designer's seal is permitted.



2. Use of Registered Interior Designer's Seal

- a. Registered Interior Designers shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.
- b. Contract documents considered incomplete by the registered interior designer may be released for interim review without the registered interior designer's seal or signature affixed, but shall bear the registered

interior designer's name and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.

- c. These sheets or pages prepared by consultants (structural, mechanical, electrical, etc.), which are retained by the registered interior designer, shall bear the seal and registration number of the responsible consultant.
- d. All registered interior designer contract documents shall contain the following statement: that the document is not an architectural or engineering drawing, specifications, or design and is not to be used for construction of any load-bearing columns, load-bearing framing, or load-bearing walls or structures or issuance of any building permit.
- e. Once documents bearing the registered interior designer's seal are issued from the registered interior designer's office, the seal shall not be removed, except as follows: If the registered interior designer's client requests electronic drawing files that will be used as reference documents, the following statement shall be substituted for the seal:

THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF (NAME OF INDIVIDUAL), (ADDRESS OF INDIVIDUAL). THIS ELECTRONIC DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.

- f. Except as noted in Section (f), no registered interior designer shall affix the seal and signature to contract documents developed by others.
- g. No person, other than the registered interior designer represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the registered interior designer represented and clearly indicating on the documents the extent of the modifications made.
- h. On original documents, the use of signature reproductions, such as rubber stamps or computer-generated signatures or other facsimiles, shall be permitted.
- i. Authorized use of the prescribed seal is an individual act whereby the registered interior designer must personally inscribe the seal. The registered interior designer is responsible for its security when not in use.

B. — Unauthorized Use of Registered Interior Designer's Seal

- 1. A registered interior designer whose seal appears on drawings or specifications prepared by persons who are not registered or not under the registered interior designer's direct supervision, will be deemed to

~~have aided or abetted in the use of title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.~~

~~2.A registered interior designer, whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the consultants, will be deemed to have aided or abetted in the use of the title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.~~

~~3.A registered interior designer whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the use of the title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.~~

~~C. Registered Interior Designer's Consultants~~

~~The registered interior designer is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the registered interior designer and the registered interior designer's consultants.~~

SECTION XIV

RULES OF PROFESSIONAL CONDUCT

A. Competence

1. ~~When engaging in the practice of architecture or landscape architecture, or utilizing the title "registered interior designer," a registered architect, landscape architect, or registered interior designer shall act with reasonable care and competence and shall apply the knowledge and skills that are ordinarily applied by registered architects, landscape architects, and registered interior designers of good standing, practicing in the same locality.~~
2. ~~In designing a project, a registered architect, landscape architect, or registered interior designer shall endeavor to take into account all applicable state and municipal building laws and regulations. While a registered architect, landscape architect, or registered interior designer may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registered architect, landscape architect, or registered interior designer shall not knowingly design a project in violation of such laws and regulations.~~
3. ~~A registered architect, landscape architect, and registered interior designer shall undertake to perform professional services only when qualified to do so by education, training, and experience in the specific technical areas. This provision also includes those whom the registered architect, landscape architect, and registered interior designer may engage as consultants.~~
4. ~~No individual shall be permitted to engage in the practice of architecture or landscape architecture or utilize the title "registered interior designer" if, in the board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.~~

B. Conflicts of Interest

1. ~~A registered architect, landscape architect, or registered interior designer shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to by all interested parties. The disclosure and agreement shall be in writing.~~
2. ~~The architect, landscape architect, or registered interior designer shall fully disclose in writing to the architect's, landscape architect's, or registered interior designer's employer or client any business association or direct or indirect financial interest that could influence the architect's, landscape~~

architect's, or registered interior designer's judgment or decisions in connection with his or her services. Should the employer or client object to such association or financial interests, the architect, landscape architect, or registered interior designer shall either terminate such association or interests or offer to give up the commission or employment.

3. An architect, landscape architect, or registered interior designer shall not solicit or accept compensation in return for specifying or endorsing products and materials.

4. When acting as the interpreter of building contract documents or the judge of contract performance, a registered architect shall render decisions impartially, favoring neither party in the contract.

C. Compliance with Laws

1. A registered architect, landscape architect, or registered interior designer shall not knowingly violate any state or federal law relating to the practice of architecture, landscape architecture, or use of the title "registered interior designer."

2. An architect, landscape architect, or registered interior designer shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registered architect, landscape architect, or registered interior designer is interested.

3. An architect, landscape architect, or registered interior designer shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

D. Professional Conduct

1. Except as provided under Section IX, an architect, landscape architect, or registered interior designer shall not sign or seal contract documents unless the documents were prepared by the architect, landscape architect, or registered interior designer or under the design professional's supervisory control. However, in the case of portions of such contract documents prepared under the direct supervision of another registered architect, landscape architect, or registered interior designer employed by the first architect, landscape architect, or registered interior designer (or his or her firm), the design professional may sign and seal those portions of the contract documents if the architect, landscape architect, or registered interior designer has reviewed such portions and has coordinated their preparation.

2. An architect, landscape architect, or registered interior designer shall neither offer nor make any gifts, other than gifts of nominal value, such as reasonable entertainment and hospitality, with the intent of influencing

~~the judgment of an existing or prospective client in connection with a project in which the registered architect, landscape architect, or registered interior is interested.~~

~~3. An architect, landscape architect, or registered interior designer shall not engage in conduct involving fraud or wanton disregard of the rights of others.~~

~~4. If, in the course of his or her work on a project, an architect, landscape architect, or registered interior designer becomes aware of a decision taken by his or her employer or client against the architect's advice that violates applicable state or local building laws and regulations and that will, in the design professionals judgment, materially and adversely affect the safety of the public, the architect, landscape architect, or registered interior designer shall:~~

~~a. Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or local building laws and regulations;~~

~~b. Refuse to consent to the decision; and~~

~~c. In circumstances where the architect, landscape architect, or registered interior designer reasonably believes that other such decisions will be taken, notwithstanding his or her objection, said architect, landscape architect, or registered interior designer may terminate his or her services with reference to the project unless the design professional is able to resolve the matter by other means.~~

E. ~~Amendments~~

~~1. If, following a hearing held in accordance with the Arkansas Administrative Procedures Act, a registrant is found guilty of fraud, deceit, gross negligence, incompetence, misconduct, or careless practice, or is found to be in violation of any provisions found in the statutes or rules, the board may revoke or suspend the registrant's license, decline to renew the registrant's license, issue the registrant a reprimand that will become a part of the registrant's permanent record, levy a civil penalty against the registrant, and/or take any other reasonable action deemed appropriate by the board.~~

~~2. The Rules and Regulations may be amended in accordance with the Arkansas Administrative Procedure Act.~~

~~3. All former Rules and Regulations of the State Board of Architects, Landscape Architects, and Interior Designers pertaining to procedure, conduct, and practice are hereby repealed.~~

SECTION XV

CONSTRUCTION CONTRACT ADMINISTRATION

A. Construction Contract Administration

~~1. If, under Arkansas law, an architect is required to prepare or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, construction observation for the project shall be conducted by an architect or by a person working under the supervision and control of an architect. For purposes of this subchapter, "construction observation" means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including the following services:~~

- ~~a. Visiting the construction site on a regular basis, as necessary, to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued;~~
- ~~b. Processing shop drawings, samples, and other submissions required of the contractor by the terms of construction contract documents; and~~
- ~~c. Notifying the owner and the building official of any code violations, changes that affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions and the work in progress, or any deviation from the technical submissions that he or she identifies as constituting a hazard to the public and observes in the course of performing his or her duties.~~

B. Responsibility for Construction Contract Administration

~~The owner of any building has the ultimate responsibility for ensuring the health, safety, and welfare of the occupants of the building, as well as the public in general, according to the laws and regulations of the State of Arkansas. The owner of any real property who allows a project to be constructed on such real property and the construction of which requires the services of an architect shall be deemed to have engaged in the practice of architecture unless such owner shall have employed or caused others to have employed a registered architect to furnish construction contract administration services with respect to such project.~~

SECTION XVI

~~BUILDING CONSTRUCTED WITHOUT AN ARCHITECT~~

~~A. Violation of Public Health, Safety, and Welfare~~

~~The construction of a building requiring an architect under the Arkansas Architectural Act is considered to be a violation of the health, safety, and welfare of the public when the required services of an architect are not provided.~~

~~B. Occupancy and Use of Buildings~~

~~The occupancy and use of a building constructed without the services of an appropriate design professional or professionals seriously compromises the health, safety, and welfare of the public. Any building so constructed is declared by the Arkansas Architectural Act to constitute a nuisance and threat to public health, safety, and welfare and may be enjoined by the examining body in the courts of this state. Even though the violation may be punishable by fine, this section of the rules intends to provide a speedy means of protecting the public.~~

~~C. — Verification of Design Professional Responsibility~~

~~When it comes to the board's attention that a building may have been or is being constructed without the use of the required design professional or professionals, the board may require proof from the owner of the property that the appropriate registered professional or professionals were in responsible control of the design and construction administration of the building.~~

~~CHAPTER TWO~~

~~RULES AND PROCEDURE~~

~~SECTION I~~

~~RULES UNDER THE ARKANSAS ARCHITECTURAL ACT, ARKANSAS LANDSCAPE ARCHITECTURAL PRACTICE ACT, ARKANSAS INTERIOR DESIGNERS TITLE REGISTRATION ACT AND NOTICE – HEARINGS~~

~~A. Rules under the Practice Act~~

~~This exposition of the Rules of Procedure, formulated under the Administrative Procedure Act, as amended ACA 25-15-201 et. seq., does not affect a repeal of the provisions of the Act or of its amendments and related laws, except insofar as these Rules of Procedure were formulated under provisions of law that specifically contravene provisions of the Act, its amendments, and related laws.~~

~~B. Notice – Hearing~~

~~Any such rule shall be made or amended only after a hearing upon notice, as set forth in these Rules of Procedure.~~

~~SECTION II~~

~~PRIOR RULES~~

~~Prior Rules – Valid~~

~~Rules of the board formulated previously are declared to be still in force until amended and certified to the Arkansas Register.~~

~~SECTION III~~

~~RULE MAKING~~

~~In any case of rule making, every person has a right to seek action from the board in making a rule. Every person also has the right to seek to cause correction in an incorrect rule.~~

~~SECTION IV~~

~~ORDER~~

~~A. Order – Effective Only in Writing~~

~~An order of the Board shall be effective only when in writing.~~

B. ~~Effective Date~~

~~Each order shall contain an effective date and shall concisely state the following:~~

- ~~1. Its intent and purpose~~
- ~~2. The grounds on which it is based~~
- ~~3. The pertinent provision of law~~

C. ~~Order May Be Effectuated~~

~~An order may be given by service upon or delivery to the person ordered, by mail, with postage prepaid and addressed to the person at his principal place of business or his home of last address on record with the board. An order also may be served by any officer authorized to serve legal process, by any member of the board, or by any employee of the board. An attempt to serve a notice to the last address of record obtained by the board office shall constitute official notice.~~

D. ~~Order Formulated Upon Adjudication~~

~~An order shall be formulated upon each adjudication made by the board or its hearing officer.~~

~~SECTION VI~~

~~DECLARATORY ORDERS -- RULES~~

A. ~~Declaratory Order -- Petition For~~

~~Any person who alleges that a rule or its possible application may injure or threaten to injure one's self, one's business, or one's property may file a petition for a declaratory order as to the applicability of any rule to be enforced by the board.~~

B. ~~Prompt Disposition~~

~~Such petition shall be considered and a prompt disposition shall be made.~~

C. ~~Status~~

~~Declaratory orders shall have the same status as agency orders formulated upon adjudication.~~

~~SECTION VII~~

~~ADJUDICATION~~

A. ~~Reasonable Notice~~

~~All parties shall be afforded opportunity for hearing after reasonable notice.~~

~~B. Evidence May Be Presented~~

~~Opportunity shall be afforded all people interested in the action to respond and to present evidence and argument on all issues involved.~~

~~C. Stipulation/Settlement/Consent or Default Not Prohibited~~

~~Nothing in these rules shall prohibit informal disposition by stipulation, settlement, consent order, or default.~~

~~D. Record~~

~~The record shall include the following:~~

- ~~1. All pleadings, motions, and intermediate rulings;~~
- ~~2. All evidence received or considered, including, on the request of any party, a transcript of all proceedings or any part thereof;~~
- ~~3. A statement of matters officially noticed;~~
- ~~4. Offers of proof, objections, and rulings;~~
- ~~5. Proposed findings and exceptions; and~~
- ~~6. All staff memoranda or data submitted to the hearing officer in connection with any staff consideration of the matter.~~

~~E. Findings of Fact~~

~~Findings of fact shall be based exclusively on the evidence received and on matters officially noticed.~~

SECTION VIII

ADJUDICATION – DECISIONS

~~A. Final Decisions~~

- ~~1. In every case of adjudication, there shall be a final decision, or order, that shall be in writing (or stated in the record).~~
- ~~2. The final decision shall include findings of fact and conclusions of law, each separately stated.~~
- ~~3. The findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying evidence supporting the findings.~~
- ~~4. If any party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.~~

~~B. Service of Copy – Decision~~

~~Parties shall be served a copy of any decision or orders either personally or by mail.~~

~~C.—Exemption~~

~~Where a formal hearing before a hearing officer has been held, at which the parties were given proper notice and at which the opportunity was offered to them to be present in person and by counsel to present testimony, briefs, and argument, a proposal for decision will not be required.~~

SECTION IX

HEARING OFFICER

~~Where convenient and appropriate, a hearing officer may be appointed to take testimony and prepare the record for the board's consideration. The hearing officer may conduct hearings at any place within the State of Arkansas. In the conduct of such hearings, the hearing officer shall preside and have the power and duties of a presiding official as set forth in SECTION X, D. The decision on the record made by the hearing officer shall be made by a majority of the members of the board.~~

~~A.Hearing~~

~~In every case of adjudication, and in cases of rule making, where rules are to be made after hearing, there shall be a hearing.~~

~~B.Right of Counsel~~

~~Any person compelled to appear before the board or a hearing officer shall have the right to counsel.~~

~~C.—Impartiality~~

~~All members of the board present shall conduct themselves in an impartial manner, and the presiding official may withdraw if he/she deems himself/herself disqualified. Any party may file an affidavit of personal bias or disqualification, which shall be ruled upon by the board and granted if it is timely, sufficient, and filed in good faith.~~

~~D.Power and Duties of Presiding Official~~

- ~~1. Administer oaths and affirmations~~
- ~~2. Maintain order~~
- ~~3. Rule on all questions arising during the course of the hearing~~
- ~~4. Hold conferences for the settlement or simplification of the issues~~
- ~~5. Make or recommend decisions~~
- ~~6. Regulate and guide the general course of proceedings~~

~~E.—Burden of Proof~~

~~The proponent of a rule or order shall have burden of proof.~~

~~F. Evidence Excluded~~

~~Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.~~

~~G. Evidence Admitted~~

~~Any other evidence, oral or documentary, not privileged, may be received if it is of a type commonly relied upon by reasonable, prudent individuals in the conduct of their affairs.~~

~~H. Objections~~

~~Objections to evidence may be made and shall be noted in the record.~~

~~I. Evidence May Be Written~~

~~When a hearing can be so expedited (and the interests of the parties will not be prejudiced), any part of the evidence may be received in written form.~~

~~J. Cross Examination~~

~~Parties shall have the right to conduct cross examination as may be required for a full, true disclosure of the facts.~~

~~K. Official Notice~~

~~Official notice may be taken of judicially recognizable facts and of generally recognized technical or scientific facts, particularly within the board's specialized knowledge.~~

- ~~1. Parties shall be notified of material so noticed (including any staff memoranda or data).~~
- ~~2. Parties shall be afforded a reasonable opportunity to show the contrary.~~

SECTION X

~~PROCEDURE ON DENIAL, SUSPENSION, OR REVOCATION~~

~~A. Grounds for Discipline~~

~~The board shall have sole authority over architects, landscape architects, and registered interior designers to deny or suspend any license to practice issued by the board or applied for in accordance with the provisions of the Act, or to otherwise discipline a licensee upon the following determination:~~

- ~~1. That the holder of the registration or certificate of license is practicing in violation of this chapter or of the proper rules and regulations of the examining body governing this chapter;~~
- ~~2. That the license or certificate has been obtained by fraud or misrepresentation, or the person named therein has obtained it by fraud or misrepresentation;~~
- ~~3. That any money, except the regular fees provided for, has been paid for the license or certificate;~~

- ~~4. That the holder of the license or certificate is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;~~
- ~~5. That the holder of the license or certificate has been guilty of a felony;~~
- ~~6. That the holder of the license or certificate has aided or abetted, in the practice of architecture or landscape architecture, any person not duly authorized to practice architecture or landscape architecture under the provisions of this chapter;~~
- ~~7. That the holder of a license or certificate has aided or abetted, in the use of the title "registered interior designer," any person not duly authorized to utilize the title "registered interior designer" under the provisions of this chapter;~~
- ~~8. That the holder of the license or certificate has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of architecture;~~
- ~~9. That the holder of the certificate has been guilty of gross incompetence or recklessness in the designing or construction of buildings;~~
- ~~10. That the holder of the license or certificate affixed, or permitted to be affixed, his/her seal or name to any plans, specifications, drawings, or related documents that were not prepared by him/her or under his/her responsible supervisory control;~~
- ~~11. That the holder of the license or certificate has been judged mentally incapable by a court of competent jurisdiction.~~

B. Proceedings

~~Proceedings shall be as follows:~~

- ~~1. Opportunity for licensee or applicant to have a hearing: Every licensee or applicant for a licensee shall be afforded notice and an opportunity to be heard before the board. The board shall have authority to take any action, the effect of which would be to...~~
 - ~~a. Deny permission to take an examination for licensing for which application has been duly made;~~
 - ~~b. Deny a license after examination for any cause other than failure to pass an examination;~~
 - ~~c. Withhold the renewal of a license for any cause;~~
 - ~~d. Suspend a license; and/or~~
 - ~~e. Revoke a license.~~
- ~~2. Notice of action or contemplated action by the board—Requests for Hearing—Notice of Hearing:~~
 - ~~a. When the Board contemplates taking any action of a type specified in paragraphs a and b of subsection B.1 supra, it shall give written notice to the applicant, including a statement...~~

~~(1) That the applicant has failed to satisfy the board with his or her qualifications to be examined or to be licensed, as the case may be;~~

~~(2) Indicating in what respects the applicant has failed to satisfy the board; and~~

~~(3) That the applicant may secure a hearing before the board by depositing in the mail within twenty (20) days after service of said notice, a registered letter addressed to the board containing a request for a hearing. In any proceedings of the board involving the denial of a duly made application to take an examination or refusal to issue a license after an applicant has taken and passed an examination, the burden of satisfying the board of the applicant's qualifications shall be upon the applicant.~~

~~b. When the board contemplates taking any action of a type specified in paragraphs c, d, and e of subsection B. 1 supra, it shall give written notice to the licensee that contains a statement...~~

~~(1) Indicating the general nature of the evidence and detailed allegations of the violations with which the licensee is charged;~~

~~(2) That a hearing will be held on a certain date, no sooner than twenty (20) days after the mailing of the notice, and, that at that hearing, the board will receive evidence.~~

~~c. When the board shall summarily suspend a license pending a hearing as authorized in subsection B.2 supra, it shall give written notice of the general nature of the evidence and detailed allegations of the violations with which the licensee is charged. The notice will contain a statement...~~

~~(1) That the board has sufficient evidence that, if not rebutted or explained, will justify revocation of the license by the board;~~

~~(2) That indicates the general nature of the evidence against the licensee;~~

~~(3) That, based on the evidence indicated, the board has determined that the continuation of practice of the occupation or profession of the licensee will cause an immediate hazard to the public and has, therefore, suspended the license of the licensee, effective as of the date that such notice is served;~~

~~(4) That the board will then set an immediate hearing for a full evidentiary presentation by the licensee and the board.~~

~~d. In any hearing before the board involving the suspension or revocation of a license, the burden shall be on the board to present sufficient evidence to justify the action taken or proposed by the board.~~

C. ~~Method of Serving Notice of Hearing~~

~~Any notice required by subsection B.2 may be served either personally or by an officer authorized by law to serve process, or by registered mail or certified mail, with return receipt requested, directed to the licensee or applicant at his or her last known address, as shown by the records of the board. If notice is served personally, it shall be deemed to have been served at the time when the officer delivers the notice to the person addressed. Where notice is served by registered mail, it shall be deemed to have been served on the date borne by the return receipt, showing delivery of the notice to the addressee or refusal of the addressee to accept the notice. An attempt to serve notice at the last address of record shall constitute official notice.~~

D. ~~Venue of Hearing~~

~~Board hearings held under the provisions of this rule shall be conducted at the board office or elsewhere in Pulaski County. The hearings may be held anywhere within Arkansas if the person whose license is involved and the board agree that the hearing should be held at some place outside Pulaski County.~~

E. ~~Hearings Public~~

~~Use of Hearing Office—All hearings under this section shall be open to the public. At all such hearings, at least a quorum of the board shall be present to hear and determine the matter.~~

F. ~~Rights of Person Entitled to Hearing~~

~~A person entitled to be heard pursuant to this section shall have the right to...~~

- ~~1. Be represented by counsel;~~
- ~~2. Present all relevant evidence by means of witnesses and books, papers and documents;~~
- ~~3. Examine all opposing witnesses on any matter relevant to the issues; 4. Have subpoenas and subpoenas duces tecum issued to compel the attendance of witnesses and the production of relevant books, papers, and documents upon making written request thereof to the Board; and~~
- ~~5. Have a transcript of the hearing made at his/her own expense.~~

G. ~~Powers of the Board in Connection with Hearing~~

~~In connection with any hearing held pursuant to the provisions of this section, the Board or its hearing officer shall have the power to...~~

- ~~1. Have counsel to develop the case;~~
- ~~2. Administer oaths to develop the case;~~
- ~~3. Take testimony;~~
- ~~4. Examine witnesses;~~
- ~~5. Have a transcript of the hearing made at the expense of the board; and~~
- ~~6. Direct a continuance of any case.~~

~~H. Rules of Evidence~~

~~In proceedings held pursuant to this rule, the board may admit any evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent people in the conduct of serious affairs. The Board may, at their discretion, exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.~~

~~I. Fees - Witnesses~~

~~Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a Circuit Court.~~

~~J. Manner and Time of Rendering Decision~~

~~Within a reasonable time after the decision is rendered, the board shall serve to the person whose license is involved a written copy of the decision, either personally or by registered mail. If the decision is sent by registered mail, it shall be deemed to have been served on the date borne on the return receipt.~~

~~K. Service if Written Decision~~

~~Within a reasonable time after the decision is rendered, the board shall serve to the person whose license is involved a written copy of the decision, either personally or by registered mail. If the decision is sent by registered mail, it shall be deemed to have been served on the date borne on the return receipt.~~

~~L. Contents of Decision~~

- ~~1. Findings of fact made by the board;~~
- ~~2. Conclusions of law reached by the board;~~
- ~~3. The order of the board based upon these findings of fact and conclusions of law; and~~
- ~~4. A statement informing the person whose license is involved of his right to request a judicial review and the time within which such a request must be made.~~

~~M. Judicial Review~~

~~Judicial review of proceedings under this rule shall be governed by the Administrative Procedure Act or other applicable law.~~

~~SECTION XI~~

~~JUDICIAL REVIEW~~

~~A. Service~~

~~Service shall be had by serving a copy of the petition upon the board and all other parties of record either by personal service or by mail.~~

SECTION XII

ENFORCEMENT

A. Civil Action

~~The board may institute a (civil) suit or other legal proceedings that may be required for enforcement of any provisions of ACA 17-15-101, 17-35-101, or 17-36-101 et seq., as amended and related acts.~~

B. Criminal Action

~~If the board has reason to believe that any person has violated any provisions of the Act, as amended or related acts for which criminal prosecution would be in order, it shall so inform the prosecuting attorney in whose district any such purported violation may have occurred.~~



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RULES

NOTE ON RULE CHANGES

The most current Arkansas State Board of Architects, Landscape Architects, and Interior Designers (ASBALAID) can be found on the ASBALAID website at <http://www.asbalaid.arkansas.gov>. The Board adopts rules in accordance with Arkansas's Administrative Procedure Act, which requires public and legislative notice of rulemaking and the submission of all major substantive rules to the Legislature for review and approval.

Rules Effective January 1, 2022

Arkansas State Board of Architects, Landscape Architects, and Interior Designers
Arkansas Department of Labor and Licensing
900 West Capitol, Suite 400
Little Rock, Arkansas 72201
501-682-3171
<http://www.asbalaid.arkansas.gov>

Rules

The Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Registered Interior Designers Title Registration Act and its rules are being provided as a reference to licensees, candidates, and members of the public in this up-to-date format. All licensees and candidates for licensure should understand the board's statutes and rules and should be familiar with their provisions. While every effort has been made to ensure the accuracy of this document, it does not have legal effect. Should any difference or error occur, the law will take precedence.

If you have a question regarding the interpretation of these statutes and rules, please contact the Arkansas State Board of Architects, Landscape Architects, and Interior Designers at 101 East Capitol Avenue, Suite 110, Little Rock, AR, 72201-2822. The board can be reached by telephone at 501-682-3171, by fax 501-682-3172, or by email at asbalaid@arkansas.gov.

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CHAPTER ONE

RULES

SECTION I

SCOPE AND DEFINITIONS

A. Purpose

These Rules of the Arkansas State Board of Architects, Landscape Architects, and Interior Designers are set forth for the purpose of interpreting and implementing the Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Interior Designers Title Registration Act, Arkansas Code Annotated 17-15-101, 17-35-101, and 17-36-101 et seq. These acts establish the board and grant it full responsibility for registration of architects, landscape architects, and registered interior designers. They also provide for the regulation of the practice of architecture, the practice of landscape architecture, and the use of the title "registered interior designer."

B. Citation

These rules shall be known and may be cited as the Arkansas State Board of Architects, Landscape Architects, and Interior Designers Rules and Regulations.

Severability

If any provision of these rules or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications of these rules; they can be given effect without the invalid provision or application. To this end, the provisions of these rules are declared to be severable.

D. Terms Defined by Statute

The terms defined in the Arkansas Architectural Act, Arkansas Landscape Architectural Practice Act, and Arkansas Interior Designers Title Registration Act, Arkansas Code Annotated 17-15-101, 17-35-101, and 17-36-101 et seq., shall have the same meanings when used in these rules, unless the context or subject matter clearly requires a different interpretation.

E. Terms Defined Herein

As used in these rules, the following terms shall have the following meanings, unless the context or subject matter clearly requires a different interpretation.

Applicant

An applicant is any individual who has submitted an application for registration to the board.

Appropriate Design Professional

The appropriate design professional is the individual who is most responsible for the portion of the work that reflects that individual's discipline or area of expertise. Examples of design professionals include architects, civil engineers, structural engineers, mechanical engineers, electrical engineers, landscape architects, and registered interior designers.

Architect

An architect is any person who is technically and legally qualified to practice architecture.

Architect Registration Examination (ARE®)

ARE® is the current Architect Registration Examination prepared by NCARB.

Broadly Experienced Architect (BEA)

BEA is a broadly experienced architect, as currently defined by NCARB.

Broadly Experienced Foreign Architect (BEFA)

BEFA is a broadly experienced foreign architect, as currently defined by NCARB.

Continuing Education (CE)

Continuing education is learning that enables a registered architect, landscape architect, or registered interior designer to regularly increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture, landscape architecture, or interior design to safeguard the public's health, safety, and welfare.

Continuing Education Hour (CEH)

A continuing education hour refers to one continuous hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect's, landscape architect's, or registered interior designer's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's,

landscape architect's, or registered interior designer's time for continuing education purposes, irrespective of actual time spent on the activity.

Council for Interior Design Accreditation (CIDA)

CIDA is the Council for Interior Design Accreditation.

Council for Interior Design Qualification (CIDQ)

CIDQ is the Council for Interior Design Qualification.

Council of Landscape Architectural Registration Boards (CLARB)

CLARB is the Council of Landscape Architectural Registration Boards.

Construction Contract Administration

Construction contract administration is the portion of the architect's services that takes place during the construction of a building. Construction contract administration services must include periodic observation of the construction site to determine whether the building is being built in accordance with the construction documents. The appropriate design professional must observe the portion of the work for which he or she is directly responsible.

Education Evaluation Services for Architects (EESA)

Education Evaluation Services for Architects is a program administered by Educational Credential Evaluators, Inc., a private organization not affiliated with NCARB or any of its members.

Emeritus Architect

An emeritus architect is a registrant who has retired from the active practice of architecture and who is 65 years of age or older. An emeritus architect may use the title "architect," but may not practice architecture as defined in Arkansas Code Annotated § 17-15-102.

Emeritus Landscape Architect

An emeritus landscape architect is a registrant who has retired from the active practice of architecture and who is 65 years of age or older. An emeritus landscape architect may use the title "landscape architect," but may not practice landscape architecture as defined in Arkansas Code Annotated § 17-36-102.

Architect Examination

Architect examination refers to the current Architect Registration Examination (ARE®), prepared and administered through NCARB.

Health, Safety, and Welfare Subjects

Health, safety, and welfare subjects are related to technical and professional courses that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment:

1. Legal: Laws, codes, zoning, regulations, standards, life safety measures, accessibility, ethics, and insurance protecting the owner or the public
2. Technical: Surveying, structural, mechanical, electrical, communication, fire protection, controls, site grading, irrigation systems
3. Environmental: Energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, waterproofing, insulation, stormwater management
4. Occupant Comfort: Air quality, lighting, acoustics, ergonomics
5. Materials and Methods: Building systems, products, finishes, furnishings, equipment
6. Preservation: Historic, reuse, adaptation
7. Pre-Design: Land use analysis, programming, site selection, site and soils analysis
8. Design: Urban planning, master planning, building design, site design, interiors, safety and security measures
9. Construction Documents: Drawings, specifications, delivery methods
10. Construction Contract Administration: Contracts, bidding, contract negotiations

Interior Design Continuing Education Council (IDCEC)

IDCEC is the Interior Design Continuing Education Council.

Intern Development Program (IDP)

Intern Development Program training requirements for certification are established, from time to time, by NCARB.

Interior Design Examination

Interior design examination refers to the current registration examination, prepared and administered through CIDQ.

Intern Architect

An intern architect is any person who possesses a professional degree in architecture from an NAAB-accredited school and is enrolled in the Intern Development Program (IDP). Use of the title "intern architect" shall not be construed to allow practice of architecture by unregistered individuals.

Landscape Architectural Accreditation Board (LAAB)

LAAB is the Landscape Architectural Accreditation Board.

Landscape Architect

A landscape architect is any person who is technically and legally qualified to practice landscape architecture.

Landscape Architect Examination

Landscape Architect Examination refers to the current Landscape Architect Registration Examination (LARE®), prepared and administered through CLARB.

Landscape Architect Registration Examination (LARE®)

LARE® is the current Landscape Architect Registration Examination prepared by CLARB.

National Architectural Accrediting Board (NAAB)

The NAAB is the National Architectural Accrediting Board.

National Council of Architectural Registration Boards (NCARB)

NCARB is the National Council of Architectural Registration Boards.

Original Documents

Original documents refer to the version of drawings and/or sets of specifications from which all lawful copies are made.

Practice of Architecture

The practice of architecture is the provision of, or the offering to provide, the services defined in the Arkansas Architectural Act in connection with the design, construction, enlargement, or alteration of a building or group of buildings

and/or the space within and surrounding buildings designed for human occupancy or habitation. These services include planning, providing preliminary studies, designs, drawings, specifications, and other technical submissions. The practice of architecture also includes administrative services during construction.

Principal

A principal is any registered architect in charge of an organization's architectural practice, either alone or in partnership with other registered architects.

Prototype Building

A prototype building is any commercial building or space within a commercial building that is intended to be constructed in multiple locations, has been constructed in multiple locations, or that conveys an owner's intended uniform business program, plan, or image.

Prototypical Building Documents

Prototypical building documents are technical submissions for prototypical buildings that are prepared by, or under the responsible control of, an architect who is registered in any U. S. jurisdiction and who holds certification issued by NCARB. These documents must identify the architect, the architect's registration number, jurisdiction, or registration, and the architect's NCARB certification number. They also must be marked "Prototypical Design Documents: Not for Construction." Prototypical building documents do not make up a final comprehensive set of design and construction documents because a prototypical building requires adaptation for local building site conditions, which may require additional design.

Registered Interior Designer

A registered interior designer is any person who is technically and legally qualified to utilize the title "registered interior designer."

Responsible Control

Responsible control is the amount of control over and detailed knowledge of the content of technical submissions during their preparation, which is ordinarily exercised by registered architects who are applying the required professional standard of care. Reviewing or correcting technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

Structured Educational Activities

Structured educational activities are those in which at least 75 percent of an activity's content and instructional time is devoted to acceptable health, safety, and welfare subjects related to the practice of architecture, landscape architecture, and interior design. Activities may include courses of study, monographs, or other activities under the areas identified as health, safety, and welfare subjects. The activities must be provided by qualified individuals or organizations, whether delivered by direct contact or distance-learning methods.

Technical Submissions

Technical submissions are designs, drawings, specifications, studies, and other technical reports prepared in the course of practicing architecture and landscape architecture. All technical submissions shall be identified by the name and address of the architect, landscape architect, or the architect's firm.

SECTION II

GENERAL PROVISIONS

A. Board Operation

1. Board headquarters shall be located in Little Rock, at a location designated by the board.
2. Board officers shall be a President, Vice President, and Secretary-Treasurer. Terms of office for officers shall last one (1) year.
3. Board employees shall be the Executive Director, Administrative Assistant/Office Manager, Administrative Analyst, and/or other employees, as deemed necessary by the board.
4. The fiscal year shall be July 1 through June 30.
5. Board meetings shall be held at the discretion of the board, but not less than twice annually. Exact dates shall be determined by the President.
6. Special meetings may be called by the President or by any two (2) board members.
7. All board meetings shall take place in the State of Arkansas, as directed by the President or by two (2) board members who call a special meeting.
8. Notice of any meeting shall be sent to each board member by the Executive Director or Administrative Assistant/Office Manager at least five (5) days prior to the meeting, unless such notice is waived by all members.
9. All of the following records and reports shall be the responsibility of the Secretary-Treasurer, who may delegate actual preparation to staff:
 - e. Minutes and official reports
 - f. Registration of applicants, examinations, certifications, and renewals
 - g. Correspondence
 - h. Receipts and disbursements
10. All funds collected shall be deposited into the account of the board by the Secretary-Treasurer, who may delegate these duties to staff.
11. Fiduciary bonds covering the Secretary-Treasurer, Executive Director, and staff shall be secured as required by the board or by the State of Arkansas.

12.All board funds shall be deposited into the Arkansas State Treasury or savings account in a financial institution chartered in the State of Arkansas.

13.Disbursements shall be made only with the signatures of any two of the following, in accordance with the adopted Financial Oversight Procedures: President, Executive Director, Administrative Assistant/Office Manager, or Secretary-Treasurer.

B. Board Seal

The Seal of the board was designated in 2009. This seal shall be applied to all registrations issued by the board.



C. Public Information

At its office, the board shall maintain a roster of duly registered architects and business entities showing each registered architect's or entity's business name, registration, certificate, or authorization number, and last-known mailing address. This roster shall be open to public inspection. Furthermore, a roster of all licensed architects shall be published on the board's website.

D. Prohibition or Improper Contacts

1. Prior to the filing of an application, and after the final board action on an application, verbal and written communication with individual board members or any individual members of the board's staff shall be freely permitted. However, no member of the board or its staff is authorized to give any indication of what specific actions the board may take upon the merits of an application that may be filed. Board members and staff may give general advice about the manner of completing or submitting applications, the procedures to be followed when processing applications, and the nature of the standards applied by the board in evaluating applications. When an application for registration is pending before the board, no one shall initiate any written or oral communication with individual board members concerning the matter; however, inquiries may be made, either orally or in writing, to the Executive Director or the board staff, or, in writing, to the board office.

2. Once a complaint has been filed or an enforcement action has been initiated against any individual or corporation, no person shall contact any board member to discuss the circumstances of the case. No one shall initiate any written or oral communication with individual board members concerning the matter; however, inquiries may be made, orally or in writing, to the Executive Director or board staff, or, in writing, to the board office.

E. NCARB

1. The board shall maintain membership in NCARB and shall pay the necessary costs thereof.
2. The board shall maintain up-to-date information on the recommended policies adopted from time to time by NCARB.
3. The board shall cooperate with NCARB in establishing uniform standards of architectural registration throughout the United States and abroad.

F. CLARB

1. The board shall maintain membership in CLARB and pay the necessary costs thereof.
2. The board shall maintain up-to-date information of the recommended policies adopted from time to time by CLARB.
3. The board shall cooperate with CLARB in established uniform standards of landscape architectural registration throughout the United States and abroad.

G. CIDQ

1. The board shall maintain membership in CIDQ and pay the necessary costs thereof.
2. The board shall maintain up-to-date information of the recommended policies adopted from time to time by CIDQ.
3. The board shall cooperate with CIDQ in established uniform standards of interior design registration throughout the United States and abroad.

SECTION III

APPLICATION FOR REGISTRATION

A.Submission of Registration

Every individual seeking registration shall submit an application to the board, accompanied by a photograph and the filing fee established in Arkansas Code Annotated 17-15-101, 17-35-101, and 17-36-101 et seq.

B.Supplemental Material

Material submitted to supplement any previously filed application must include copies of the originally submitted application and all materials filed with that application.

C. Pre-Licensure Criminal Background Check

1. Pursuant to A.C.A. § 17-3-1023, an individual may petition for a pre-licensure determination of whether the individual's Criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
2. The individual must obtain the pre-licensure criminal background check petition form from the Board.
3. The Board will respond with a decision in writing to a completed petition within a reasonable time.
4. The Board's response will state the reason(s) for the decision.
5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

D. Criminal Background Waiver Request

1. If an individual has been convicted of an offense listed in A.C.A. § 17-23-102(a) or (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
 - i. An affected applicant for a license; or
 - ii. An individual holding a license subject to revocation.
2. The Board may grant a waiver upon consideration of the following, without limitation:
 - i. The age at which the offense was committed;
 - ii. The circumstances surrounding the offense;
 - iii. The length of time since the offense was committed;
 - iv. Subsequent work history since the offense was committed;
 - v. Employment references since the offense was committed;
 - vi. Character references since the offense was committed;
 - vii. Relevance of the offense to the license; and
 - viii. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
4. The Board will respond with a decision in writing and will state the reasons for the decision.
5. An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 et seq.

E. Automatic Licensure for Uniformed Service Members, Veterans, and Spouses

1. As used in this subsection, "uniformed service veteran" means a former member of the United States Uniformed Services

discharged under circumstances other than dishonorable.

2. As used in this subsection, "automatic licensure" means the granting of a license without an individual's having met licensure requirements provided under Title 17 of the Arkansas Code or by these Rules
3. The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S and is:
 - a. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
 - c. The spouse of:
 - i. A person under ~~B (1)~~ or (2) 3.a. or 3.b. above;
 - ii. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - iii. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.
4. The Board shall grant such automatic licensure upon receipt of all the below:
 - a. Payment of the initial licensure fee;
 - b. Evidence that the individual holds a license with a similar scope of practice in another state; and
 - c. Evidence that the applicant is a qualified applicant under paragraph 3 above.
5. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
6. A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

F. Application Fees

Every applicant shall include with his or her application a nonrefundable filing fee, determined in accordance with this schedule:

- | | |
|---|-----------------|
| 1. <u>Application for Registration by Examination (ARE®)</u> | <u>\$250.00</u> |
| 2. <u>Application for Registration by Examination (LARE®)</u> | <u>\$250.00</u> |
| 3. <u>Application for Registration by Examination (CIDQ)</u> | <u>\$250.00</u> |
| 4. <u>Application for Individual Reciprocal Registration</u> | <u>\$250.00</u> |
| 5. <u>Application for Certificate of Authorization Registration</u> | <u>\$250.00</u> |
| 6. <u>Application for Emeritus Status Registration</u> | <u>\$20.00</u> |

G. Annual Renewal Fees

Every applicant for registration renewal shall include with his or her application a nonrefundable renewal fee, determined in accordance with the schedule set forth as follows:

- | | |
|---|-----------------|
| 1. <u>Annual Renewal of Individual Registration</u> | <u>\$100.00</u> |
| 2. <u>Annual Renewal of Certificate of Authorization Registration</u> | <u>\$250.00</u> |
| 3. <u>Annual Renewal of Emeritus Status Registration</u> | <u>\$20.00</u> |

H. Late Fees

Registrations for individuals and corporations that have expired or have been revoked due to non-payment of the annual renewal fee may be reinstated through the payment of the renewal fee, in effect at the time, plus a penalty of fifty dollars (\$50.00) per month for the first three (3) months in which the registration has been expired or revoked. Thereafter, an additional penalty of one hundred dollars (\$100.00) for the balance of one (1) year, for a maximum penalty of two hundred fifty dollars (\$250.00) per year, for a maximum of three (3) years, shall be levied in accordance with the schedule set forth below:

- | | |
|--|-----------------|
| 1. <u>Individual Registration/Certificate of Authorization</u> | |
| <u>(1 Month) Late</u> | <u>\$50.00</u> |
| 2. <u>Individual Registration/Certificate of Authorization</u> | |
| <u>(2 Months) Late</u> | <u>\$100.00</u> |
| 3. <u>Individual Registration/Certificate of Authorization</u> | |
| <u>(3 Months) Late</u> | <u>\$150.00</u> |

4. Individual Registration/Certificate of Authorization _____
(4–12 Months) Late \$250.00

5. Individual Registration/Certificate of Authorization _____
(13–24 Months) Late \$500.00

6. Individual Registration/Certificate of Authorization _____
(25–36 Months) Late \$750.00

I. Miscellaneous Fees

1. Replacement or Duplicate Wall Certificate \$30.00
2. Returned Check Fee \$25.00

J. Work Force Expansion Act Fee Waiver

1. An applicant ~~may~~ shall receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
 - a. Are receiving assistance through the Arkansas, ~~or current state of residence equivalent~~, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
 - b. Were approved for unemployment within the last twelve (12) months; or
 - c. Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
2. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
 - a. For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), ~~or current state of residence equivalent agency;~~
 - b. For unemployment benefits approval in the last twelve (12) months, the Arkansas ~~Department Division of Workforce Services, or current state of residence equivalent agency;~~ or
 - c. For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

3. Applicants shall attest that the documentation provided under Section 2 is a true and correct copy. Fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

K. Eligibility for Work Permit Holders

The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit."

SECTION IV

ARCHITECT REGISTRATION STANDARDS

A. Initial Registration Standards

To be granted initial registration, an applicant must meet the following requirements.

1. An applicant must hold a professional degree in architecture from a degree program accredited by the NAAB or otherwise satisfy the education requirements established from time to time by NCARB for certification by NCARB.
2. An applicant must have completed the IDP requirements in accordance with current NCARB standards.
3. An applicant must have passed the ARE® in accordance with current NCARB standards.
4. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Architectural Act and Rules.

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

B. Reciprocal Registration Standards

An applicant who holds a current and valid certification issued by NCARB and who submits satisfactory evidence of such certification to the board can be registered, provided the applicant meets the following requirements.

1. The applicant holds a valid registration as an architect issued by a registration authority recognized by NCARB and submits satisfactory evidence of such registration to the board.
2. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.
3. Before registration, the board may, at its discretion, require individual applicants to appear before the board when an NCARB record does not clearly indicate that the applicant is qualified for registration in Arkansas.

C. Registration Prohibited

One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:

1. Practicing architecture without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;

2. Conviction of a felony ~~listed under § 17-3-102, unless waived by the Board;~~

3. Submitting a misstatement or misrepresentation of fact in connection with an application for examination, registration, application for reciprocal registration, or any other official communication with the board;

4. Committing an act prohibited by a provision of the Arkansas Architectural Act or the Rules of this board in effect at that time.

D. Practice Permitted without Certificate of Registration

1. A non-resident architect who holds an NCARB certificate may offer to practice architecture in Arkansas for an individual project, provided he or she notifies the board in writing of the following:

a. That he or she holds an NCARB certificate and is not currently registered in Arkansas but will be present in Arkansas for the purpose of offering to render architectural services for a single project;

b. That he or she will deliver a copy of the notice referred to above to every person conducting an architectural design competition and promise to apply to the board within thirty (30) days for registration if selected for the project.

2. A non-resident architect who holds an NCARB certificate may offer to seek an architectural commission in Arkansas by participating in a single architectural design competition, provided that he or she notifies the board in writing of the following:

a. That he or she holds an NCARB certificate and is not currently registered in Arkansas but will be present in Arkansas for the purpose of offering to render architectural services for a single project;

b. That he or she will deliver a copy of the notice referred to above to every potential client to whom he or she offers to render services; and

c. That he or she promises to apply to the board for registration within thirty (30) days if selected for the project.

3. A non-resident architect may provide uncompensated professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector acting in an official capacity.

E. Renewal

1. Certificate of registration for individual architects shall expire on July 31 of each year and shall become invalid on August 1, unless renewed.

2. All renewals must be either received in the board office by the close of business on the last day of the renewal period or postmarked by the last day of the renewal period.

3. Only renewal forms that contain the completed renewal application, annual continuing education affidavit attesting to compliance with continuing education requirements, and the required renewal fees will be processed.

4. A registrant who does not properly renew his or her license may not practice after the expiration of the license. A registrant who continues to practice using an expired license will be subject to such disciplinary action as the board deems appropriate.

F. Emeritus Status Registration

1. Registrants who are retired from the active practice of architecture who are 65 years of age or older may request emeritus status by filling out the proper application.

2. Emeritus status licensees are exempt from continuing education requirements unless the architect reactivates his or her license to active status.

3. Registrants who have been on emeritus status for more than one (1) year may be readmitted to active practice upon proper application and completion of twenty-four (24) hours of continuing education. Registrants who have been on emeritus status for one (1) year or less may be readmitted to active practice upon proper application and completion of twelve (12) hours of continuing education.

4. An emeritus architect seeking readmission to active practice shall pay all applicable fees, not to exceed the current license fees.

G. Reinstatement of Lapsed License

1. An individual whose license has lapsed for any reason may be reinstated at any time within three (3) years from the date of cancellation of the registration.

a. Prior to reinstatement, the individual must demonstrate compliance with the Act and the current Rules.

b. The applicant must pay all fees that have accrued since the time of cancellation as well as the amount of penalties due.

2.Registrants who hold an NCARB certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.

3.Registrants without NCARB certification and who were initially registered in Arkansas may re-apply without retaking the ARE®.

4.The board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided there are no pending charges of violations of this Act.

SECTION V

LANDSCAPE ARCHITECT REGISTRATION STANDARDS

A. Initial Registration Standards

To be granted initial registration, an applicant must meet the following requirements.

1. An applicant must hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB.
2. An applicant must have passed the LARE® in accordance with current CLARB standards.
3. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Landscape Architectural Practice Act and Rules.

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

B. Reciprocal Registration Standards

An applicant who holds a current and valid record issued by CLARB and who submits satisfactory evidence of such record to the board can be registered, provided the applicant meets the following requirements.

1. An applicant must hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB.
2. An applicant must have passed the LARE® in accordance with current CLARB standards.
3. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Arkansas Landscape Architectural Practice Act and Rules.
4. The applicant holds a valid registration as a landscape architect issued by a registration authority of the United States and submits satisfactory evidence of such registration to the board.

5. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.
6. Before registration, the board may, at its discretion, require individual applicants to appear before the board when a CLARB record does not clearly indicate that the applicant is qualified for registration in Arkansas.

C. Registration Prohibited

One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:

- 1.Practicing landscape architecture without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;
2. Conviction of a felony listed under §17-3-102, unless waived by the Board;
- 3.Submitting a misstatement or misrepresentation of fact in connection with an application for examination, registration, application for reciprocal registration, or any other official communication with the board;
- 4.Committing an act prohibited by a provision of the Arkansas Landscape Architectural Practice Act or the Rules and Regulations of this board in effect at that time.

D. Renewal

- 1.Certificate of registration shall expire on January 31 of each year and shall become invalid on February 1, unless renewed.
- 2.All renewals must be either received in the board office by the close of business on January 31 or postmarked by January 31.
- 3.Only renewal forms that contain the completed renewal application, annual continuing education affidavit attesting to compliance with continuing education requirements, and the required renewal fees will be processed.
- 4.A registrant who does not properly renew his or her license may not practice landscape architecture after the expiration of the license. A registrant who continues to practice using an expired license will be subject to such disciplinary action as the board deems appropriate.

E. Emeritus Status Registration

1. Registrants who are retired from the active practice of landscape architecture who are 65 years of age or older may request emeritus status by filling out the proper application.

2. Emeritus status licensees are exempt from continuing education requirements unless the landscape architect reactivates his or her license to active status.

3. Registrants who have been on emeritus status for more than one (1) year may be readmitted to active practice upon proper application and completion of twenty-four (24) hours of continuing education. Registrants who have been on emeritus status for one (1) year or less may be readmitted to active practice upon proper application and completion of twelve (12) hours of continuing education.

4. An emeritus landscape architect seeking readmission to active practice shall pay all applicable fees, not to exceed the current license fees.

F. Reinstatement of Lapsed License

1. An individual whose license has lapsed for any reason may be reinstated at any time within three (3) years from the date of cancellation of the registration.

a. Prior to reinstatement, the individual must demonstrate compliance with the Act and the current Rules.

b. The applicant must pay all fees that have accrued since the time of cancellation as well as the amount of penalties due.

2. Registrants who hold a CLARB certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.

3. The board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided there are no pending charges of violations of this Act.

SECTION VI

INTERIOR DESIGNER REGISTRATION STANDARDS

A. Initial Registration Standards

To be granted initial registration, an applicant must meet the following requirements.

1. An applicant must hold a professional degree in interior design from a degree program that has been accredited by the Council for Interior Design Accreditation (CIDA) or degree program with proof of equivalency to the CIDA program.
2. An applicant must have completed the minimum experience requirements as determined by the completed degree program.
3. An applicant must have passed the CIDQ examination in accordance with current CIDQ standards.
4. An applicant must complete an affidavit supplied by the board attesting that he or she has read and understood the Registered Interior Designers Title Registration Act and Rules.

When evaluating qualifications, the board may require that the applicant substantiate his or her qualifications.

B. Reciprocal Registration Standards

An applicant who holds a current and valid certification issued by CIDQ and who submits satisfactory evidence of such certification to the board can be registered, provided the applicant meets the following requirements.

1. The applicant holds a valid registration as a registered interior designer issued by a registration authority of the United States and submits satisfactory evidence of such registration to the board.
2. An applicant files his or her application in a form prescribed by the board and pays the applicable fees established by the board.
3. Before registration, the board may, at its discretion, require individual applicants to appear before the board when a CIDQ record or application

does not clearly indicate that the applicant is qualified for registration in Arkansas.

C. Registration Prohibited

One or more of the following acts shall be sufficient to prevent the applicant from being considered for registration and license:

1.Utilizing the title "registered interior designer" without registration in Arkansas or any other state, territory, district, or zone of the United States in violation of a law governing such a practice;

2. Conviction of a felony **listed under § 17-3-102, unless waived by the Board;**

3.Submitting a misstatement or misrepresentation of fact in connection with an application for examination, registration, application for reciprocal registration, or any other official communication with the board;

4.Committing an act prohibited by a provision of the Arkansas Registered Interior Designers Title Registration Act or the Rules of this board in effect at that time.

D. Renewal

1.Certificate of registration shall expire on January 31 of each year and shall become invalid on February 1, unless renewed.

2.All renewals must be either received in the board office by the close of business on January 31 or postmarked by January 31.

3.Only renewal forms that contain the completed renewal application, annual continuing education affidavit attesting to compliance with continuing education requirements, and the required renewal fees will be processed.

4.A registrant who does not properly renew his or her license may not utilize the title "registered interior designer" after the expiration of the license. A registrant who continues to utilize the title using an expired license will be subject to such disciplinary action as the board deems appropriate.

E. Reinstatement of Lapsed License

1.An individual whose license has lapsed for any reason may be reinstated at any time within three (3) years from the date of cancellation of the registration.

a.Prior to reinstatement, the individual must demonstrate compliance with the Act and the current Rules.

b.The applicant must pay all fees that have accrued since the time of cancellation as well as the amount of penalties due.

2.Registrants who hold a CIDQ certification and have allowed their registrations to lapse for a period of three (3) or more years must reapply through reciprocity.

3.Registrants without CIDQ certification and who were initially registered in Arkansas may re-apply without retaking the CIDQ examination.

4.The board may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided there are no pending charges of violations of this Act.

SECTION VII

ARCHITECT EXAMINATION

A. General

1. Applicants for registration by examination must pass the Architect Registration Examination (ARE®).

2. Any such applicant for registration by examination must have been approved as a candidate for examination by NCARB.

B. Application

The applicant has full, complete, and sole responsibility for furnishing to NCARB all necessary information and paying to NCARB all required fees.

C. Conditions for Examination

1. NCARB will determine the eligibility of each applicant and will forward eligibility information to ASBALAID.

2. NCARB will allow the applicant to take the ARE® at any NCARB-approved test center, whether or not it is located in the State of Arkansas.

3. ASBALAID will accept the ARE® results determined by NCARB.

4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, NCARB will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of NCARB guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

D. Fees

The examination fees for each division of the ARE® will be established by NCARB and will be paid directly to the test vendor by the candidate.

E. Disabled Examinees

1. Requests for modifications to the examination procedure to accommodate physical or other disabilities must be made to the board in writing.

2. A physician's report must accompany the request in order to confirm the nature and extent of the disability.

3.The board shall send its recommendations for modifications to NCARB for a final determination. NCARB has the final authority with regard to any modifications to the examination.

SECTION VIII

LANDSCAPE ARCHITECT EXAMINATION

A. General

1. Applicants for registration by examination must pass the Landscape Architect Registration Examination (LARE®).
2. Any such applicant for registration by examination must be 21 years of age and must have been approved as a candidate for examination by the board.
3. All applicants for registration by examination must establish a CLARB Council record and meet the established qualifications outlined in the Arkansas Landscape Architectural Practice Act.

B. Application

The application packet for the examination must contain the following:

1. The completed Arkansas application form documenting the following: a.
A professional degree in landscape architecture from a school or college of landscape architecture accredited by the Landscape Architecture Accrediting Board (LAAB) and Proof of satisfactory experience in landscape architecture of a minimum of two (2) years.
2. The completed Arkansas application for documenting the following: a.
Documentation of seven (7) years of experience in landscape architecture satisfactory to the board.
3. The board reserves the right to require an applicant to produce substantiation for any part of his or her record. The board may require substantiation of the quality and character of the training prior to admission to the examination.

C. Conditions for Examination

1. The applicant will apply for examination directly with CLARB.
2. The board will allow the applicant to take the LARE® at any CLARB-approved test center, whether or not it is located in the State of Arkansas.
3. The board will accept the LARE® results determined by CLARB.
4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Without limitation, misbehavior may

include violation of CLARB guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

SECTION IX

INTERIOR DESIGNER EXAMINATION

A. General

1. Applicants for registration by examination must pass the examination prepared and administered by CIDQ.
2. Any such applicant for registration by examination must be 21 years of age.
3. All applicants for registration by examination must obtain a CIDQ Certificate and meet the established qualifications outlined in the Arkansas Interior Designers Title Registration Act.

B. Conditions for Examination

1. CIDQ will determine the eligibility of each applicant and will forward eligibility information to the board.
2. The board will allow the applicant to take the CIDQ examination at any CIDQ-approved test center, whether or not it is located in the State of Arkansas.
3. The board will accept the exam results determined by CIDQ.
4. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Without limitation, misbehavior may include violation of CIDQ guidelines or policies, or of an applicant's confidentiality agreements with respect to the examination.

C. Fees

The examination fees for each division of the CIDQ examination will be established by CIDQ and will be paid directly to the test vendor by the candidate.

SECTION X

CONTINUING EDUCATION

A.Scope

These rules shall apply to every architect, landscape architect, and registered interior designer registered in the State of Arkansas as a condition for renewal on an annual basis.

B.Exemptions

An architect, landscape architect, or registered interior designer registered in the State of Arkansas may not be subject to participating in the continuing education requirements set forth by these rules for one of the following reasons:

1.A first-time, new registrant by examination or first-time reciprocal registrant shall be exempt for his/her first renewal period.

2.Registrant is an emeritus status architect or landscape architect.

3.Registrant is a civilian who has served on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual reporting period.

4.A registrant experiencing physical disability, illness, or other extenuating circumstances may request exemption from the continuing education requirements. The registrant shall provide supporting documentation for the board's review. The board will consider such hardship cases on an individual basis. The request for a hardship must be received in the board office one (1) month in advance of the renewal period.

C. Requirements

1.In addition to all other requirements for registration renewal, each Arkansas registered architect and landscape architect must complete a minimum of twelve (12) continuing education hours each calendar year. In addition to all other requirements for registration renewal, each Arkansas registered interior designer must complete a minimum of six (6) continuing education hours each calendar year. A continuing education hour (CEH) shall represent one continuous instructional hour (50 to 60 minutes of contact) spent in structured education activities intended to increase or update the architect's, landscape architect's, or interior designer's knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the

prescribed time to be unreasonable, be accepted as the architect's, landscape architect's, or registered interior designer's time for continuing education purposes irrespective of the actual time spent on the activity.

2. All CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities.

3. Structured educational activities are courses of study in which at least 75 percent (75%) of the activities' content and instructional time is devoted to acceptable health, safety, and welfare subjects. These subjects must be related to the practice of architecture, landscape architecture, or interior design including courses of study, monographs, or other activities under the areas identified as health, safety, and welfare subjects, and they must be provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

4. Health, safety, and welfare subjects are technical and professional courses that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment:

a. Legal: Laws, codes, zoning, regulations, standards, life safety measures, accessibility, ethics, and insurance to protect the owner or the public;

b. Technical: Surveying, structural, mechanical, electrical, communication, fire protection, controls, site grading, irrigation systems;

c. Environmental: Energy efficiency, sustainability, natural resources, natural hazards, hazardous materials waterproofing, insulation, stormwater management;

d. Occupant Comfort: Air quality, lighting, acoustics, ergonomics;

e. Materials and Methods: Building systems, products, finishes, furnishings, equipment;

f. Preservation: Historic, reuse, adaptation;

g. Pre-Design: Land use analysis, programming, site selection, site and soils analysis;

h. Design: Urban planning, master planning, building design, site design, interiors, safety and security measures;

- i. Construction Documents: Drawings, specifications, delivery methods; and
 - j. Construction Administration: Contracts, bidding, contract negotiations.
- 5. Attending seminars, lectures, presentations, workshops, or courses shall constitute one CEH for each hour of attendance.
 - 6. Successfully completing tutorials, short courses, correspondence courses, Web-based courses, monographs, and other self-study courses shall constitute the CEH recommended by the program sponsor.
 - 7. CEH credit will not be granted to faculty members at a college, university, or other educational institution.
 - 8. Successfully completing one or more college or university semester or quarter hours in architectural, landscape architectural, or interior design subjects shall satisfy the continuing education requirement for the calendar year in which the course was completed.
 - 9. Any structured program in health, safety, and welfare contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules.
 - 10. The board approves the American Institute of Architects (AIA), the American Society of Landscape Architects (ASLA), and the Interior Design Continuing Education Council (IDCEC) as professional registries. The board will accept contact hours listed by the American Institute of Architects Continuing Education Services (AIA/CES), the Landscape Architect Continuing Education System (LA/CES), and the Interior Design Continuing Education Council (IDCEC) transcript of Continuing Education Activities for both resident and non-resident architects, landscape architects, and registered interior designers.

D. Reporting and Record Keeping

- 1. At registration time, each architect, landscape architect, or registered interior designer registered in the State of Arkansas shall complete and submit an affidavit prescribed by the board attesting to his or her fulfillment of the required continuing education hours listed above during the preceding calendar year.
- 2. No carryover of continuing education hours from the previous calendar year is permitted.
- 3. Any untrue, false, or misleading statements with respect to course attendance or any other aspect of continuing education activity is considered fraud and/or misrepresentation. Such activity will subject the

architect and/or program sponsor to license revocation or other disciplinary action.

4. Documentation of health, safety, and welfare (HSW) credit must be indicated by the course provider. The provider must clearly indicate that the course is HSW.

E. Audit

1. Each affidavit may be reviewed by the board and may be subject to audit for verification of compliance with requirements.
2. Documentation of reported continuing education hours shall be maintained by the architect for six (6) years from the date of award.
3. The board may, upon audit for verification of compliance, disallow claimed credit for continuing education hours.
4. If the board disallows any continuing education hours, the architect, landscape architect, or registered interior designer shall have forty-five (45) days from notice of such disallowance to provide further evidence of having completed the continuing education disallowed or to remedy the disallowance by completing the required number of continuing education hours.

F. Noncompliance and Sanctions

1. Failure to fulfill the continuing education requirements shall result in non-renewal of individual registration. After proper notice, if the board finds that the architect, landscape architect, or registered interior designer willfully disregarded these requirements or falsified documentation of the required continuing education hours, the architect may be subject to disciplinary action in accordance with board rules.
2. At the discretion of the board, a temporary renewal of license may be issued for up to forty-five (45) days. If the continuing education deficiency has not been cleared to the satisfaction of the board within forty-five (45) calendar days, the registrant may no longer practice architecture or landscape architecture or utilize the title "registered interior designer" in the State of Arkansas without incurring disciplinary action.

G. Reinstatement

To reinstate a registration an applicant shall submit proof of completion of twelve (12) continuing education hours. Said hours may be earned either in the calendar year of reinstatement or in the immediately prior calendar year. Such

hours may be applied to satisfy a continuing education requirement applicable to the first registration renewal following reinstatement but shall not be used to satisfy any continuing education requirement applicable to the second registration renewal following reinstatement.

SECTION XI

PRACTICE OF ARCHITECTURE IN ARKANSAS

A. Practice of Architecture as a Corporation or Partnership

1. Any corporation, professional corporation, and/or any partnership, whether organized under the laws of this or any other jurisdiction, may not offer to engage in the practice of architecture in the State of Arkansas until such corporation or partnership has obtained a certificate of authorization issued by the board; the certificate shall be valid until January 31 of the year in which it is obtained.

2. The board shall issue a certificate of authorization to a corporation, partnership, or limited liability association upon receipt of the materials listed below, and upon ascertaining that the conditions set forth in Ark. Code Ann. § 17-15-101 et seq. have been met.

a. An application of a form approved by the board

(1) In the case of a corporation, the application shall be signed by the corporation's president and secretary, and shall include the following information: the jurisdiction under which the corporation is organized; the name, resident address, and states of registration and registration numbers of each director; and the identity of each director engaging in the practice of architecture in Arkansas.

(2) In the case of a partnership, the application shall be signed by a general partner who is a registered architect, and shall include the following information: the jurisdiction under which the partnership is organized; the name and resident address, and states of registration and registration numbers of each general partner; and the identity of each general partner engaging in the practice of architecture in Arkansas.

b. In the case of a corporation, a copy of the corporation's articles of incorporation or similar charter document certified by the secretary of state of the jurisdiction in which the corporation is organized; however, subject to SECTION VII, articles of organization need not be re-submitted if the corporation is seeking renewal of a certificate of authorization.

c. Payment of a fee of two hundred fifty dollars (\$250.00).

B. Unlawful Practice of Architecture

1. It shall be unlawful to practice architecture in an office not under the day-to-day supervision of a registered architect.

2.It shall be unlawful for an architect to falsely represent himself as being in responsible control of architectural work, or to permit his/her seal, or facsimile thereof, to be used by another for any purpose.

3.A firm engaged in the practice of architecture in Arkansas must employ one (1) or more persons registered to practice architecture in Arkansas who are in full authority and responsible control of the firm's architectural practice. Persons in full authority and responsible control shall mean regularly employed persons in that office who are in unrestricted, unchecked, and qualified control of, and are legally accountable for, the actions of the architectural practice.

4.Any office maintained for the preparation of drawings, specifications, reports, and other professional work shall have in that office an architect duly registered with this board, in full authority and responsible control, having direct knowledge and responsible control of such work.

5.Each firm shall provide and maintain the current mailing address and physical address of its main office and each office located in Arkansas.

6.If any change occurs in any of the information provided to the Board during the period for which certificate of authorization is granted, it shall be reported to the board within thirty (30) days of its effective date.

C. Suspension, Revocation, or Cancellation of Certificate of Authorization

The board may revoke, suspend, or cancel a certificate of authorization granted if any officer, director, or employee of a corporation or any general partner or employee of a partnership violates any provision of Ark. Code Ann. § 17-15-101 et seq. or these rules. However, it shall be an affirmative defense to show that such individual was not acting as an agent of the corporation or the partnership at the time the violation occurred.

D. Design and Use of Architect's Seal

Each registered architect shall procure a seal that shall contain the name of the registered architect, license registration number, and the words:

"REGISTERED ARCHITECT – STATE OF ARKANSAS"

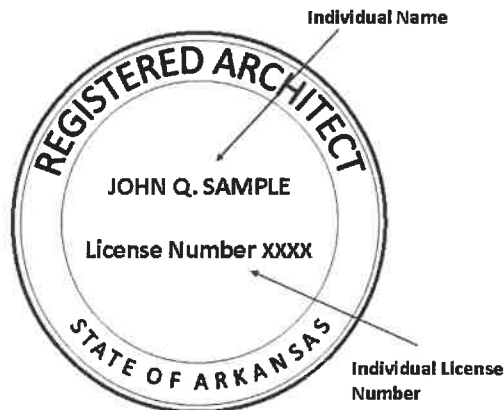
The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:

1.Seal Design Requirements

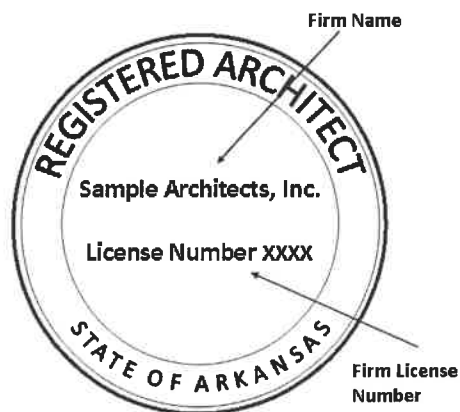
a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words

"Registered Architect" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:

- (1) For a registered corporation, the corporation name and registered number
- (2) For a partnership, the partnership name and registration numbers of partners
- (3) For an individual, the name and registration number



INDIVIDUAL – SEAL SAMPLE



CERTIFICATE OF AUTHORIZATION – SEAL SAMPLE

- b. Any method that legibly reproduces the architect's seal is permitted.

2. Use of Architect's Seal

- a. Architects shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.

b. Contract documents considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall bear the architect's name and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.

c. Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.), which are retained by the architect, shall bear the seal and registration number of the responsible consultant.

d. Once documents bearing the architect's seal are issued from the architect's office, the seal shall not be removed, except as follows: If the architect's client requests electronic drawing files that will be used as reference documents, the following statement shall be substituted for the seal:

THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF (NAME OF FIRM). (ADDRESS OF FIRM). THIS ELECTRONIC DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.

e. Except as noted in Section (f), no architect shall affix the seal and signature to contract documents developed by others.

f. No person, other than the architect represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the architect represented and clearly indicating on the documents the extent of the modifications made.

g. On original documents, the use of signature reproductions, such as rubber stamps or computer-generated signatures or other facsimiles, shall be permitted.

h. Authorized use of the prescribed seal is an individual act whereby the architect must personally inscribe the seal. The architect is responsible for its security when not in use.

E. Unauthorized Use of Architect's Seal

1. A registered architect whose seal appears on drawings or specifications prepared by persons who are not registered or not under the architect's direct supervision will be deemed to have aided or abetted in the practice of architecture by a person not duly authorized to practice architecture.

2. A registered architect, whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the engineers or consultants, will be deemed to have aided or abetted in the

practice of architecture by a person not duly authorized to practice architecture.

3.A registered architect whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the practice of architecture by a person not duly authorized to practice architecture.

F. Architect's Consultants

The architect is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the architect and the architect's consultants.

G. Use of Prototypical Documents

Nothing precludes the use of prototypical documents, provided the architect:

1. Has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents. The term "legal owner" shall mean the person who provides the architect with a letter that he or she is the owner of the documents and has the written permission to allow their use.
2. Has reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job-specific requirements.
3. Has independently performed and maintained on file all necessary calculations.
4. Has issued the documents with the architect's title block and seal after reviewing, analyzing, and making revisions and/or additions. By applying the seal, the architect assumes professional responsibility as the architect of record.
5. Has maintained design control over the use of site-adapted documents just as if they were the original design.
6. Has the seal and name of the architect who originally developed the prototypical documents, which may remain on the construction documents, provided the original architect is licensed in the State of Arkansas and provided the original architect who prepared the prototypical documents agrees, in writing, to the use of the documents for the construction project by a second architect.

SECTION XII

PRACTICE OF LANDSCAPE ARCHITECTURE IN ARKANSAS

A. Design and Use of Landscape Architect's Seal

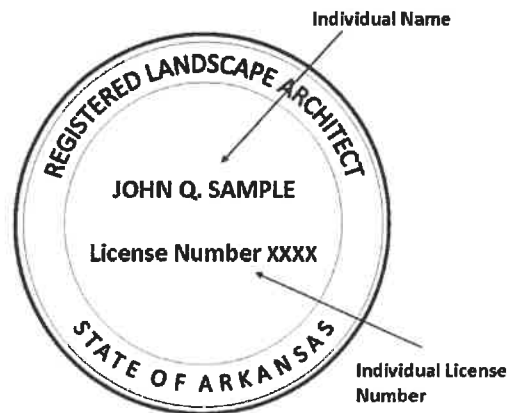
Each registered landscape architect shall procure a seal that shall contain the name of the registered landscape architect, license registration number, and the words:

"REGISTERED LANDSCAPE ARCHITECT – STATE OF ARKANSAS"

The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:

1. Seal Design Requirements

- a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words "Registered Landscape Architect" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:
- b. Any method that legibly reproduces the landscape architect's seal is permitted.



2. Use of Landscape Architect's Seal

- a. Landscape architects shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.
- b. Contract documents considered incomplete by the landscape architect may be released for interim review without the landscape architect's seal or signature affixed, but shall bear the landscape

architect's name and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.

c. Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.), which are retained by the landscape architect, shall bear the seal and registration number of the responsible consultant.

d. Once documents bearing the landscape architect's seal are issued from the landscape architect's office, the seal shall not be removed, except as follows: If the landscape architect's client requests electronic drawing files that will be used as reference documents, the following statement shall be substituted for the seal:

THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF (NAME OF INDIVIDUAL), (ADDRESS OF INDIVIDUAL). THIS ELECTRONIC DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.

e. Except as noted in Section (f), no landscape architect shall affix the seal and signature to contract documents developed by others.

f. No person, other than the landscape architect represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the landscape architect represented and clearly indicating on the documents the extent of the modifications made.

g. On original documents, the use of signature reproductions, such as rubber stamps or computer-generated signatures or other facsimiles, shall be permitted.

h. Authorized use of the prescribed seal is an individual act whereby the landscape architect must personally inscribe the seal. The landscape architect is responsible for its security when not in use.

B. Unauthorized Use of Landscape Architect's Seal

1.A registered landscape architect whose seal appears on drawings or specifications prepared by persons who are not registered or not under the landscape architect's direct supervision will be deemed to have aided or abetted in the practice of landscape architecture by a person not duly authorized to practice landscape architecture.

2.A registered landscape architect, whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are

identified as the engineers or consultants, will be deemed to have aided or abetted in the practice of landscape architecture by a person not duly authorized to practice landscape architecture.

3.A registered landscape architect whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the practice of landscape architecture by a person not duly authorized to practice landscape architecture.

C. Landscape Architect's Consultants

The landscape architect is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the landscape architect and the landscape architect's consultants.

SECTION XIII

USE OF THE TITLE REGISTERED INTERIOR DESIGNER IN ARKANSAS

A. Design and Use of Interior Designer's Seal

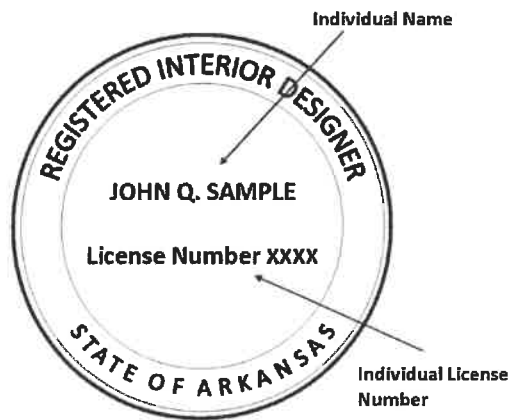
Each registered interior designers shall procure a seal that shall contain the name of the registered interior designer, license registration number, and the words:

"REGISTERED INTERIOR DESIGNER – STATE OF ARKANSAS"

The seal shall comply, in all respects, in size and format, with the description of the design requirements as set forth below:

1. Seal Design Requirements

- a. Design: Metal impression, rubber stamp, or printed, two (2) concentric circles 1.5" and 1" in diameter. Space between bearing words "Registered Interior Designer" and "State of Arkansas." Space within inner circle bearing names and registration numbers as follows:
- b. Any method that legibly reproduces the registered interior designer's seal is permitted.



2. Use of Registered Interior Designer's Seal

- a. Registered Interior Designers shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, as well as cover and index pages identifying all specification pages covered. Presentation documents (renderings and/or drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.
- b. Contract documents considered incomplete by the registered interior designer may be released for interim review without the registered interior designer's seal or signature affixed, but shall bear the registered interior designer's name and be conspicuously marked to clearly indicate

the documents are for interim review and not intended for bidding, permit, or construction purposes.

c. Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.), which are retained by the registered interior designer, shall bear the seal and registration number of the responsible consultant.

d. All registered interior designer contract documents shall contain the following statement: that the document is not an architectural or engineering drawing, specifications, or design and is not to be used for construction of any load-bearing columns, load-bearing framing, or load-bearing walls or structures or issuance of any building permit.

e. Once documents bearing the registered interior designer's seal are issued from the registered interior designer's office, the seal shall not be removed, except as follows: If the registered interior designer's client requests electronic drawing files that will be used as reference documents, the following statement shall be substituted for the seal:

THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF (NAME OF INDIVIDUAL). (ADDRESS OF INDIVIDUAL). THIS ELECTRONIC DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.

f. Except as noted in Section (f), no registered interior designer shall affix the seal and signature to contract documents developed by others.

g. No person, other than the registered interior designer represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the registered interior designer represented and clearly indicating on the documents the extent of the modifications made.

h. On original documents, the use of signature reproductions, such as rubber stamps or computer-generated signatures or other facsimiles, shall be permitted.

i. Authorized use of the prescribed seal is an individual act whereby the registered interior designer must personally inscribe the seal. The registered interior designer is responsible for its security when not in use.

B. Unauthorized Use of Registered Interior Designer's Seal

1. A registered interior designer whose seal appears on drawings or specifications prepared by persons who are not registered or not under the registered interior designer's direct supervision, will be deemed to have aided

or abetted in the use of title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.

2.A registered interior designer, whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the consultants, will be deemed to have aided or abetted in the use of the title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.

3.A registered interior designer whose seal appears on drawings or specifications that unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the use of the title "registered interior designer" by a person not duly authorized in accordance with Arkansas law.

C. Registered Interior Designer's Consultants

The registered interior designer is not required to seal and sign documents prepared and sealed by his/her licensed consultants, except indexes and cover sheets containing certain descriptions of work performed by the registered interior designer and the registered interior designer's consultants.

SECTION XIV

RULES OF PROFESSIONAL CONDUCT

A. Competence

1. When engaging in the practice of architecture or landscape architecture, or utilizing the title "registered interior designer," a registered architect, landscape architect, or registered interior designer shall act with reasonable care and competence and shall apply the knowledge and skills that are ordinarily applied by registered architects, landscape architects, and registered interior designers of good standing, practicing in the same locality.

2. In designing a project, a registered architect, landscape architect, or registered interior designer shall endeavor to take into account all applicable state and municipal building laws and regulations. While a registered architect, landscape architect, or registered interior designer may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registered architect, landscape architect, or registered interior designer shall not knowingly design a project in violation of such laws and regulations.

3. A registered architect, landscape architect, and registered interior designer shall undertake to perform professional services only when qualified to do so by education, training, and experience in the specific technical areas. This provision also includes those whom the registered architect, landscape architect, and registered interior designer may engage as consultants.

4. No individual shall be permitted to engage in the practice of architecture or landscape architecture or utilize the title "registered interior designer" if, in the board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. Conflicts of Interest

1. A registered architect, landscape architect, or registered interior designer shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to by all interested parties. The disclosure and agreement shall be in writing.

2.The architect, landscape architect, or registered interior designer shall fully disclose in writing to the architect's, landscape architect's, or registered interior designer's employer or client any business association or direct or indirect financial interest that could influence the architect's, landscape architect's, or registered interior designer's judgment or decisions in connection with his or her services. Should the employer or client object to such association or financial interests, the architect, landscape architect, or registered interior designer shall either terminate such association or interests or offer to give up the commission or employment.

3.An architect, landscape architect, or registered interior designer shall not solicit or accept compensation in return for specifying or endorsing products and materials.

4.When acting as the interpreter of building contract documents or the judge of contract performance, a registered architect shall render decisions impartially, favoring neither party in the contract.

C. Compliance with Laws

1.A registered architect, landscape architect, or registered interior designer shall not knowingly violate any state or federal law relating to the practice of architecture, landscape architecture, or use of the title "registered interior designer."

2.An architect, landscape architect, or registered interior designer shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registered architect, landscape architect, or registered interior designer is interested.

3.An architect, landscape architect, or registered interior designer shall comply with the registration laws and rules governing his or her professional practice in any United States jurisdiction.

D. Professional Conduct

1.Except as provided under Section IX, an architect, landscape architect, or registered interior designer shall not sign or seal contract documents unless the documents were prepared by the architect, landscape architect, or registered interior designer or under the design professional's supervisory control. However, in the case of portions of such contract documents prepared under the direct supervision of another registered architect, landscape architect, or registered interior designer employed by the first architect, landscape architect, or registered interior designer (or his or her firm), the design professional may sign and seal those portions of the contract

documents if the architect, landscape architect, or registered interior designer has reviewed such portions and has coordinated their preparation.

2.An architect, landscape architect, or registered interior designer shall neither offer nor make any gifts, other than gifts of nominal value, such as reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the registered architect, landscape architect, or registered interior is interested.

3.An architect, landscape architect, or registered interior designer shall not engage in conduct involving fraud or wanton disregard of the rights of others.

4.If, in the course of his or her work on a project, an architect, landscape architect, or registered interior designer becomes aware of a decision taken by his or her employer or client against the architect's advice that violates applicable state or local building laws and regulations and that will, in the design professionals judgment, materially and adversely affect the safety of the public, the architect, landscape architect, or registered interior designer shall:

- a. Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or local building laws and regulations;
- b.Refuse to consent to the decision; and
- c. In circumstances where the architect, landscape architect, or registered interior designer reasonably believes that other such decisions will be taken, notwithstanding his or her objection, said architect, landscape architect, or registered interior designer may terminate his or her services with reference to the project unless the design professional is able to resolve the matter by other means.

E. Amendments

1.If, following a hearing held in accordance with the Arkansas Administrative Procedures Act, a registrant is found guilty of fraud, deceit, gross negligence, incompetence, misconduct, or careless practice, or is found to be in violation of any provisions found in the statutes or rules, the board may revoke or suspend the registrant's license, decline to renew the registrant's license, issue the registrant a reprimand that will become a part of the registrant's permanent record, levy a civil penalty against the registrant, and/or take any other reasonable action deemed appropriate by the board.

2.The Rules may be amended in accordance with the Arkansas Administrative Procedure Act.

3.All former Rules of the State Board of Architects, Landscape Architects, and Interior Designers pertaining to procedure, conduct, and practice are hereby repealed.

SECTION XV

CONSTRUCTION CONTRACT ADMINISTRATION

A. Construction Contract Administration

1. If, under Arkansas law, an architect is required to prepare or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, construction observation for the project shall be conducted by an architect or by a person working under the supervision and control of an architect. For purposes of this subchapter, "construction observation" means the administration of the portion of the construction contract described and documented in the architectural plans and specifications, including the following services:

- a. Visiting the construction site on a regular basis, as necessary, to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued;
- b. Processing shop drawings, samples, and other submissions required of the contractor by the terms of construction contract documents; and
- c. Notifying the owner and the building official of any code violations, changes that affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions and the work in progress, or any deviation from the technical submissions that he or she identifies as constituting a hazard to the public and observes in the course of performing his or her duties.

B. Responsibility for Construction Contract Administration

The owner of any building has the ultimate responsibility for ensuring the health, safety, and welfare of the occupants of the building, as well as the public in general, according to the laws of the State of Arkansas. The owner of any real property who allows a project to be constructed on such real property and the construction of which requires the services of an architect shall be deemed to have engaged in the practice of architecture unless such owner shall have employed or caused others to have employed a registered architect to furnish construction contract administration services with respect to such project.

SECTION XVI

BUILDING CONSTRUCTED WITHOUT AN ARCHITECT

A. Violation of Public Health, Safety, and Welfare

The construction of a building requiring an architect under the Arkansas Architectural Act is considered to be a violation of the health, safety, and welfare of the public when the required services of an architect are not provided.

B. Occupancy and Use of Buildings

The occupancy and use of a building constructed without the services of an appropriate design professional or professionals seriously compromises the health, safety, and welfare of the public. Any building so constructed is declared by the Arkansas Architectural Act to constitute a nuisance and threat to public health, safety, and welfare and may be enjoined by the examining body in the courts of this state. Even though the violation may be punishable by fine, this section of the rules intends to provide a speedy means of protecting the public.

C. Verification of Design Professional Responsibility

When it comes to the board's attention that a building may have been or is being constructed without the use of the required design professional or professionals, the board may require proof from the owner of the property that the appropriate registered professional or professionals were in responsible control of the design and construction administration of the building.

CHAPTER TWO

RULES AND PROCEDURE

SECTION I

RULES UNDER THE ARKANSAS ARCHITECTURAL ACT, ARKANSAS LANDSCAPE ARCHITECTURAL PRACTICE ACT, ARKANSAS INTERIOR DESIGNERS TITLE REGISTRATION ACT AND NOTICE - HEARINGS

A. Rules under the Practice Act

This exposition of the Rules of Procedure, formulated under the Administrative Procedure Act, as amended ACA 25-15-201 et. seq., does not affect a repeal of the provisions of the Act or of its amendments and related laws, except insofar as these Rules of Procedure were formulated under provisions of law that specifically contravene provisions of the Act, its amendments, and related laws.

B. Notice - Hearing

Any such rule shall be made or amended only after a hearing upon notice, as set forth in these Rules of Procedure.

SECTION II

PRIOR RULES

Prior Rules – Valid

Rules of the board formulated previously are declared to be still in force until amended and certified to the Arkansas Register.

SECTION III

RULE MAKING

In any case of rule-making, every person has a right to seek action from the board in making a rule. Every person also has the right to seek to cause correction in an incorrect rule.

SECTION IV

ORDER

E. Order – Effective Only in Writing

An order of the Board shall be effective only when in writing.

B. Effective Date

Each order shall contain an effective date and shall concisely state the following:

1. Its intent and purpose
2. The grounds on which it is based
3. The pertinent provision of law

C. Order May Be Effectuated

An order may be given by service upon or delivery to the person ordered, by mail, with postage prepaid and addressed to the person at his principal place of business or his home of last address on record with the board. An order also may be served by any officer authorized to serve legal process, by any member of the board, or by any employee of the board. An attempt to serve a notice to the last address of record obtained by the board office shall constitute official notice.

D. Order Formulated Upon Adjudication

An order shall be formulated upon each adjudication made by the board or its hearing officer.

SECTION VI

DECLARATORY ORDERS - RULES

A. Declaratory Order – Petition For

Any person who alleges that a rule or its possible application may injure or threaten to injure one's self, one's business, or one's property may file a petition for a declaratory order as to the applicability of any rule to be enforced by the board.

B. Prompt Disposition

Such petition shall be considered, and a prompt disposition shall be made.

C. Status

Declaratory orders shall have the same status as agency orders formulated upon adjudication.

SECTION VII

ADJUDICATION

A. Reasonable Notice

All parties shall be afforded opportunity for hearing after reasonable notice.

B. Evidence May Be Presented

Opportunity shall be afforded all people interested in the action to respond and to present evidence and argument on all issues involved.

C. Stipulation/Settlement/Consent or Default Not Prohibited

Nothing in these rules shall prohibit informal disposition by stipulation, settlement, consent order, or default.

D. Record

The record shall include the following:

1. All pleadings, motions, and intermediate rulings;
2. All evidence received or considered, including, on the request of any party, a transcript of all proceedings or any part thereof;
3. A statement of matters officially noticed;
4. Offers of proof, objections, and rulings;
5. Proposed findings and exceptions; and
6. All staff memoranda or data submitted to the hearing officer in connection with any staff consideration of the matter.

E. Findings of Fact

Findings of fact shall be based exclusively on the evidence received and on matters officially noticed.

SECTION VIII

ADJUDICATION - DECISIONS

A. Final Decisions

1. In every case of adjudication, there shall be a final decision, or order, that shall be in writing (or stated in the record).
2. The final decision shall include findings of fact and conclusions of law, each separately stated.
3. The findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying evidence supporting the findings.
4. If any party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.

B. Service of Copy – Decision

Parties shall be served a copy of any decision or orders either personally or by mail.

C. Exemption

Where a formal hearing before a hearing officer has been held, at which the parties were given proper notice and at which the opportunity was offered to them to be present in person and by counsel to present testimony, briefs, and argument, a proposal for decision will not be required.

SECTION IX

HEARING OFFICER

Where convenient and appropriate, a hearing officer may be appointed to take testimony and prepare the record for the board's consideration. The hearing officer may conduct hearings at any place within the State of Arkansas. In the conduct of such hearings, the hearing officer shall preside and have the power and duties of a presiding official as set forth in SECTION X, D. The decision on the record made by the hearing officer shall be made by a majority of the members of the board.

A. Hearing

In every case of adjudication, and in cases of rule-making, where rules are to be made after hearing, there shall be a hearing.

B. Right of Counsel

Any person compelled to appear before the board or a hearing officer shall have the right to counsel.

C. Impartiality

All members of the board present shall conduct themselves in an impartial manner, and the presiding official may withdraw if he/she deems himself/herself disqualified. Any party may file an affidavit of personal bias or disqualification, which shall be ruled upon by the board and granted if it is timely, sufficient, and filed in good faith.

D. Power and Duties of Presiding Official

1. Administer oaths and affirmations
2. Maintain order
3. Rule on all questions arising during the course of the hearing

4.Hold conferences for the settlement or simplification of the issues

5.Make or recommend decisions

6.Regulate and guide the general course of proceedings

E. Burden of Proof

The proponent of a rule or order shall have burden of proof.

F.Evidence Excluded

Irrelevant, immaterial, and unduly repetitious evidence shall be excluded.

G. Evidence Admitted

Any other evidence, oral or documentary, not privileged, may be received if it is of a type commonly relied upon by reasonable, prudent individuals in the conduct of their affairs.

H.Objections

Objections to evidence may be made and shall be noted in the record.

I.Evidence May Be Written

When a hearing can be so expedited (and the interests of the parties will not be prejudiced), any part of the evidence may be received in written form.

J.Cross Examination

Parties shall have the right to conduct cross-examination as may be required for a full, true disclosure of the facts.

K.Official Notice

Official notice may be taken of judicially recognizable facts and of generally recognized technical or scientific facts, particularly within the board's specialized knowledge.

1.Parties shall be notified of material so noticed (including any staff memoranda or data).

2.Parties shall be afforded a reasonable opportunity to show the contrary.

SECTION X

PROCEDURE ON DENIAL, SUSPENSION, OR REVOCATION

A.Grounds for Discipline

The board shall have sole authority over architects, landscape architects, and registered interior designers to deny or suspend any license to practice issued by

the board or applied for in accordance with the provisions of the Act, or to otherwise discipline a licensee upon the following determination:

1.That the holder of the registration or certificate of license is practicing in violation of this chapter or of the proper rules of the examining body governing this chapter;

2.That the license or certificate has been obtained by fraud or misrepresentation, or the person named therein has obtained it by fraud or misrepresentation;

3.That any money, except the regular fees provided for, has been paid for the license or certificate;

4.That the holder of the license or certificate is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;

5.That the holder of the license or certificate has been guilty of a felony [listed under § 17-3-102](#);

6.That the holder of the license or certificate has aided or abetted, in the practice of architecture or landscape architecture, any person not duly authorized to practice architecture or landscape architecture under the provisions of this chapter;

7.That the holder of a license or certificate has aided or abetted, in the use of the title "registered interior designer," any person not duly authorized to utilize the title "registered interior designer" under the provisions of this chapter;

8.That the holder of the license or certificate has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of architecture;

9.That the holder of the certificate has been guilty of gross incompetence or recklessness in the designing or construction of buildings;

10.That the holder of the license or certificate affixed, or permitted to be affixed, his/her seal or name to any plans, specifications, drawings, or related documents that were not prepared by him/her or under his/her responsible supervisory control;

11.That the holder of the license or certificate has been judged mentally incapable by a court of competent jurisdiction.

B.Proceedings

Proceedings shall be as follows:

1.Opportunity for licensee or applicant to have a hearing: Every licensee or applicant for a licensee shall be afforded notice and an opportunity to be heard before the board. The board shall have authority to take any action, the effect of which would be to...

- a. Deny permission to take an examination for licensing for which application has been duly made;
- b. Deny a license after examination for any cause other than failure to pass an examination;
- c.Withhold the renewal of a license for any cause;
- d.Suspend a license; and/or
- e.Revoke a license.

2.Notice of action or contemplated action by the board - Requests for Hearing - Notice of Hearing:

a. When the Board contemplates taking any action of a type specified in paragraphs a and b of subsection B.1 supra, it shall give written notice to the applicant, including a statement...

(1)That the applicant has failed to satisfy the board with his or her qualifications to be examined or to be licensed, as the case may be;

(2)Indicating in what respects the applicant has failed to satisfy the board; and

(3)That the applicant may secure a hearing before the board by depositing in the mail within twenty (20) days after service of said notice, a registered letter addressed to the board containing a request for a hearing. In any proceedings of the board involving the denial of a duly made application to take an examination or refusal to issue a license after an applicant has taken and passed an examination, the burden of satisfying the board of the applicant's qualifications shall be upon the applicant.

b. When the board contemplates taking any action of a type specified in paragraphs c, d, and e of subsection B. 1 supra, it shall give written notice to the licensee that contains a statement...

(1)Indicating the general nature of the evidence and detailed allegations of the violations with which the licensee is charged;

(2) That a hearing will be held on a certain date, no sooner than twenty (20) days after the mailing of the notice, and, that at that hearing, the board will receive evidence.

c. When the board shall summarily suspend a license pending a hearing as authorized in subsection B.2 supra, it shall give written notice of the general nature of the evidence and detailed allegations of the violations with which the licensee is charged. The notice will contain a statement...

(1) That the board has sufficient evidence that, if not rebutted or explained, will justify revocation of the license by the board;

(2) That indicates the general nature of the evidence against the licensee;

(3) That, based on the evidence indicated, the board has determined that the continuation of practice of the occupation or profession of the licensee will cause an immediate hazard to the public and has, therefore, suspended the license of the licensee, effective as of the date that such notice is served;

(4) That the board will then set an immediate hearing for a full evidentiary presentation by the licensee and the board.

d. In any hearing before the board involving the suspension or revocation of a license, the burden shall be on the board to present sufficient evidence to justify the action taken or proposed by the board.

C. Method of Serving Notice of Hearing

Any notice required by subsection B.2 may be served either personally or by an officer authorized by law to serve process, or by registered mail or certified mail, with return receipt requested, directed to the licensee or applicant at his or her last known address, as shown by the records of the board. If notice is served personally, it shall be deemed to have been served at the time when the officer delivers the notice to the person addressed. Where notice is served by registered mail, it shall be deemed to have been served on the date borne by the return receipt, showing delivery of the notice to the addressee or refusal of the addressee to accept the notice. An attempt to serve notice at the last address of record shall constitute official notice.

D. Venue of Hearing

Board hearings held under the provisions of this rule shall be conducted at the board office or elsewhere in Pulaski County. The hearings may be held anywhere

within Arkansas if the person whose license is involved and the board agree that the hearing should be held at some place outside Pulaski County.

E. Hearings Public

Use of Hearing Office – All hearings under this section shall be open to the public. At all such hearings, at least a quorum of the board shall be present to hear and determine the matter.

F. Rights of Person Entitled to Hearing

A person entitled to be heard pursuant to this section shall have the right to...

1. Be represented by counsel;
2. Present all relevant evidence by means of witnesses and books, papers and documents;
3. Examine all opposing witnesses on any matter relevant to the issues;
4. Have subpoenas and subpoenas duces tecum issued to compel the attendance of witnesses and the production of relevant books, papers, and documents upon making written request thereof to the Board; and
5. Have a transcript of the hearing made at his/her own expense.

G. Powers of the Board in Connection with Hearing

In connection with any hearing held pursuant to the provisions of this section, the Board or its hearing officer shall have the power to...

1. Have counsel to develop the case;
2. Administer oaths to develop the case;
3. Take testimony;
4. Examine witnesses;
5. Have a transcript of the hearing made at the expense of the board; and
6. Direct a continuance of any case.

H. Rules of Evidence

In proceedings held pursuant to this rule, the board may admit any evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent people in the conduct of serious affairs. The Board may, at their discretion, exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

I. Fees - Witnesses

Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a Circuit Court.

J. Manner and Time of Rendering Decision

Within a reasonable time after the decision is rendered, the board shall serve to the person whose license is involved a written copy of the decision, either personally or by registered mail. If the decision is sent by registered mail, it shall be deemed to have been served on the date borne on the return receipt.

K. Service if Written Decision

Within a reasonable time after the decision is rendered, the board shall serve to the person whose license is involved a written copy of the decision, either personally or by registered mail. If the decision is sent by registered mail, it shall be deemed to have been served on the date borne on the return receipt.

L. Contents of Decision

1. Findings of fact made by the board;
2. Conclusions of law reached by the board;
3. The order of the board based upon these findings of fact and conclusions of law; and
4. A statement informing the person whose license is involved of his right to request a judicial review and the time within which such a request must be made.

M. Judicial Review

Judicial review of proceedings under this rule shall be governed by the Administrative Procedure Act or other applicable law.

SECTION XI

JUDICIAL REVIEW

A. Service

Service shall be had by serving a copy of the petition upon the board and all other parties of record either by personal service or by mail.

SECTION XII

ENFORCEMENT

A.Civil Action

The board may institute a (civil) suit or other legal proceedings that may be required for enforcement of any provisions of ACA 17-15-101, 17-35-101, or 17-36-101 et seq., as amended and related acts.

B.Criminal Action

If the board has reason to believe that any person has violated any provisions of the Act, as amended or related acts for which criminal prosecution would be in order, it shall so inform the prosecuting attorney in whose district any such purported violation may have occurred.

SECTION XIII

EFFECTIVE DATE AND REPEALER

A.Repealer

Effective January 1, 2022, all previous rules promulgated by the board are hereby repealed.

B.Effective Date

The effective date of these rules is ~~January 1,~~ February 7, 2022.

1 State of Arkansas *As Engrossed: S1/19/21 S1/26/21*
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 78

4
5 By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
6 By: Representatives Lynch, Cozart, Brown, Evans
7

For An Act To Be Entitled

8
9 AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
10 LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
11 SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
12 OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
13 SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
14 VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
15 AND FOR OTHER PURPOSES.
16
17

Subtitle

18
19 TO ESTABLISH ARKANSAS OCCUPATIONAL
20 LICENSING OF UNIFORMED SERVICE MEMBERS,
21 VETERANS, AND SPOUSES ACT OF 2021; AND TO
22 DECLARE AN EMERGENCY.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 17-1-106 is repealed.

28 ~~17-1-106. Automatic licensure for active duty service members,~~
29 ~~returning military veterans, and spouses Definitions.~~

30 ~~(a) As used in this section:~~

31 ~~(1) "Automatic licensure" means the granting of occupational~~
32 ~~licensure without an individual's having met occupational licensure~~
33 ~~requirements provided under this title or by the rules of the occupational~~
34 ~~licensing entity;~~

35 ~~(2) "Occupational licensing entity" means an office, board,~~
36 ~~commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

1 ~~procedure provide the least restrictive means of accomplishing occupational~~
2 ~~licensure; and~~

3 ~~(B) Any other criteria the Administrative Rules~~
4 ~~Subcommittee of the Legislative Council determines necessary to achieve the~~
5 ~~objectives of this section.~~

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~
7 ~~may:~~

8 ~~(1) Establish a subcommittee to assist in the duties assigned~~
9 ~~under this section;~~

10 ~~(2) Assign information filed with the Administrative Rules~~
11 ~~Subcommittee of the Legislative Council under this section to one (1) or more~~
12 ~~subcommittees of the Legislative Council, including without limitation a~~
13 ~~subcommittee created under subdivision (e)(1) of this section; or~~

14 ~~(3) Delegate its duties under this section to one (1) or more~~
15 ~~subcommittees of the Legislative Council, subject to final review and~~
16 ~~approval of the Administrative Rules Subcommittee of the Legislative Council.~~

17 ~~(f) An occupational licensing entity shall:~~

18 ~~(1) Submit proposed rules authorized under subsection (e) of~~
19 ~~this section to the Administrative Rules Subcommittee of the Legislative~~
20 ~~Council for review and approval before the proposed rules are promulgated~~
21 ~~under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

22 ~~(2) Provide to the House Committee on Aging, Children and Youth,~~
23 ~~Legislative and Military Affairs an annual report stating the number of~~
24 ~~automatic licenses and expedited occupational licenses granted under this~~
25 ~~section to:~~

26 ~~(A) Active duty military service members stationed in the~~
27 ~~State of Arkansas;~~

28 ~~(B) Returning military veterans applying within one (1)~~
29 ~~year of their discharge from active duty; or~~

30 ~~(C) The spouse of a person under subdivisions (f)(2)(A)~~
31 ~~and (f)(2)(B) of this section.~~

32
33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an
34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,
36 Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1 (1) The date of its approval by the Governor;

2 (2) If the bill is neither approved nor vetoed by the Governor,
3 the expiration of the period of time during which the Governor may veto the
4 bill; or

5 (3) If the bill is vetoed by the Governor and the veto is
6 overridden, the date the last house overrides the veto.

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9 */s/Hill*

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12 **APPROVED: 2/23/21**
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State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester,
B. Johnson, D. Sullivan, C. Tucker, D. Wallace
By: Representatives Ray, Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum,
Underwood, Wardlaw

For An Act To Be Entitled

AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF
2021.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
to add an additional section to read as follows:

4-25-110. Fee waiver for certain individuals.

(a) Notwithstanding any law to the contrary, the initial filing fees,
permit fees, and licensing fees associated with the formation of a business
in this state shall be waived for applicants who meet the requirements in the
Workforce Expansion Act of 2021, § 17-4-101 et seq.

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

(A) The website maintained by the appropriate state
entity; and

(B) Any relevant forms that an applicant is required to
complete; and

(2) Promulgate any necessary rules to implement this section.



SECTION 2. Arkansas Code Title 17, is amended to add an additional chapter to read as follows:

Chapter 4 – Workforce Expansion Act of 2021

17-4-101. Title.

This chapter shall be known and may be cited as the "Workforce Expansion Act of 2021".

17-4-102. Legislative findings – Purpose.

(a) The General Assembly finds that:

(1) Entrepreneurs and workers must pay various fees in order to work in a government-regulated profession or occupation or to start a small business in Arkansas;

(2) Families trying to break the cycle of government dependency should not have to pay the state to earn a living; and

(3) Arkansas should waive initial fees associated with occupational and professional regulations and the formation of a business for low-income individuals.

(b) It is the purpose of this chapter to increase access to professional and occupational licenses that would otherwise be cost prohibitive for certain individuals.

17-4-103. Definitions.

As used in this chapter:

(1) "License" means a license, certificate, registration, permit, or other form of authorization required by law or rule that is required for an individual to engage in a particular occupation or profession; and

(2)(A) "Licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession.

(B) "Licensing entity" does not include a political subdivision of the state or any other local or regional governmental entity, including without limitation a city of the first class, a city of the second class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1735

By: Representative Penzo
By: Senator Hester

For An Act To Be Entitled

AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
to add an additional section to read as follows:

17-1-109. Licensing of certain individuals – Definitions.

(a) As used in this section:

(1) "Occupational or professional license" means a license,
certificate, registration, permit, or other form of authorization required by
law or rule for an individual to engage in a particular occupation or
profession; and

(2) "Occupational or professional licensing entity" means an
office, board, commission, department, council, bureau, or other agency of
state government having authority to license, certify, register, permit, or
otherwise authorize an individual to engage in a particular occupation or
profession.

(b) An occupational or professional licensing entity shall grant an
occupational or professional license under this section to an individual who
fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
2 Citizenship and Immigration Services-issued Employment Authorization
3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6
7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
11 final rule shall be filed with the Secretary of State for adoption under §
12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by
15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file
17 the proposed rule with the Legislative Council under § 10-3-309(c)
18 sufficiently in advance of January 1, 2022, so that the Legislative Council
19 may consider the rule for approval before January 1, 2022.

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22 **APPROVED: 4/19/21**
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State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1796

By: Representative Cozart
By: Senator Hill

For An Act To Be Entitled

AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND
CHECKS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND OCCUPATIONAL CRIMINAL
BACKGROUND CHECKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in
subsection (a) or subsection (e) of this section, a licensing entity may
waive disqualification or revocation of a license based on the conviction if
a request for a waiver is made by:

- (A) An affected applicant for a license; or
- (B) The individual holding a license subject to
revocation.

SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(e) Due to the serious nature of the offenses, the following shall
result in ~~permanent~~ disqualification for licensure, regardless of the date of
conviction or the date on which probation or incarceration ends unless a
waiver is granted under subsection (b) of this section:

- (1) Capital murder as prohibited in § 5-10-101;



- 1 (2) Murder in the first degree as prohibited in § 5-10-102 and
2 murder in the second degree as prohibited in § 5-10-103;
3 (3) Kidnapping as prohibited in § 5-11-102;
4 (4) Aggravated assault upon a law enforcement officer or an
5 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
6 felony;
7 (5) Rape as prohibited in § 5-14-103;
8 (6) Sexual extortion as prohibited in § 5-14-113;
9 (7) Sexual assault in the first degree as prohibited in § 5-14-
10 124 and sexual assault in the second degree as prohibited in § 5-14-125;
11 (8) Incest as prohibited in § 5-26-202;
12 (9) Endangering the welfare of an incompetent person in the
13 first degree as prohibited in § 5-27-201;
14 (10) Endangering the welfare of a minor in the first degree as
15 prohibited in § 5-27-205;
16 (11) Adult abuse that constitutes a felony as prohibited in § 5-
17 28-103; and
18 (12) Arson as prohibited in § 5-38-301.

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20 SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing
21 restrictions based on criminal records, is amended to read as follows:

22 (g) The ~~permanent~~ disqualification for an offense listed in subsection
23 (a) or subsection (e) of this section does not apply to an individual who
24 holds a valid license on July 24, 2019.

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27 **APPROVED: 4/19/21**
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