

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Friday, March 22, 2024 1:54 PM

To: Cathe Evans <cathe@ncbarch.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Catherine Lee <clee@hedrickgardner.com>; Elizabeth A. Berger <eberger@hedrickgardner.com>

Subject: RE: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC

Hi Cathe,

I went and found our office's new paper copy of the NCGS and it does show "reciprocal" as independent items in 83A-4, so yes, it's an error on the GA website. If you haven't already, you might want to let the revisor of statutes or someone else at the GA know—they have a disclaimer that the version of the statutes on the website is not official (and I guess now I see why), but a lot of people rely on that website.

With these revisions, I believe I can recommend approval of these rules at next week's meeting. If you could, please gather the final versions of all of the rules, and send them to oah.rules@oah.nc.gov, copying me and Alex Burgos, and we'll be good to go.

Thanks for all your work on these, and have a great weekend!

Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC
Attachments: 21 NCAC 02 .0203 - Revised 2024 0322.docx; 21 NCAC 02 .0206 - Revised 2024 0322.docx; 21 NCAC 02 .0215 - Revised 2024 0322.docx; 21 NCAC 02 .0303 - Revised 2024 0322.docx; 21 NCAC 02. 0201 - Revised 2024 0322.docx; 21 NCAC 02 Request for Changes_FINAL (005) - BRL responses and NCBA responses.docx

From: Cathe Evans <cathe@ncbarch.org>
Sent: Friday, March 22, 2024 1:16 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Catherine Lee <clee@hedrickgardner.com>; Elizabeth A. Berger <eberger@hedrickgardner.com>
Subject: Re: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Brian,
Attached see our follow up response and amended documents.
Sincerely,
Cathe

Cathe M. Evans

Executive Director

NC Board of Architecture & Registered Interior Designers

1 21 NCAC 02 .0203 is amended with changes as published 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0203 RULES OF PROFESSIONAL CONDUCT**

4 All persons licensed or registered under the provisions of Chapter 83A of the North Carolina General Statutes are
5 charged with having knowledge of the rules of this Chapter and are deemed to be familiar with their provisions and to
6 understand them. Each licensed or registered person and entity shall sign a statement on the renewal notice affirming
7 understanding of the laws and rules.

8 (1) Licensees and registrants shall conduct their practice in order to safeguard life, health and property
9 as provided in G.S. 83A-12. The licensee or registrant shall always recognize the primary obligation
10 to protect the public in the performance of the professional duties. If the licensee or registrant's
11 professional judgment is overruled under circumstances where the licensee or registrant, in their
12 professional judgment, believes health, safety, and welfare of the public are endangered, the licensee
13 or registrant shall inform the employer, the client, the contractor, other affected parties, and any
14 appropriate regulatory agency of the possible consequences of the situation.

15 (2) In designing a project, the licensee or registrant shall consider all applicable federal, State and
16 municipal building laws and rules. A licensee or registrant shall undertake to perform professional
17 services only when they, together with those whom the licensee or registrant may engage as
18 consultants, are qualified by education, training and experience in the specific technical areas
19 involved. While a licensee or registrant may rely on the advice of other professionals such as
20 attorneys, ~~engineers~~ **engineers**, or other qualified persons as to the intent and meaning of such laws
21 and rules, once having obtained advice, a licensee or registrant shall not design a project in violation
22 of laws and rules.

23 (3) In practicing architecture or interior design, the licensee or registrant shall act with reasonable care
24 and competence and shall apply the technical knowledge and skill which is ordinarily applied by
25 architects or interior designers of good standing.

26 (4) Responsible Control. ~~[Responsible Control]~~ **“Responsible Control”** means responsibility for
27 exercising the ultimate authority over, and possessing the knowledge and ability to oversee,
28 delegate, and integrate the design and technical decisions related to the preparation of the project’s
29 instruments of service and the project’s implementation in conformance with the standard of care.
30 Instruments of service are defined as the collection of documents, drawings, specifications,
31 calculations, and other tangible materials produced by design professionals during the various stages
32 of a project. Standard of care is defined as the care usually exercised by one in the profession, on
33 the same type of project, at the same time and in the same place, under similar circumstances and
34 conditions.

35 No architect or registered interior designer shall affix his or her seal and signature to
36 contract documents developed by others not under the architect's or registered interior designer's
37 responsible control. ~~“Responsible control” means that amount of control over and professional~~
~~knowledge of the content of technical submissions during their preparation as is exercised by an~~

1 ~~architect or registered interior designer applying the required professional standard of care,~~
2 ~~including:~~

- 3 ~~(a) — dissemination of programmatic requirements;~~
- 4 ~~(b) — ongoing coordination and correlation of services with other aspects of the total design of~~
5 ~~the project;~~
- 6 ~~(c) — verification with consultant that owner's requirements are being met;~~
- 7 ~~(d) — authority over the services of those who assisted in the preparation of the documents;~~
- 8 ~~(e) — assumption of responsibility for the services;~~
- 9 ~~(f) — incorporation of services and technical submissions into design documents to be issued for~~
10 ~~permitting purposes; and~~
- 11 ~~(g) — incorporation and integration of information from manufacturers, suppliers, installers, the~~
12 ~~architect's or registered interior designer's consultants, owners, contractors, or other~~
13 ~~sources the architect or registered interior designer knows to be reliable that is incidental~~
14 ~~to and intended to be incorporated into the architect's or registered interior designer's~~
15 ~~technical submissions if the architect or registered interior designer has coordinated and~~
16 ~~reviewed such information.~~

- 17 (5) An architect or registered interior designer shall not deliberately make a false statement or
18 deliberately fail to disclose a fact requested in connection with their application for license or
19 registration renewal.
- 20 (6) An architect or registered interior designer shall not assist in the application for licensure or
21 registration of a person known by the architect or registered interior designer to be unqualified with
22 respect to education, training, experience, or character.
- 23 (7) An architect or registered interior designer shall issue public statements only in an unbiased and
24 truthful manner and:
 - 25 (a) shall be objective and truthful in all professional reports, statements, or testimony. The
26 architect or registered interior designer shall include all relevant and pertinent information
27 in such reports, statements or testimony;
 - 28 (b) when serving as an expert or technical witness before any court, commission, or other
29 tribunal, shall express an opinion only when it is founded upon knowledge of the facts at
30 issue, upon a background of technical competence in the subject matter, and of the accuracy
31 and propriety of the individual's testimony;
 - 32 (c) shall issue no statements, criticisms, or arguments on architectural or interior design
33 matters connected with public policy which are inspired or paid for by an interested party,
34 or parties, unless the architect or registered interior designer has prefaced the comment by
35 explicitly identifying their name, by disclosing the identities of the party or parties on
36 whose behalf the architect or registered interior designer is speaking, and by revealing the

1 existence of any pecuniary interest the architect or registered interior designer may have in
2 the matters; and

3 (d) shall not attempt to harm the professional reputation, prospects, practice, or employment
4 of another architect or registered interior designer, nor indiscriminately criticize another
5 architect's or registered interior designer's work. Indiscriminate criticism is a statement
6 without basis or cause or that is not objective and truthful or that fails to include all factual
7 information. If the architect or registered interior designer believes that another architect
8 or registered interior designer is in violation of G.S. 83A or the Rules of this Chapter, such
9 information shall be presented to the North Carolina Board of Architecture and Registered
10 Interior Designers in writing.

11 (8) An architect or registered interior designer shall avoid conflicts of interest and:

12 (a) shall inform the employer or client, and any reviewing agency, of any business association,
13 interests, or circumstances that attempts to influence the judgment or the quality of services
14 of the architect or registered interior designer. If, in the course of their work on a project,
15 an architect or registered interior designer becomes aware of a decision taken by their
16 employer or client, against their advice, which violates applicable State or municipal
17 building laws or federal regulations and which will, in their judgment, affect adversely the
18 safety to the public of the finished project, the architect or registered interior designer shall:

19 (i) report the decision to the local building inspector or other public official charged
20 with the enforcement of the applicable State or municipal building laws and
21 regulations;

22 (ii) refuse to consent to the decision;

23 (iii) in circumstances where the architect or registered interior designer reasonably
24 believes that other such decisions will be taken notwithstanding his or her
25 objection, terminate their services with reference to the project; and

26 (iv) in the case of termination in accordance with clause in Sub-Item (a)(iii) of this
27 Rule, the architect or registered interior designer shall have no liability to his or
28 her client or employer on account of such termination.

29 (b) shall not accept compensation, financial or otherwise, from more than one party for
30 services on the same project, or for services pertaining to the same project, unless the
31 circumstances are disclosed to, and agreed to, in writing, by all interested parties;

32 (c) shall not solicit or accept financial or other valuable considerations from material,
33 furniture, fixtures, or equipment suppliers for specifying their products unless disclosed to
34 the client;

35 (d) shall not pay or offer to pay, a commission, political contribution, gift, or other
36 consideration in order to secure work. Gifts of nominal value including entertainment and
37 hospitality are permitted;

- 1 (e) when in public service as a member, advisor, or employee of a governmental body or
2 department, shall not participate in considerations or actions with respect to services
3 provided by the licensee or registrant or the licensee's or registrant's firm in private
4 architectural or registered interior design practices;
- 5 (f) shall not engage in any false, deceptive, fraudulent, or misleading advertising;
- 6 (g) shall not attempt to supplant another architect or registered interior designer on a specific
7 project after becoming aware that the other has been selected for the employment;
- 8 (h) when acting as the interpreter of building contract documents and the judge of contract
9 performance, an architect or interior designer shall render decisions in an impartial manner;
- 10 (j) if an architect or registered interior designer has any business association or financial
11 interest which influences their judgment in connection with the performance of
12 professional services, they shall disclose in writing to their client or employer the nature of
13 the business association or financial interest, and if the client or employer objects to such
14 association or financial interest, they will either terminate such association or interest or
15 offer to give up the commission or employment;
- 16 (k) an architect or registered interior designer making public statements on architectural or
17 interior design questions shall disclose when they are being compensated for making such
18 statements.
- 19 (9) A licensee or registrant shall solicit or accept work on the basis of qualifications and:
- 20 (a) shall not offer to pay any commission, political contribution, gift, or other consideration in
21 order to secure work, exclusive of securing salaried positions through employment
22 agencies;
- 23 (b) shall not solicit or submit proposals for professional services containing a false, fraudulent,
24 misleading, or deceptive statement or claim regarding the cost, quality, or extent of services
25 to be rendered;
- 26 (c) shall, with regard to fee bidding on public projects, comply with, and not knowingly
27 cooperate in any violation of the provisions of G.S.143-64.31(a), (a1), (e), and (f) for state
28 projects and, with the Brooks Act, 40 U.S.C. 541 et seq. for federal projects; and
- 29 (d) shall not falsify or permit misrepresentation of academic or professional qualifications and
30 shall only report educational qualifications when a degree or certificate was awarded unless
31 it is stated that no degree or certificate was awarded; and
- 32 (e) shall represent to a prospective or existing client or employer their qualifications and the
33 scope of their responsibility in connection with work for which they are claiming credit.
34 Misrepresentation shall be found if any of the following is not complied with:
- 35 (i) Each licensee or registrant shall state their prior professional experience and the
36 firm they are representing while presenting qualifications to all prospective

1 clients. If the licensee or registrant uses visual representations of prior projects or
2 experience, all designers or architects of record shall be identified.

3 (ii) An architect or registered interior designer who has been an employee of another
4 firm may not claim credit for projects contracted for in the name of the previous
5 employer. They shall indicate, next to the listing for each project, that individual
6 experience gained in connection with the project was acquired as an employee
7 and identify the previous firm. The architect or registered interior designer shall
8 also describe the nature and extent of their participation in the project.

9 (iii) An architect or registered interior designer who presents a project that has
10 received awards or public recognition shall comply with the requirements in this
11 Sub-Item with regard to project presentation to the public and prospective clients.

12 (iv) Projects that remain unconstructed and are listed as credits in presentation items
13 shall be listed as "unbuilt" or a similar designation, as determined by the architect
14 or registered interior designer.

15 (10) A licensee or registrant shall perform services in compliance with all of the provisions of this
16 Chapter and any federal, State, and municipal laws or regulations that apply and:

17 (a) shall not knowingly associate with or permit the use of the licensee's or registrant's name
18 or firm name in a business venture by any person or firm which the licensee or registrant
19 knows, or has reason to believe, is engaging in business or professional practices of a
20 fraudulent or dishonest nature or is not licensed or registered;

21 (b) if the licensee or registrant has knowledge or reason to believe that another person or firm
22 may be in violation of the rules of this Chapter or of the North Carolina Architectural and
23 Registered Interior Design Practice Act (G.S. 83A), they shall present such information to
24 the Board in writing and shall cooperate with the Board in furnishing further information
25 or assistance as may be required by the Board.

26 (c) An architect or registered interior designer shall cooperate with the Board in connection
27 with any inquiry it shall make. Cooperation includes responding to all inquiries from the
28 Board or its representative and claiming correspondence from the U. S. Postal Service, or
29 other delivery service, sent to the licensee or registrant from the Board in a timely manner.
30 The Board shall utilize electronic mail as its primary method of communication with
31 licensees and registrants. "Timely" is defined as within the time specified in the
32 correspondence, or if no time is specified, within 15 business days of receipt.

33 (11) An architect or registered interior designer who has received a reprimand or civil penalty or whose
34 professional license or registration is revoked, suspended, denied, refused renewal, refused
35 reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by
36 another jurisdiction is subject to discipline by the Board if the licensee's or registrant's action
37 constitutes a violation of G.S. 83A or the rules of this Chapter adopted by the Board.

- 1 (12) In addition to the grounds stated in G.S. 83A-14 and G.S. 83A-15(3), the following acts or omissions
2 may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for
3 denial, suspension, or revocation of a license or registration or firm certificate of licensure or
4 registration to practice architecture or registered interior design:
- 5 (a) An architect or registered interior designer shall not, in the conduct of their professional
6 practice, knowingly violate any State or federal criminal law. A criminal conviction shall
7 be deemed prima facie evidence of knowingly violating the law.
- 8 (b) Evasion of professional duties.
- 9 (i) An architect or registered interior designer shall not, through employment by
10 contractors whether or not the contractors are licensed under G.S. 87, or by
11 another individual or entity not holding an individual or firm registration from the
12 Board, enable the employer to offer or perform architectural services or registered
13 interior design services. In design/build arrangements, the architect or registered
14 interior designer shall not be an employee of a person or firm not holding a license
15 to practice architecture or registered interior design in North Carolina.
- 16 (ii) An architect or registered interior designer shall not furnish limited services in
17 such manner as to enable owners, draftsmen, or others to evade the public health
18 and safety requirements of Chapter 83A, G.S. 133-2, G.S. 153A, G.S. 153A-357,
19 G.S. 160A-412, or G.S. 160A-417.
- 20 (iii) When building plans are begun or contracted for by persons not licensed or
21 registered and qualified, an architect or registered interior designer shall not take
22 over, review, revise, or sign or seal such drawings or revisions thereof for such
23 persons or do any act to enable either persons or the project owners to evade the
24 requirements of Chapter 83A, G.S. 133-2, G.S. 153A-357, or G.S. 160A-417.
- 25 (c) It is unprofessional conduct for an architect or registered interior designer to be found by a
26 court to have infringed upon the copyrighted works of other architects, registered interior
27 designers or other design professionals.
- 28 (13) An architect, registered interior designer or firm shall not maintain or represent by sign, listing, or
29 other manner that they have a physical presence in North Carolina unless such office employs a
30 licensed architect or registered interior designer who is a resident in North Carolina whose principal
31 place of business takes place in that office. This item does not apply to on-site project offices during
32 construction of a project.
- 33 (14) An architect or registered interior designer shall not knowingly continue to offer or render
34 architectural or registered interior design services as set forth in G.S. 83A after their license or
35 registration expires, is placed on delinquent status, is revoked, or suspended for failure to renew.
- 36 (15) Architects or registered interior designers preparing plans for building permits shall submit plans
37 that are complete and buildable. Such plans shall conform with the State Building Code and local

1 plan submission requirements. Professional judgment shall be exercised to reflect sufficient
2 documentation necessary for plan approval. Provided, however, this Rule does not alter any standard
3 of liability applicable to licensees or registrants.
4

5 *History Note: Authority G.S. 83A-6; 83A-14; 83A-15; 83A-16;*
6 *Eff. February 1, 1976;*
7 *Readopted Eff. September 29, 1977;*
8 *Amended Eff. May 1, 1989; November 1, 1979;*
9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
10 *2015;*
11 *Temporary Amendment Eff. November 30, 2021;*
12 *Amended Eff. April 1, 2024; June 1, 2022.*
13
14

1 21 NCAC 02 .0206 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL BY AN**
4 **ARCHITECT OR REGISTERED INTERIOR DESIGNER**

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

- 8 (1) An architect may seal those portions of the professional work that:
- 9 (A) were prepared by or under the responsible control of persons who are licensed architects
10 in this State if the architect has reviewed in whole or in part such portions and has either
11 coordinated their preparation or integrated them into his or her work; and
 - 12 (B) are not required by law to be prepared by or under the responsible control of an architect if
13 the architect has reviewed and adopted in whole or in part such portions and has integrated
14 them into his or her work.
- 15 (2) A registered interior designer may seal those portions of the professional work that were prepared
16 by or under the responsible control of persons who are registered interior designers in this State if
17 the registered interior designer has reviewed in whole or in part such portions and has either
18 coordinated their preparation or integrated them into their work
- 19 (3) Individual Architect Seal Design shall be as follows:
- 20 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
21 facsimile that becomes a permanent addition to original paper drawings or sets of
22 specifications for use in this State. For the purposes of this Rule, the term "for use in this
23 State" means drawings and sets of specifications prepared for bidding, procurement,
24 permitting, or for construction. For purposes of this Rule, "original" means the version of
25 drawings and sets of specifications from which all paper copies can be made.
 - 26 (B) The standard design of the seal shall be two concentric circles in which "North Carolina"
27 and the name of the licensee are placed within the outermost circle and in which the license
28 number of the licensee and "Licensed Architect" placed within the innermost circle. The
29 size shall be 1 ½ to 1 ¾ inches in diameter.
 - 30 (C) The original, handwritten signature of the individual named on the seal shall be considered
31 part of the individual seal and shall appear across the face of each original seal imprint
32 along with the date of affixation. The use of signature reproductions such as rubber stamps,
33 computer generated, or other facsimiles on paper copies are not permitted in lieu of actual
34 handwritten and hand dated signatures.
- 35 (4) Architecture Firm Seal Design shall be as follows:
- 36 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
37 facsimile that becomes a permanent addition to paper drawings or sets of specifications.

- 1 (B) The design of the firm seal shall be two concentric circles in which the architectural firm's
2 approved name shall be between the inner and outer circles and the firm's license number
3 is placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter. For
4 a Professional Corporation the words "Architectural Corporation, North Carolina" shall be
5 along the inside perimeter of the inner circle. For a Professional Limited Liability
6 Company, the words "Architectural Company" shall be along the inside perimeter of the
7 inner circle.
- 8 (5) Individual Registered Interior Designer Seal Design shall be as follows:
- 9 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
10 facsimile that becomes a permanent addition to original paper drawings or sets of
11 specifications for use in this State. For the purposes of this Rule, the term "for use in this
12 State" means drawings and sets of specifications prepared for bidding, procurement,
13 permitting, or for construction. For purposes of this Rule, "original" means the version of
14 drawings and sets of specifications from which all paper copies can be made.
- 15 (B) The standard design of the seal shall be two concentric ovals in which "North Carolina"
16 and the name of the registrant are placed within the outermost oval and in which the
17 registration number of the registrant and "Registered Interior Designer" be placed within
18 the innermost oval. The dimensions shall be two inches tall by 2.75 inches wide.
- 19 (C) The original, handwritten signature of the individual named on the seal shall be considered
20 part of the individual seal and shall appear across the face of each original seal imprint
21 along with the date of affixation. The use of signature reproductions such as rubber stamps,
22 computer generated, or other facsimiles on paper are not permitted in lieu of actual
23 handwritten and hand dated signatures.
- 24 (6) Registered Interior Design Firm Seal Design shall be as follows:
- 25 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
26 facsimile that becomes a permanent addition to drawings or sets of specifications.
- 27 (B) The design of the seal shall be two concentric ovals in which the registered interior design
28 firm's approved name shall be between the inner and outer ovals and the firm's registration
29 number is placed within the innermost oval. The size shall be 2 to 2 ¾ inches in diameter.
30 For a Corporation the words "Registered Interior Design Corporation, North Carolina"
31 shall be along the inside perimeter of the inner circle. For a Limited Liability Company,
32 the words "Registered Interior Design Company" shall be along the inside perimeter of the
33 inner oval.
- 34 (7) Architects and registered interior designers shall affix their seal on one original of all their drawings
35 and sets of specifications prepared by them for use in this State as follows:
- 36 (A) on the cover sheet of each design and on each drawing prepared by the architect or
37 registered interior designer for the design;

1 (B) on the index page identifying each set of specifications; and
2 (C) on the index page of all other technical submissions. For the purposes of this Rule,
3 "technical submissions" refer to plans, drawings, specifications, studies, addenda, and other
4 technical reports prepared in the course of practicing architecture or registered interior
5 design.

6 (8) Presentation documents, such as renderings created by an architect or registered interior designer
7 used to communicate conceptual information, shall not be sealed or signed.

8 (9) Documents considered incomplete by the architect or registered interior designer may be released
9 for interim review without the architect's or registered interior designers seal or signature affixed,
10 but shall be dated, bear the architect's or registered interior designer's name, and be marked or
11 designated as follows "Incomplete - for interim review only and not intended for bidding,
12 procurement, permit, or construction purposes."

13 (10) Those sheets or pages prepared by licensed professional consultants, such as structural, mechanical
14 or electrical engineers, retained by the architect or registered interior designer shall bear the seal and
15 registration or license number of the consultant responsible therefore and shall not be sealed by the
16 architect or registered interior designer.

17 (11) The use of the prescribed seal on paper is an individual act whereby the architect or registered
18 interior designer must personally sign over the imprint of the seal. By sealing documents for use in
19 this State, an architect or registered interior designer is representing that he or she is in responsible
20 control over the content of such documents and has applied the required professional standard of
21 care. The architect or registered interior designer is responsible for security of the seal when not in
22 use.

23 (12) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an architect's
24 or registered interior designer's individual seal as required in Rule .0203(4) of this Chapter. The firm
25 seal must be affixed in addition to the individual seal on the cover sheet. A firm shall designate a
26 principle or other authorized individual to be responsible for the security of the firm seal.

27 (b) Prototypical building design documents prepared by architects or registered interior designers who are licensed
28 or registered in this State or in their state of origin may be sealed by a succeeding licensed architect or registered
29 interior designer in North Carolina provided:

30 (1) the seal of the original architect or registered interior designer appears on the documents to
31 authenticate authorship;

32 (2) the words "Prototypical Design Documents/Not for Construction" appear on each sheet of the
33 documents by the original architect or registered interior designer;

34 (3) the succeeding North Carolina architect or registered interior designer identifies all modifications
35 to the standard design documents;

1 (4) the succeeding North Carolina architect or registered interior designer assumes responsibility for
2 the adequacy of the design for the specific application in North Carolina and for the design
3 conforming with applicable building codes, local conditions, site condition; and

4 (5) the succeeding North Carolina architect or registered interior designer affixes his or her seal to the
5 prototypical design documents with a statement as follows: "These documents have been examined
6 by the undersigned. I have determined that they comply with existing local North Carolina codes,
7 and I assume responsibility for the adequacy of the design for the specific application in North
8 Carolina."

9 (c) Post construction record drawings prepared by an architect or registered interior designer, but based upon
10 representations of contractors, are not plans that are for "bidding, procurement, permit, or construction purposes" and
11 therefore shall not be sealed by the architect or registered interior designer. Post construction record drawings shall
12 bear the name of the architect or registered interior designer and include language that states "these drawings are post
13 construction record drawings and are based in part upon the representations of others and are not for bidding,
14 procurement, permit, or construction purposes."

15 (d) Documents to be electronically transmitted beyond the direct control of the licensee or registrant that are signed
16 using a digital signature, shall contain the authentication procedure in a secure mode and a list of the hardware,
17 software, and parameters used to prepare the document(s). Secure mode means that the authentication procedure has
18 protective measures to prevent alteration or overriding of the authentication procedure. The term "digital signature"
19 shall be an electronic authentication process that is attached to or logically associated with an electronic document.
20 Unlocked copies of sealed construction documents may be provided to entities to allow for electronic usage where
21 document content is not effectively being altered, such as when presented for plan review approval stamps or
22 contractor material takeoffs. ~~altered (e.g. plan review approval stamps, contractor material takeoffs, etc.)~~ An
23 effective alteration means a change that may impact health, safety, or welfare, such as a change to egress or a change
24 to window placement. The digital signature shall be:

- 25 (1) Unique to the person using it;
26 (2) Capable of verification;
27 (3) Under the sole control of the person using it; and
28 (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the
29 document is changed.

30 (e) Documents for use in this State, that are transmitted electronically beyond the direct control of the licensee or
31 registrant shall have the computer-generated image of the seal removed from the original file, unless signed with a
32 digital signature as defined in this Rule. After removal of the image of the seal the electronic media shall have the
33 following inserted in lieu of the signature and date: "This document was originally issued and sealed by (name of
34 sealer), (license or registration number), on (date of sealing). This medium shall not be considered a certified
35 document." Hardcopy documents containing the original seal, signature and date of the licensee or registrant may be
36 duplicated by photocopy or electronic scanning processes and distributed either in hardcopy or electronic medium.
37 The scanned digital files of certified documents are not subject to the requirements of this Paragraph. The electronic

1 transmission beyond the direct control of the licensee or registrant of Computer Aided Design (CAD), vector, or other
2 files subject to easy editing are subject to the requirements of this Paragraph. A file subject to "easy editing" is one
3 consisting of separate elements that can be individually modified or deleted. Documents that are excepted from
4 certification by a statement meeting the following requirements are not subject to the requirements of this Paragraph:

- 5 (1) "Preliminary - Do not use for construction";
- 6 (2) "Progress Drawings - Do not use for construction";
- 7 (3) "Final Drawing - Not released for construction";
- 8 (4) "Final Drawing - For Review Purposes Only";
- 9 (5) "Not a Certified Document – This document was originally issued and sealed by (name of licensee
10 or registrant), (license or registration number), on (date of sealing). This document shall not be
11 considered a certified document";
- 12 (6) "Not a Certified Document as to the Original Document but Only as to the Revisions - This
13 document originally issued and sealed by (name of licensee or registrant), (license or registration
14 number), on (date of sealing). This document is only certified as to the revisions".

15
16 *History Note: Authority G.S. 83A-6; 83A-10; 83A-12;*
17 *Eff. February 1, 1976;*
18 *Readopted Eff. September 29, 1977;*
19 *Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989; October*
20 *1, 1985;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
22 *2015;*
23 *Amended Eff. April 1, 2024; June 1, 2022; November 1, 2017.*
24
25

1 21 NCAC 02 .0215 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0215 OUT OF STATE FIRMS**

4 (a) Architectural and interior design firms from other states shall be granted firm licensure or registration for practice
5 in this State upon receipt by the Board of a completed application as set forth in Rule .0214(a), fees as required by
6 Rule .0108, the submission of a copy of their firm charter, or other corresponding documents, amended as may be
7 necessary to ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act for
8 architectural firms and Chapter 55, the Business Corporation Act for registered interior design firms. In addition to
9 the other requirements as set out in G.S. 83A-8, out of state interior design firms shall, prior to registration, receive
10 from the Secretary of State of North Carolina a certificate of authority to do business within the state. Architectural
11 firms shall obtain a certificate for filing from the Board prior to submitting application to the Secretary of State for a
12 Certificate of Authority.

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

21 (c) Partnerships. An out of state architectural or registered interior design partnership may practice architecture or
22 registered interior design, if every partner in the firm is licensed or registered as an individual in this state under Rule
23 .0213 and the partnership complies with Paragraph (f) this Rule .

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

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

30 (f) Failure to Renew and Reinstatement. If the Board has not received the annual firm renewal fee and completed
31 application as required by Rule .0214(b) on or before December 31st each year the firm license or registration shall
32 expire and be deemed delinquent. The firm registration may be renewed at any time within one year, upon the return
33 of the completed application, the annual renewal fee and the late renewal fees. After one year from the date of
34 expiration for non-payment of the annual renewal fee, the license or registration shall be automatically revoked. The
35 Board may reinstate the firm's license or registration, as allowed by G.S. 83A-11.

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37 *History Note: Authority G.S. 55B-6; 83A-6; 83A-8; 83A-9; 55B-16;*

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Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. ~~April 1, 2024;~~ December 1, 2010; June 1, 1995; July 1, 1993; May 1, 1989;
November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,
2015;
Temporary Amendment Eff. November 30, 2021;
Amended Eff. April 1, 2024; June 1, 2022.

1 21 NCAC 02 .0303 is amended with changes as published in 38:10 NCR 621-636 as follows:

2

3 **21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY**

4 (a) An individual who holds a current license in good standing from a National Council of Architecture Registration
5 Boards (NCARB) recognized jurisdiction and a Certified Council Certificate issued by NCARB shall qualify for
6 licensure by reciprocity upon receipt of a certified record from NCARB and the Board application for licensure by
7 reciprocity and fee as required by Rule .0108 as provided in G.S. 83A-7(b). Revocation of the certificate by NCARB
8 shall automatically suspend the architect's license to practice in North Carolina until such time as the certificate is
9 reinstated by NCARB.

10 (b) In order to supplement or clarify the contents of a record or application, the Board may interview the applicant to
11 ensure that the applicant has had sufficient architectural practice experience to be able to practice architecture in this
12 State.

13

14 *History Note: Authority G.S. 83A-6; 83A-7;*

15 *Eff. February 1, 1976;*

16 *Readopted Eff. September 29, 1977;*

17 *Amended Eff. [~~April 1, 2024~~] July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; October*
18 *1, 1995; May 1, 1989; October 1, 1984; September 1, 1982;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
20 *2015;*

21 *Temporary Amendment Eff. November 30, 2021;*

22 *Amended Eff. ~~April 1, 2024~~; June 1, 2022.*

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24

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;; and”
 - Right: “~~day;~~ day; and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0108

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Where is your statutory authority to assess a fee for licensure by reciprocity? 83A-4 allows a fee for licensure by exam, but 83A-7 says that licensure by reciprocity may be without exam. And even if the fee were for licensure by reciprocity following exam, the most you could charge would be \$100 to an individual and \$150 to a firm.

GS 83A-4(b) provides that the fees for “reciprocal license” for the practice of architecture shall not exceed \$300.00 and that the fees for “reciprocal registration” for the practice of interior designers and interior design firms shall not exceed \$300.00.

So, looking at 83A-4, I see “reciprocal license” and “reciprocal registration” listed under “late renewal penalty” for both kinds of fee. Looking at SL 2021-81, which made that change, it looks like “reciprocal license” and “reciprocal registration” are supposed to be independent entries in the list, rather than nested under “late renewal”. However, it does look like the latest version of 83A-4 on the GA website includes SL 2021-81. Is this an error on the GA website, or is the \$300 fee only for late renewal?

It is our understanding that this is an error on the GA website, as the relevant portion from SL 2021-81 is set forth below, showing that “reciprocal” fees are not a subset of “late renewal” fees:

(a) All fees and charges by the Board shall be established by Board rule subject to the provisions of the Administrative Procedure Act.

(b) Fees set by the Board shall not exceed the following amounts:

<u>Initial Application for Licensure to Practice Architecture by Exam</u>	
Individual	\$100.00
Residents	\$50.00
Nonresidents	\$50.00
Corporate Firm	\$75.00 \$150.00
<u>Reexamination</u>	
Annual License to Practice Architecture Renewal	
Individual	\$75.00 \$150.00
Corporate Firm	\$100.00 \$200.00
<u>Late Renewal Penalty for Individual Architects and Firms</u>	
Up-to-30 days	\$50.00 \$100.00
30 days to 1 year	\$50.00 \$100.00
<u>Reciprocal Registration License</u>	
	\$150.00 \$300.00
<u>Reinstatement of Expired License</u>	
Architect	\$500.00
Firm	\$500.00
<u>Initial Application for Registration to Practice Interior Design</u>	
Individual	\$100.00
Firm	\$150.00
<u>Annual Registration to Practice Interior Design Renewal</u>	
Individual	\$150.00
Firm	\$200.00
<u>Late Renewal Penalty for Interior Designers and Interior Design Firms</u>	
Up-to-30 days	\$100.00
30 days to 1 year	\$100.00
<u>Reciprocal Registration</u>	
	\$300.00
<u>Reinstatement of Expired Registration</u>	
Interior Designer	\$500.00
Interior Design Firm	\$500.00

The above fees are provided in addition to any other fees prescribed by law. Reasonable fees for examination materials, certificates, rosters and other published materials shall be established by the Board, but the Board shall not collect any fees not authorized by this Chapter.

Where is your statutory authority to charge more than \$100 for individuals and \$150 for firms for the initial registration as an interior designer? Why are you able to charge a NCIDQ certified individual \$155?

NCIDQ certification is considered by the Board to be certification of another jurisdiction that is substantially equivalent to the standards of North Carolina, per GS 83A-7(d). GS 83A-4(b) allows the Board to assess up to \$300 for "reciprocal" interior design registration. We have revised the text to make it clear that this fee is applicable for initial registration by reciprocity, per GS 83A-4(b).

Same issue as above, with respect to reciprocal fees.

Please see our response to the question above.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0201

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b)(3), line 18, define "controversy".

Revised to read "contested case proceeding"

Also in (b)(3), line 20, did you mean to omit the date of the filing of the action, charge, or controversy? Same for (d)(3), on p.2, line 8.

Yes. The Board will be able to ascertain the date of filing if the licensee provides the other information required in section (b)(3) and (d)(3)

In (d)(1) and (3), p.2, lines 1 and 5, can a firm be charged or convicted of a criminal act?

Yes. Please see <https://ncpro.sog.unc.edu/manual/205-1>

In your History Note, please move the proposed effective date to the last line.

Done

I hate to be picky, but it's supposed to be reverse chronological order, so the newest date goes first. I'd appreciate it if you made the change.

Thank you, we have corrected this.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0203

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (2), line 20, add an oxford comma following “engineers”.

Done

In (4), line 26, add quotations around the second instance of “Responsible Control”.

Done

In (4), line 28, what are the “instruments of service”? I did not see that term elsewhere in these Rules.

“Instruments of service” is a common term used in the practice of architecture and known to the regulated public. As a term of art among architects, it means “the collection of documents, drawings, specifications, calculations, and other tangible materials produced by design professionals during the various stages of a project.”

In (4), line 29, what is the standard of care? Is it found in (3)? If so, consider a cross-reference.

“Standard of care” is a commonly used and understood phrase in the practice of architecture and understood by the regulated public. As a term of art among architects, it means “the care usually exercised by one in the profession, on the same type of project, at the same time and in the same place, under similar circumstances and conditions.”

For both “instruments of service” and “standard of care”, it seems like you have a definition ready to go – you’re quoting from something in your responses. I didn’t see a definition in the statute or in your definitions rule. Are those definitions otherwise in a rule? In any case, I would strongly urge you to add those to your definitions rule, or to add the definitions here, if this is the only rule where those terms are used. I think where you’re using a term of art, in which a term does not have its ordinary dictionary definition, you need to define it here (or in your definitions rule). Otherwise the

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

meaning of this term is subject to interpretation, and may be considered vague or ambiguous.

Thank you, we have incorporated these definitions into this rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0206

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (d), p.4, line 20, is there a requirement that documents be locked?

Per (d)(4) the digital signature must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. The commonly used terms in practice and with authorities having jurisdiction is "locked."

The Rule requires that the document be sealed and in this case, electronically signed, but I don't see anything requiring that the document be locked, presumably from anyone else making changes.

With most software, "digitally signing" will "lock" the document – in other words, prevent alteration or overriding of the authentication procedure.

In (d), line 20, what is an entity?

In practice, entities to which an architect regularly may provide unlocked copies of sealed construction documents for electronic usage where the document content is not being altered include agencies regulating the permitting of construction projects.

In (d), line 21, what constitutes an "effective" alteration?

An "effective alteration" means a change that may impact health, safety or welfare (commonly referred to as HSW, in the practice of architecture). An "effective alteration" might include such as changes to egress or changes to window placement. The term "effective alteration" is a commonly used term of art in the practice of architecture and is known to the regulated public.

I think where you're using a term of art, in which a term does not have its ordinary dictionary definition, you need to define it here (or in your definitions rule). Otherwise the meaning of this term is subject to interpretation, and may be considered vague or ambiguous.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

Thank you, we have incorporated the definition into this rule.

In (d), line 21, omit the parentheses and incorporate the parenthetical information into the body of the Rule.

Done

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0210

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 7, define “substantially impaired”.

Revised to read “impaired in his or her ability to practice the profession”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0213

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a)(3)(F), p.2, line 2, what does it mean to be “involved” in a judgment or a lien?
Please clarify.*

Revised to read “to”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0214

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(10) and (11), p.2, lines 3 and 6, and in (b)(3)(B) and (C), p.3, lines 13 and 16, can a "firm" be charged with a crime or convicted?

Yes. Please see <https://ncpro.sog.unc.edu/manual/205-1>

In (a)(14), p.2, line 16, what does it mean to be "involved" in a judgment or a lien? Please clarify.

Revised to read "to."

In (a)(15)(B), lines 21-22, suggest revising as follows: "North Carolina General Statutes Chapter 55B for corporations, or Chapter 57D for PLLCs, Chapter 83A, and Title 21, Chapter 2 of the North Carolina Administrative Code."

Done.

In (a)(17), and in (b)(4)(F), p.4, line 5, a "firm" cannot "read and understand" a statement. Please specify who at the firm must read and understand the public notice statement.

Revised to read "incorporator, organizer, officer or owner of the firm"

In (b)(4)(B), line 32, whose ownership does the Rule refer to?

Per GS 83A-8, to be credentialed by the Board, architectural firms must comply with the Professional Corporation Act and interior design firms must comply with the Business Corporation Act. Those Acts impose certain requirements on firms with regard to its licensee ownership.

In (e), p.4, line 20, is "responsible charge" different than "responsible control"?

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

Yes, the terms are different. We have revised to be consistent in using the term “responsible control.”

In (e), lines 19-20, what are you requiring here? An out of state firm has to have a dedicated employee who only works on NC projects? Is this different than the requirement in Rule .0215(b) that an out of state firm shall designate an architect licensed in NC to be in responsible control for the firm’s practice within the state?

We have removed this text.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0215

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Done.

I hate to be picky, but the history note is supposed to be in reverse chronological order, so if you could move the effective date to the front, I'd appreciate it.

Thank you, this change has been made.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0302

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), lines 11-12, I think there's a typo. What shall be deemed satisfied?

Revised to read "[NCARB] . . . will transmit a completed NCARB AXP file to the Board to determine compliance with G.S. 83A-7(a)(1)a, which shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0303

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Done.

I hate to be picky, but the history note is supposed to be in reverse chronological order, so if you could move the effective date to the front, I'd appreciate it.

Thank you, this change has been made.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0307

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1)(E), and (b)(1)(E), what "other occupational Board" licenses architecture or interior design in NC?

Revised for clarity

In (a)(3), what about the requirement in 93B-15.1(a2)(2) that the applicant pass a proficiency examination? What written documentation would satisfy that requirement?

Written documentation to satisfy the conditions set out in GS 93B-15.1(a2)(2) is a document demonstrating passage of the proficiency exam offered by the Board to military-trained applicants, which is the Architectural Registration Examination prepared by the National Council of Architectural Registration Boards.

In (b)(1)(L), p.2, line 25, delete "; and".

Done.

There is an extra space before (c) on p.2.

Done.

Where is your statutory authority to issue a temporary license? Assuming arguendo that there is authority for a temporary license, what is the duration of this license? Is it limited in any way?

GS 93B-15.1(f) provide that "An occupational licensing board or State agency licensing board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section no later than 15 days following

Brian Liebman

Commission Counsel

Date submitted to agency: March 5, 2023

receipt of an application, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board or State agency licensing board in this State. The temporary practice permit shall be issued using the same information as provided by the applicant in the licensure application and remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or registration is granted by the occupational licensing board or State agency licensing board. A temporary practice permit may be denied or revoked for a pending complaint after notice is provided to the military-trained applicant or military spouse as set forth under subsection (a1) or (b1) of this section.

Paragraph (c) of this Rule lets the regulated public know what minimum amount of information must be provided to the Board in order for the temporary license to be issued, pursuant to GS 93B-15.1(f).

I apologize. When I was reviewing these rules, I printed off the relevant statutes. Apparently my printer wanted me to look stupid, so it ran out of paper and didn't print the last page of 93B-15, which contains 93B-15(f), and I didn't notice.

No worries, thank you!

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 21 NCAC 02 .0201 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **SECTION .0200 - PRACTICE OF ARCHITECTURE**

4
5 **21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP**
6 **CONTACT INFORMATION AS ON FILE WITH THE BOARD**

7 (a) Every individual licensee and registrant shall keep the Board advised of his or her preferred current contact
8 information. Current contact information includes a physical mailing address, email, phone numbers, and the name of
9 the firm or partnership where he or she is employed. Every individual licensee and registrant shall notify the Board in
10 writing of all changes to contact information within 30 days of such changes.

11 (b) The licensee or registrant shall give notice in writing to the Board of the following within 30 days of the adverse
12 action set forth below:

13 (1) the filing of any criminal charges against the licensee or registrant and, if so, the jurisdiction, charge,
14 and case number of each such charge;

15 (2) any conviction of, or plea of nolo contendere by, the licensee or registrant for a felony or
16 misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each
17 such criminal conviction;

18 (3) the filing of any disciplinary action, charges, or **contested case proceeding[controversy]** against the
19 licensee or registrant before any court, board, agency, or professional organization for
20 unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the
21 jurisdiction, charge, and case number of each such pending action;

22 (4) the finding by any court, board, agency, or professional organization that the licensee or registrant
23 is guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if
24 so, the jurisdiction, charge, case number, and date of such adverse action;

25 (5) any denial, limitation, reprimand, suspension, or revocation taken against the licensee or registrant's
26 credentials, to include a statement providing the reason for the adverse action; the date and
27 jurisdiction in which the adverse action occurred; the terms of the adverse action imposed;

28 (6) whether the terms of the adverse action have been satisfied; and

29 (7) whether any liens or judgments have been filed or entered against the licensee or registrant and, if
30 so, the jurisdiction, date, and parties involved with such lien or judgment.

31 ~~(b)~~(c) Each firm or partnership shall, within 30 days, notify the Board of all changes in ownership, association, contact
32 information, email, or physical address. Upon the dissolution of a firm, the architect or registered interior designer in
33 responsible control of the firm at the time of dissolution shall notify the Board within 30 days concerning such
34 dissolution and of the succeeding status and addresses of the architects and registered interior designers employed by
35 the firm.

36 (d) Each licensed or registered firm shall give notice in writing to the Board of the following within 30 days of the
37 adverse action set forth below:

- 1 (1) the filing of any criminal charges against the firm or any of its owners and, if so, the jurisdiction,
2 charge, and case number of each such charge;
- 3 (2) any conviction of, or plea of nolo contendere by, the firm or any of its owners for a felony or
4 misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each
5 such criminal conviction;
- 6 (3) the filing of any disciplinary action, charges, or controversy against the firm or any of its owners
7 before any court, board, agency, or professional organization for unprofessional conduct, dishonest
8 or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number
9 of each such pending action;
- 10 (4) the finding by any court, board, agency, or professional organization that the firm or any of its
11 owners is guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent
12 practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- 13 (5) any denial, limitation, reprimand, suspension, or revocation taken against the firm's credentials or
14 that of any of its owners, to include a statement providing the reason for the adverse action; the date
15 and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and
16 whether the terms of the adverse action have been satisfied; and
- 17 (6) whether any liens or judgments have been filed or entered against the firm or any of its owners and,
18 if so, the jurisdiction, date, and parties involved with such lien or judgment.

19
20 *History Note: Authority G.S. 83A-5; 83A-6;*
21 *Eff. February 1, 1976;*
22 *Readopted Eff. September 29, 1977;*
23 *Amended Eff. [April 1, 2024;] November 1, 2010; June 1, 1995;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
25 *2015;*
26 *Temporary Amendment Eff. November 30, 2021;*
27 *Amended Eff. April 1, 2024; June 1, 2022.*
28
29

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC
Attachments: 21 NCAC 02 Request for Changes_FINAL (005) - BRL responses.docx

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, March 22, 2024 12:09 PM
To: Cathe Evans <cathe@ncbarch.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Catherine Lee <clee@hedrickgardner.com>; Elizabeth A. Berger <eberger@hedrickgardner.com>
Subject: RE: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC

Hi Cathe,

I've reviewed your responses, and have a few follow ups in the attached document, in blue. If you could get these back to me by Monday, 5 PM, I'd appreciate it.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day,~~;~~ and”
 - Right: “day, day; and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0108

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Where is your statutory authority to assess a fee for licensure by reciprocity? 83A-4 allows a fee for licensure by exam, but 83A-7 says that licensure by reciprocity may be without exam. And even if the fee were for licensure by reciprocity following exam, the most you could charge would be \$100 to an individual and \$150 to a firm.

GS 83A-4(b) provides that the fees for "reciprocal license" for the practice of architecture shall not exceed \$300.00 and that the fees for "reciprocal registration" for the practice of interior designers and interior design firms shall not exceed \$300.00.

So, looking at 83A-4, I see "reciprocal license" and "reciprocal registration" listed under "late renewal penalty" for both kinds of fee. Looking at SL 2021-81, which made that change, it looks like "reciprocal license" and "reciprocal registration" are supposed to be independent entries in the list, rather than nested under "late renewal". However, it does look like the latest version of 83A-4 on the GA website includes SL 2021-81. Is this an error on the GA website, or is the \$300 fee only for late renewal?

Where is your statutory authority to charge more than \$100 for individuals and \$150 for firms for the initial registration as an interior designer? Why are you able to charge a NCIDQ certified individual \$155?

NCIDQ certification is considered by the Board to be certification of another jurisdiction that is substantially equivalent to the standards of North Carolina, per GS 83A-7(d). GS 83A-4(b) allows the Board to assess up to \$300 for "reciprocal" interior design registration. We have revised the text to make it clear that this fee is applicable for initial registration by reciprocity, per GS 83A-4(b).

Same issue as above, with respect to reciprocal fees.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0201

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b)(3), line 18, define "controversy".

Revised to read "contested case proceeding"

Also in (b)(3), line 20, did you mean to omit the date of the filing of the action, charge, or controversy? Same for (d)(3), on p.2, line 8.

Yes. The Board will be able to ascertain the date of filing if the licensee provides the other information required in section (b)(3) and (d)(3)

In (d)(1) and (3), p.2, lines 1 and 5, can a firm be charged or convicted of a criminal act?

Yes. Please see <https://ncpro.sog.unc.edu/manual/205-1>

In your History Note, please move the proposed effective date to the last line.

Done

I hate to be picky, but it's supposed to be reverse chronological order, so the newest date goes first. I'd appreciate it if you made the change.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0203

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (2), line 20, add an oxford comma following “engineers”.

Done

In (4), line 26, add quotations around the second instance of “Responsible Control”.

Done

In (4), line 28, what are the “instruments of service”? I did not see that term elsewhere in these Rules.

“Instruments of service” is a common term used in the practice of architecture and known to the regulated public. As a term of art among architects, it means “the collection of documents, drawings, specifications, calculations, and other tangible materials produced by design professionals during the various stages of a project.”

In (4), line 29, what is the standard of care? Is it found in (3)? If so, consider a cross-reference.

“Standard of care” is a commonly used and understood phrase in the practice of architecture and understood by the regulated public. As a term of art among architects, it means “the care usually exercised by one in the profession, on the same type of project, at the same time and in the same place, under similar circumstances and conditions.”

For both “instruments of service” and “standard of care”, it seems like you have a definition ready to go – you’re quoting from something in your responses. I didn’t see a definition in the statute or in your definitions rule. Are those definitions otherwise in a rule? In any case, I would strongly urge you to add those to your definitions rule, or to add the definitions here, if this is the only rule where those terms are used. I think where you’re using a term of art, in which a term does not have its ordinary dictionary definition, you need to define it here (or in your definitions rule). Otherwise the

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

meaning of this term is subject to interpretation, and may be considered vague or ambiguous.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Cathe Notes

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0206

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (d), p.4, line 20, is there a requirement that documents be locked?

Per (d)(4) the digital signature must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. The commonly used terms in practice and with authorities having jurisdiction is "locked."

The Rule requires that the document be sealed and in this case, electronically signed, but I don't see anything requiring that the document be locked, presumably from anyone else making changes.

With most software, "digitally signing" will "lock" the document – in other words, prevent alteration or overriding of the authentication procedure.

In (d), line 20, what is an entity?

In practice, entities to which an architect regularly may provide unlocked copies of sealed construction documents for electronic usage where the document content is not being altered include agencies regulating the permitting of construction projects.

In (d), line 21, what constitutes an "effective" alteration?

An "effective alteration" means a change that may impact health, safety or welfare (commonly referred to as HSW, in the practice of architecture). An "effective alteration" might include such as changes to egress or changes to window placement. The term "effective alteration" is a commonly used term of art in the practice of architecture and is known to the regulated public.

I think where you're using a term of art, in which a term does not have its ordinary dictionary definition, you need to define it here (or in your definitions rule). Otherwise the meaning of this term is subject to interpretation, and may be considered vague or ambiguous.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

In (d), line 21, omit the parentheses and incorporate the parenthetical information into the body of the Rule.

Done

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Cathe Notes

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0210

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 7, define "substantially impaired".

Revised to read "impaired in his or her ability to practice the profession"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0213

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a)(3)(F), p.2, line 2, what does it mean to be "involved" in a judgment or a lien?
Please clarify.*

Revised to read "to"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0214

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(10) and (11), p.2, lines 3 and 6, and in (b)(3)(B) and (C), p.3, lines 13 and 16, can a "firm" be charged with a crime or convicted?

Yes. Please see <https://ncpro.sog.unc.edu/manual/205-1>

In (a)(14), p.2, line 16, what does it mean to be "involved" in a judgment or a lien? Please clarify.

Revised to read "to."

In (a)(15)(B), lines 21-22, suggest revising as follows: "North Carolina General Statutes Chapter 55B for corporations, or Chapter 57D for PLLCs, Chapter 83A, and Title 21, Chapter 2 of the North Carolina Administrative Code."

Done.

In (a)(17), and in (b)(4)(F), p.4, line 5, a "firm" cannot "read and understand" a statement. Please specify who at the firm must read and understand the public notice statement.

Revised to read "incorporator, organizer, officer or owner of the firm"

In (b)(4)(B), line 32, whose ownership does the Rule refer to?

Per GS 83A-8, to be credentialed by the Board, architectural firms must comply with the Professional Corporation Act and interior design firms must comply with the Business Corporation Act. Those Acts impose certain requirements on firms with regard to its licensee ownership.

In (e), p.4, line 20, is "responsible charge" different than "responsible control"?

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

Yes, the terms are different. We have revised to be consistent in using the term “responsible control.”

In (e), lines 19-20, what are you requiring here? An out of state firm has to have a dedicated employee who only works on NC projects? Is this different than the requirement in Rule .0215(b) that an out of state firm shall designate an architect licensed in NC to be in responsible control for the firm’s practice within the state?

We have removed this text.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Cathe Notes

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0215

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

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In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Done.

I hate to be picky, but the history note is supposed to be in reverse chronological order, so if you could move the effective date to the front, I'd appreciate it.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0302

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), lines 11-12, I think there's a typo. What shall be deemed satisfied?

Revised to read "[NCARB] . . . will transmit a completed NCARB AXP file to the Board to determine compliance with G.S. 83A-7(a)(1)a, which shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0303

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Done.

I hate to be picky, but the history note is supposed to be in reverse chronological order, so if you could move the effective date to the front, I'd appreciate it.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0307

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1)(E), and (b)(1)(E), what "other occupational Board" licenses architecture or interior design in NC?

Revised for clarity

In (a)(3), what about the requirement in 93B-15.1(a2)(2) that the applicant pass a proficiency examination? What written documentation would satisfy that requirement?

Written documentation to satisfy the conditions set out in GS 93B-15.1(a2)(2) is a document demonstrating passage of the proficiency exam offered by the Board to military-trained applicants, which is the Architectural Registration Examination prepared by the National Council of Architectural Registration Boards.

In (b)(1)(L), p.2, line 25, delete "; and".

Done.

There is an extra space before (c) on p.2.

Done.

Where is your statutory authority to issue a temporary license? Assuming arguendo that there is authority for a temporary license, what is the duration of this license? Is it limited in any way?

GS 93B-15.1(f) provide that "An occupational licensing board or State agency licensing board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section no later than 15 days following

Brian Liebman

Commission Counsel

Date submitted to agency: March 5, 2023

receipt of an application, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board or State agency licensing board in this State. The temporary practice permit shall be issued using the same information as provided by the applicant in the licensure application and remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or registration is granted by the occupational licensing board or State agency licensing board. A temporary practice permit may be denied or revoked for a pending complaint after notice is provided to the military-trained applicant or military spouse as set forth under subsection (a1) or (b1) of this section.

Paragraph (c) of this Rule lets the regulated public know what minimum amount of information must be provided to the Board in order for the temporary license to be issued, pursuant to GS 93B-15.1(f).

I apologize. When I was reviewing these rules, I printed off the relevant statutes. Apparently my printer wanted me to look stupid, so it ran out of paper and didn't print the last page of 93B-15, which contains 93B-15(f), and I didn't notice.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Burgos, Alexander N

Subject: FW: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC
Attachments: 21 NCAC 02 .0108 - Revised.docx; 21 NCAC 02 .0203 - Revised.docx; 21 NCAC 02 .0206 - Revised.docx; 21 NCAC 02 .0210 - Revised.docx; 21 NCAC 02 .0213 - Revised.docx; 21 NCAC 02 .0214 - Revised.docx; 21 NCAC 02 .0215 - Revised.docx; 21 NCAC 02 .0302 - Revised.docx; 21 NCAC 02 .0303 - Revised.docx; 21 NCAC 02 .0307 - Revised.docx; 21 NCAC 02 Request for Changes_[FINAL].docx; 21 NCAC 02. 0201 - Revised.docx

From: Cathe Evans <cathe@ncbarch.org>
Sent: Monday, March 18, 2024 11:19 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Catherine Lee <clee@hedrickgardner.com>; Elizabeth A. Berger <eberger@hedrickgardner.com>
Subject: [External] Re: 21 NCAC 02 Requests for Changes - March 2024 RRC

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Brian,
Thank you for the opportunity to review your RFC. Please see the attached documents.
Sincerely,
Cathe

Cathe M. Evans

Executive Director

NC Board of Architecture & Registered Interior Designers

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

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5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;; and”
 - Right: “~~day;~~ day; and”
7. Formatting instructions and examples may be found at:
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If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0108

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Where is your statutory authority to assess a fee for licensure by reciprocity? 83A-4 allows a fee for licensure by exam, but 83A-7 says that licensure by reciprocity may be without exam. And even if the fee were for licensure by reciprocity following exam, the most you could charge would be \$100 to an individual and \$150 to a firm.

Where is your statutory authority to charge more than \$100 for individuals and \$150 for firms for the initial registration as an interior designer? Why are you able to charge a NCIDQ certified individual \$155?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0201

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b)(3), line 18, define "controversy".

Also in (b)(3), line 20, did you mean to omit the date of the filing of the action, charge, or controversy? Same for (d)(3), on p.2, line 8.

In (d)(1) and (3), p.2, lines 1 and 5, can a firm be charged or convicted of a criminal act?

In your History Note, please move the proposed effective date to the last line.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0203

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (2), line 20, add an oxford comma following "engineers".

In (4), line 26, add quotations around the second instance of "Responsible Control".

In (4), line 28, what are the "instruments of service"? I did not see that term elsewhere in these Rules.

In (4), line 29, what is the standard of care? Is it found in (3)? If so, consider a cross-reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0206

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (d), p.4, line 20, is there a requirement that documents be locked? The Rule requires that the document be sealed and in this case, electronically signed, but I don't see anything requiring that the document be locked, presumably from anyone else making changes.

In (d), line 20, what is an entity?

In (d), line 21, what constitutes an "effective" alteration?

In (d), line 21, omit the parentheses and incorporate the parenthetical information into the body of the Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0210

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 7, define "substantially impaired".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0213

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a)(3)(F), p.2, line 2, what does it mean to be “involved” in a judgment or a lien?
Please clarify.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0214

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(10) and (11), p.2, lines 3 and 6, and in (b)(3)(B) and (C), p.3, lines 13 and 16, can a "firm" be charged with a crime or convicted?

In (a)(14), p.2, line 16, what does it mean to be "involved" in a judgment or a lien? Please clarify.

In (a)(15)(B), lines 21-22, suggest revising as follows: "North Carolina General Statutes Chapter 55B for corporations, or Chapter 57D for PLLCs, Chapter 83A, and Title 21, Chapter 2 of the North Carolina Administrative Code."

In (a)(17), and in (b)(4)(F), p.4, line 5, a "firm" cannot "read and understand" a statement. Please specify who at the firm must read and understand the public notice statement.

In (b)(4)(B), line 32, whose ownership does the Rule refer to?

In (e), p.4, line 20, is "responsible charge" different than "responsible control"?

In (e), lines 19-20, what are you requiring here? An out of state firm has to have a dedicated employee who only works on NC projects? Is this different than the requirement in Rule .0215(b) that an out of state firm shall designate an architect licensed in NC to be in responsible control for the firm's practice within the state?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0215

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0302

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), lines 11-12, I think there's a typo. What shall be deemed satisfied?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0303

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0307

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1)(E), and (b)(1)(E), what "other occupational Board" licenses architecture or interior design in NC?

In (a)(3), what about the requirement in 93B-15.1(a2)(2) that the applicant pass a proficiency examination? What written documentation would satisfy that requirement?

In (b)(1)(L), p.2, line 25, delete "; and".

There is an extra space before (c) on p.2.

Where is your statutory authority to issue a temporary license? Assuming arguendo that there is authority for a temporary license, what is the duration of this license? Is it limited in any way?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

1 21 NCAC 02 .0108 is amended with changes as published in 38:10 NCR 621-636 as follows:

2

3 **21 NCAC 02 .0108 FEES**

4 The fees required by the Board are set forth below:

5

6 Initial License to Practice Architecture:

7 By Exam ~~\$50.00~~\$55.00

8 By Reciprocity ~~\$150.00~~\$155.00

9 Architecture Firm License ~~\$75.00~~\$100.00

10

11 Annual License to Practice Architecture Renewal:

12 Individual ~~\$50.00~~\$55.00

13 Firm ~~\$100.00~~\$125.00

14

15 Late Renewal Penalty for Individual Architects and Firms:

16 Up-to-30 days ~~\$50.00~~\$55.00

17 30 days to 1 year ~~\$100.00~~\$110.00

18

19 Reinstatement of Expired License:

20 Individual Architect ~~\$250.00~~\$260.00

21 Architecture Firm ~~\$250.00~~\$300.00

22

23 Initial Registration to Practice Interior Design:

24 By Reciprocity ~~[For NCIDQ Certified Individual]~~ ~~\$150.00~~\$155.00

25 Firm Registration ~~\$75.00~~\$100.00

26 Addition of Interior Design Firm Registration for Currently Licensed Architecture Firms \$50.00

27

28 Annual Registration to Practice Interior Design Renewal:

29 Individual ~~\$50.00~~\$55.00

30 Firm ~~\$100.00~~\$125.00

31

32 Late Renewal Penalty for Interior Designers and Interior Design Firms:

33 Up-to-30 days ~~\$50.00~~\$55.00

34 30 days to 1 year ~~\$100.00~~\$110.00

35

36 Reinstatement of Expired Registration

37 Interior Designer Individual ~~\$250.00~~\$260.00

1 Interior Design Firm ~~\$250.00~~\$300.00

2

3 All fees paid to the Board are non-refundable.

4

5 *History Note: Authority G.S. 55B-10; 83A-4; 83A-11;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 29, 1977;*

8 *Amended Eff. July 1, 2014; December 1, 2010; June 1, 1995; December 1, 1992; May 1, 1991; May*
9 *1, 1989; July 1, 1987;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
11 *2015;*

12 *Amended Eff. November 1, 2017;*

13 *Temporary Amendment Eff. November 30, 2021;*

14 *Amended Eff. April 1, 2024; June 1, 2022.*

15

16

1 21 NCAC 02 .0203 is amended with changes as published 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0203 RULES OF PROFESSIONAL CONDUCT**

4 All persons licensed or registered under the provisions of Chapter 83A of the North Carolina General Statutes are
5 charged with having knowledge of the rules of this Chapter and are deemed to be familiar with their provisions and to
6 understand them. Each licensed or registered person and entity shall sign a statement on the renewal notice affirming
7 understanding of the laws and rules.

8 (1) Licensees and registrants shall conduct their practice in order to safeguard life, health and property
9 as provided in G.S. 83A-12. The licensee or registrant shall always recognize the primary obligation
10 to protect the public in the performance of the professional duties. If the licensee or registrant's
11 professional judgment is overruled under circumstances where the licensee or registrant, in their
12 professional judgment, believes health, safety, and welfare of the public are endangered, the licensee
13 or registrant shall inform the employer, the client, the contractor, other affected parties, and any
14 appropriate regulatory agency of the possible consequences of the situation.

15 (2) In designing a project, the licensee or registrant shall consider all applicable federal, State and
16 municipal building laws and rules. A licensee or registrant shall undertake to perform professional
17 services only when they, together with those whom the licensee or registrant may engage as
18 consultants, are qualified by education, training and experience in the specific technical areas
19 involved. While a licensee or registrant may rely on the advice of other professionals such as
20 attorneys, ~~engineers~~ **engineers**, or other qualified persons as to the intent and meaning of such laws
21 and rules, once having obtained advice, a licensee or registrant shall not design a project in violation
22 of laws and rules.

23 (3) In practicing architecture or interior design, the licensee or registrant shall act with reasonable care
24 and competence and shall apply the technical knowledge and skill which is ordinarily applied by
25 architects or interior designers of good standing.

26 (4) Responsible Control. ~~[Responsible Control]~~ **“Responsible Control”** means responsibility for
27 exercising the ultimate authority over, and possessing the knowledge and ability to oversee,
28 delegate, and integrate the design and technical decisions related to the preparation of the project’s
29 instruments of service and the project’s implementation in conformance with the standard of care.
30 No architect or registered interior designer shall affix his or her seal and signature to contract
31 documents developed by others not under the architect's or registered interior designer's responsible
32 control. ~~“Responsible control” means that amount of control over and professional knowledge of~~
33 ~~the content of technical submissions during their preparation as is exercised by an architect or~~
34 ~~registered interior designer applying the required professional standard of care, including:~~
35 (a) ~~dissemination of programmatic requirements;~~
36 (b) ~~ongoing coordination and correlation of services with other aspects of the total design of~~
37 ~~the project;~~

- ~~(c) — verification with consultant that owner's requirements are being met;~~
- ~~(d) — authority over the services of those who assisted in the preparation of the documents;~~
- ~~(e) — assumption of responsibility for the services;~~
- ~~(f) — incorporation of services and technical submissions into design documents to be issued for permitting purposes; and~~
- ~~(g) — incorporation and integration of information from manufacturers, suppliers, installers, the architect's or registered interior designer's consultants, owners, contractors, or other sources the architect or registered interior designer knows to be reliable that is incidental to and intended to be incorporated into the architect's or registered interior designer's technical submissions if the architect or registered interior designer has coordinated and reviewed such information.~~

- (5) An architect or registered interior designer shall not deliberately make a false statement or deliberately fail to disclose a fact requested in connection with their application for license or registration renewal.
- (6) An architect or registered interior designer shall not assist in the application for licensure or registration of a person known by the architect or registered interior designer to be unqualified with respect to education, training, experience, or character.
- (7) An architect or registered interior designer shall issue public statements only in an unbiased and truthful manner and:
 - (a) shall be objective and truthful in all professional reports, statements, or testimony. The architect or registered interior designer shall include all relevant and pertinent information in such reports, statements or testimony;
 - (b) when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon knowledge of the facts at issue, upon a background of technical competence in the subject matter, and of the accuracy and propriety of the individual's testimony;
 - (c) shall issue no statements, criticisms, or arguments on architectural or interior design matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the architect or registered interior designer has prefaced the comment by explicitly identifying their name, by disclosing the identities of the party or parties on whose behalf the architect or registered interior designer is speaking, and by revealing the existence of any pecuniary interest the architect or registered interior designer may have in the matters; and
 - (d) shall not attempt to harm the professional reputation, prospects, practice, or employment of another architect or registered interior designer, nor indiscriminately criticize another architect's or registered interior designer's work. Indiscriminate criticism is a statement without basis or cause or that is not objective and truthful or that fails to include all factual

1 information. If the architect or registered interior designer believes that another architect
2 or registered interior designer is in violation of G.S. 83A or the Rules of this Chapter, such
3 information shall be presented to the North Carolina Board of Architecture and Registered
4 Interior Designers in writing.

5 (8) An architect or registered interior designer shall avoid conflicts of interest and:

- 6 (a) shall inform the employer or client, and any reviewing agency, of any business association,
7 interests, or circumstances that attempts to influence the judgment or the quality of services
8 of the architect or registered interior designer. If, in the course of their work on a project,
9 an architect or registered interior designer becomes aware of a decision taken by their
10 employer or client, against their advice, which violates applicable State or municipal
11 building laws or federal regulations and which will, in their judgment, affect adversely the
12 safety to the public of the finished project, the architect or registered interior designer shall:
13 (i) report the decision to the local building inspector or other public official charged
14 with the enforcement of the applicable State or municipal building laws and
15 regulations;
16 (ii) refuse to consent to the decision;
17 (iii) in circumstances where the architect or registered interior designer reasonably
18 believes that other such decisions will be taken notwithstanding his or her
19 objection, terminate their services with reference to the project; and
20 (iv) in the case of termination in accordance with clause in Sub-Item (a)(iii) of this
21 Rule, the architect or registered interior designer shall have no liability to his or
22 her client or employer on account of such termination.
- 23 (b) shall not accept compensation, financial or otherwise, from more than one party for
24 services on the same project, or for services pertaining to the same project, unless the
25 circumstances are disclosed to, and agreed to, in writing, by all interested parties;
- 26 (c) shall not solicit or accept financial or other valuable considerations from material,
27 furniture, fixtures, or equipment suppliers for specifying their products unless disclosed to
28 the client;
- 29 (d) shall not pay or offer to pay, a commission, political contribution, gift, or other
30 consideration in order to secure work. Gifts of nominal value including entertainment and
31 hospitality are permitted;
- 32 (e) when in public service as a member, advisor, or employee of a governmental body or
33 department, shall not participate in considerations or actions with respect to services
34 provided by the licensee or registrant or the licensee's or registrant's firm in private
35 architectural or registered interior design practices;
- 36 (f) shall not engage in any false, deceptive, fraudulent, or misleading advertising;

- 1 (g) shall not attempt to supplant another architect or registered interior designer on a specific
2 project after becoming aware that the other has been selected for the employment;
- 3 (h) when acting as the interpreter of building contract documents and the judge of contract
4 performance, an architect or interior designer shall render decisions in an impartial manner;
- 5 (j) if an architect or registered interior designer has any business association or financial
6 interest which influences their judgment in connection with the performance of
7 professional services, they shall disclose in writing to their client or employer the nature of
8 the business association or financial interest, and if the client or employer objects to such
9 association or financial interest, they will either terminate such association or interest or
10 offer to give up the commission or employment;
- 11 (k) an architect or registered interior designer making public statements on architectural or
12 interior design questions shall disclose when they are being compensated for making such
13 statements.
- 14 (9) A licensee or registrant shall solicit or accept work on the basis of qualifications and:
- 15 (a) shall not offer to pay any commission, political contribution, gift, or other consideration in
16 order to secure work, exclusive of securing salaried positions through employment
17 agencies;
- 18 (b) shall not solicit or submit proposals for professional services containing a false, fraudulent,
19 misleading, or deceptive statement or claim regarding the cost, quality, or extent of services
20 to be rendered;
- 21 (c) shall, with regard to fee bidding on public projects, comply with, and not knowingly
22 cooperate in any violation of the provisions of G.S.143-64.31(a), (a1), (e), and (f) for state
23 projects and, with the Brooks Act, 40 U.S.C. 541 et seq. for federal projects; and
- 24 (d) shall not falsify or permit misrepresentation of academic or professional qualifications and
25 shall only report educational qualifications when a degree or certificate was awarded unless
26 it is stated that no degree or certificate was awarded; and
- 27 (e) shall represent to a prospective or existing client or employer their qualifications and the
28 scope of their responsibility in connection with work for which they are claiming credit.
29 Misrepresentation shall be found if any of the following is not complied with:
- 30 (i) Each licensee or registrant shall state their prior professional experience and the
31 firm they are representing while presenting qualifications to all prospective
32 clients. If the licensee or registrant uses visual representations of prior projects or
33 experience, all designers or architects of record shall be identified.
- 34 (ii) An architect or registered interior designer who has been an employee of another
35 firm may not claim credit for projects contracted for in the name of the previous
36 employer. They shall indicate, next to the listing for each project, that individual
37 experience gained in connection with the project was acquired as an employee

1 and identify the previous firm. The architect or registered interior designer shall
2 also describe the nature and extent of their participation in the project.

3 (iii) An architect or registered interior designer who presents a project that has
4 received awards or public recognition shall comply with the requirements in this
5 Sub-Item with regard to project presentation to the public and prospective clients.

6 (iv) Projects that remain unconstructed and are listed as credits in presentation items
7 shall be listed as "unbuilt" or a similar designation, as determined by the architect
8 or registered interior designer.

9 (10) A licensee or registrant shall perform services in compliance with all of the provisions of this
10 Chapter and any federal, State, and municipal laws or regulations that apply and:

11 (a) shall not knowingly associate with or permit the use of the licensee's or registrant's name
12 or firm name in a business venture by any person or firm which the licensee or registrant
13 knows, or has reason to believe, is engaging in business or professional practices of a
14 fraudulent or dishonest nature or is not licensed or registered;

15 (b) if the licensee or registrant has knowledge or reason to believe that another person or firm
16 may be in violation of the rules of this Chapter or of the North Carolina Architectural and
17 Registered Interior Design Practice Act (G.S. 83A), they shall present such information to
18 the Board in writing and shall cooperate with the Board in furnishing further information
19 or assistance as may be required by the Board.

20 (c) An architect or registered interior designer shall cooperate with the Board in connection
21 with any inquiry it shall make. Cooperation includes responding to all inquiries from the
22 Board or its representative and claiming correspondence from the U. S. Postal Service, or
23 other delivery service, sent to the licensee or registrant from the Board in a timely manner.
24 The Board shall utilize electronic mail as its primary method of communication with
25 licensees and registrants. "Timely" is defined as within the time specified in the
26 correspondence, or if no time is specified, within 15 business days of receipt.

27 (11) An architect or registered interior designer who has received a reprimand or civil penalty or whose
28 professional license or registration is revoked, suspended, denied, refused renewal, refused
29 reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by
30 another jurisdiction is subject to discipline by the Board if the licensee's or registrant's action
31 constitutes a violation of G.S. 83A or the rules of this Chapter adopted by the Board.

32 (12) In addition to the grounds stated in G.S. 83A-14 and G.S. 83A-15(3), the following acts or omissions
33 may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for
34 denial, suspension, or revocation of a license or registration or firm certificate of licensure or
35 registration to practice architecture or registered interior design:

- 1 (a) An architect or registered interior designer shall not, in the conduct of their professional
2 practice, knowingly violate any State or federal criminal law. A criminal conviction shall
3 be deemed prima facie evidence of knowingly violating the law.
- 4 (b) Evasion of professional duties.
- 5 (i) An architect or registered interior designer shall not, through employment by
6 contractors whether or not the contractors are licensed under G.S. 87, or by
7 another individual or entity not holding an individual or firm registration from the
8 Board, enable the employer to offer or perform architectural services or registered
9 interior design services. In design/build arrangements, the architect or registered
10 interior designer shall not be an employee of a person or firm not holding a license
11 to practice architecture or registered interior design in North Carolina.
- 12 (ii) An architect or registered interior designer shall not furnish limited services in
13 such manner as to enable owners, draftsmen, or others to evade the public health
14 and safety requirements of Chapter 83A, G.S. 133-2, G.S. 153A, G.S. 153A-357,
15 G.S. 160A-412, or G.S. 160A-417.
- 16 (iii) When building plans are begun or contracted for by persons not licensed or
17 registered and qualified, an architect or registered interior designer shall not take
18 over, review, revise, or sign or seal such drawings or revisions thereof for such
19 persons or do any act to enable either persons or the project owners to evade the
20 requirements of Chapter 83A, G.S. 133-2, G.S. 153A-357, or G.S. 160A-417.
- 21 (c) It is unprofessional conduct for an architect or registered interior designer to be found by a
22 court to have infringed upon the copyrighted works of other architects, registered interior
23 designers or other design professionals.
- 24 (13) An architect, registered interior designer or firm shall not maintain or represent by sign, listing, or
25 other manner that they have a physical presence in North Carolina unless such office employs a
26 licensed architect or registered interior designer who is a resident in North Carolina whose principal
27 place of business takes place in that office. This item does not apply to on-site project offices during
28 construction of a project.
- 29 (14) An architect or registered interior designer shall not knowingly continue to offer or render
30 architectural or registered interior design services as set forth in G.S. 83A after their license or
31 registration expires, is placed on delinquent status, is revoked, or suspended for failure to renew.
- 32 (15) Architects or registered interior designers preparing plans for building permits shall submit plans
33 that are complete and buildable. Such plans shall conform with the State Building Code and local
34 plan submission requirements. Professional judgment shall be exercised to reflect sufficient
35 documentation necessary for plan approval. Provided, however, this Rule does not alter any standard
36 of liability applicable to licensees or registrants.
- 37

1 *History Note: Authority G.S. 83A-6; 83A-14; 83A-15; 83A-16;*
2 *Eff. February 1, 1976;*
3 *Readopted Eff. September 29, 1977;*
4 *Amended Eff. May 1, 1989; November 1, 1979;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
6 *2015;*
7 *Temporary Amendment Eff. November 30, 2021;*
8 *Amended Eff. April 1, 2024; June 1, 2022.*

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1 21 NCAC 02 .0206 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL BY AN**
4 **ARCHITECT OR REGISTERED INTERIOR DESIGNER**

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

- 8 (1) An architect may seal those portions of the professional work that:
- 9 (A) were prepared by or under the responsible control of persons who are licensed architects
10 in this State if the architect has reviewed in whole or in part such portions and has either
11 coordinated their preparation or integrated them into his or her work; and
 - 12 (B) are not required by law to be prepared by or under the responsible control of an architect if
13 the architect has reviewed and adopted in whole or in part such portions and has integrated
14 them into his or her work.
- 15 (2) A registered interior designer may seal those portions of the professional work that were prepared
16 by or under the responsible control of persons who are registered interior designers in this State if
17 the registered interior designer has reviewed in whole or in part such portions and has either
18 coordinated their preparation or integrated them into their work
- 19 (3) Individual Architect Seal Design shall be as follows:
- 20 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
21 facsimile that becomes a permanent addition to original paper drawings or sets of
22 specifications for use in this State. For the purposes of this Rule, the term "for use in this
23 State" means drawings and sets of specifications prepared for bidding, procurement,
24 permitting, or for construction. For purposes of this Rule, "original" means the version of
25 drawings and sets of specifications from which all paper copies can be made.
 - 26 (B) The standard design of the seal shall be two concentric circles in which "North Carolina"
27 and the name of the licensee are placed within the outermost circle and in which the license
28 number of the licensee and "Licensed Architect" placed within the innermost circle. The
29 size shall be 1 ½ to 1 ¾ inches in diameter.
 - 30 (C) The original, handwritten signature of the individual named on the seal shall be considered
31 part of the individual seal and shall appear across the face of each original seal imprint
32 along with the date of affixation. The use of signature reproductions such as rubber stamps,
33 computer generated, or other facsimiles on paper copies are not permitted in lieu of actual
34 handwritten and hand dated signatures.
- 35 (4) Architecture Firm Seal Design shall be as follows:
- 36 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
37 facsimile that becomes a permanent addition to paper drawings or sets of specifications.

- 1 (B) The design of the firm seal shall be two concentric circles in which the architectural firm's
2 approved name shall be between the inner and outer circles and the firm's license number
3 is placed within the innermost circle. The size shall be 1 ½ to 1 ¾ inches in diameter. For
4 a Professional Corporation the words "Architectural Corporation, North Carolina" shall be
5 along the inside perimeter of the inner circle. For a Professional Limited Liability
6 Company, the words "Architectural Company" shall be along the inside perimeter of the
7 inner circle.
- 8 (5) Individual Registered Interior Designer Seal Design shall be as follows:
- 9 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
10 facsimile that becomes a permanent addition to original paper drawings or sets of
11 specifications for use in this State. For the purposes of this Rule, the term "for use in this
12 State" means drawings and sets of specifications prepared for bidding, procurement,
13 permitting, or for construction. For purposes of this Rule, "original" means the version of
14 drawings and sets of specifications from which all paper copies can be made.
- 15 (B) The standard design of the seal shall be two concentric ovals in which "North Carolina"
16 and the name of the registrant are placed within the outermost oval and in which the
17 registration number of the registrant and "Registered Interior Designer" be placed within
18 the innermost oval. The dimensions shall be two inches tall by 2.75 inches wide.
- 19 (C) The original, handwritten signature of the individual named on the seal shall be considered
20 part of the individual seal and shall appear across the face of each original seal imprint
21 along with the date of affixation. The use of signature reproductions such as rubber stamps,
22 computer generated, or other facsimiles on paper are not permitted in lieu of actual
23 handwritten and hand dated signatures.
- 24 (6) Registered Interior Design Firm Seal Design shall be as follows:
- 25 (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other
26 facsimile that becomes a permanent addition to drawings or sets of specifications.
- 27 (B) The design of the seal shall be two concentric ovals in which the registered interior design
28 firm's approved name shall be between the inner and outer ovals and the firm's registration
29 number is placed within the innermost oval. The size shall be 2 to 2 ¾ inches in diameter.
30 For a Corporation the words "Registered Interior Design Corporation, North Carolina"
31 shall be along the inside perimeter of the inner circle. For a Limited Liability Company,
32 the words "Registered Interior Design Company" shall be along the inside perimeter of the
33 inner oval.
- 34 (7) Architects and registered interior designers shall affix their seal on one original of all their drawings
35 and sets of specifications prepared by them for use in this State as follows:
- 36 (A) on the cover sheet of each design and on each drawing prepared by the architect or
37 registered interior designer for the design;

1 (B) on the index page identifying each set of specifications; and
2 (C) on the index page of all other technical submissions. For the purposes of this Rule,
3 "technical submissions" refer to plans, drawings, specifications, studies, addenda, and other
4 technical reports prepared in the course of practicing architecture or registered interior
5 design.

6 (8) Presentation documents, such as renderings created by an architect or registered interior designer
7 used to communicate conceptual information, shall not be sealed or signed.

8 (9) Documents considered incomplete by the architect or registered interior designer may be released
9 for interim review without the architect's or registered interior designers seal or signature affixed,
10 but shall be dated, bear the architect's or registered interior designer's name, and be marked or
11 designated as follows "Incomplete - for interim review only and not intended for bidding,
12 procurement, permit, or construction purposes."

13 (10) Those sheets or pages prepared by licensed professional consultants, such as structural, mechanical
14 or electrical engineers, retained by the architect or registered interior designer shall bear the seal and
15 registration or license number of the consultant responsible therefore and shall not be sealed by the
16 architect or registered interior designer.

17 (11) The use of the prescribed seal on paper is an individual act whereby the architect or registered
18 interior designer must personally sign over the imprint of the seal. By sealing documents for use in
19 this State, an architect or registered interior designer is representing that he or she is in responsible
20 control over the content of such documents and has applied the required professional standard of
21 care. The architect or registered interior designer is responsible for security of the seal when not in
22 use.

23 (12) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an architect's
24 or registered interior designer's individual seal as required in Rule .0203(4) of this Chapter. The firm
25 seal must be affixed in addition to the individual seal on the cover sheet. A firm shall designate a
26 principle or other authorized individual to be responsible for the security of the firm seal.

27 (b) Prototypical building design documents prepared by architects or registered interior designers who are licensed
28 or registered in this State or in their state of origin may be sealed by a succeeding licensed architect or registered
29 interior designer in North Carolina provided:

30 (1) the seal of the original architect or registered interior designer appears on the documents to
31 authenticate authorship;

32 (2) the words "Prototypical Design Documents/Not for Construction" appear on each sheet of the
33 documents by the original architect or registered interior designer;

34 (3) the succeeding North Carolina architect or registered interior designer identifies all modifications
35 to the standard design documents;

1 (4) the succeeding North Carolina architect or registered interior designer assumes responsibility for
2 the adequacy of the design for the specific application in North Carolina and for the design
3 conforming with applicable building codes, local conditions, site condition; and

4 (5) the succeeding North Carolina architect or registered interior designer affixes his or her seal to the
5 prototypical design documents with a statement as follows: "These documents have been examined
6 by the undersigned. I have determined that they comply with existing local North Carolina codes,
7 and I assume responsibility for the adequacy of the design for the specific application in North
8 Carolina."

9 (c) Post construction record drawings prepared by an architect or registered interior designer, but based upon
10 representations of contractors, are not plans that are for "bidding, procurement, permit, or construction purposes" and
11 therefore shall not be sealed by the architect or registered interior designer. Post construction record drawings shall
12 bear the name of the architect or registered interior designer and include language that states "these drawings are post
13 construction record drawings and are based in part upon the representations of others and are not for bidding,
14 procurement, permit, or construction purposes."

15 (d) Documents to be electronically transmitted beyond the direct control of the licensee or registrant that are signed
16 using a digital signature, shall contain the authentication procedure in a secure mode and a list of the hardware,
17 software, and parameters used to prepare the document(s). Secure mode means that the authentication procedure has
18 protective measures to prevent alteration or overriding of the authentication procedure. The term "digital signature"
19 shall be an electronic authentication process that is attached to or logically associated with an electronic document.
20 Unlocked copies of sealed construction documents may be provided to entities to allow for electronic usage where
21 document content is not effectively being altered, such as when presented for plan review approval stamps or
22 contractor material takeoffs. [altered (e.g. plan review approval stamps, contractor material takeoffs, etc.)] The digital
23 signature shall be:

- 24 (1) Unique to the person using it;
25 (2) Capable of verification;
26 (3) Under the sole control of the person using it; and
27 (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the
28 document is changed.

29 (e) Documents for use in this State, that are transmitted electronically beyond the direct control of the licensee or
30 registrant shall have the computer-generated image of the seal removed from the original file, unless signed with a
31 digital signature as defined in this Rule. After removal of the image of the seal the electronic media shall have the
32 following inserted in lieu of the signature and date: "This document was originally issued and sealed by (name of
33 sealer), (license or registration number), on (date of sealing). This medium shall not be considered a certified
34 document." Hardcopy documents containing the original seal, signature and date of the licensee or registrant may be
35 duplicated by photocopy or electronic scanning processes and distributed either in hardcopy or electronic medium.
36 The scanned digital files of certified documents are not subject to the requirements of this Paragraph. The electronic
37 transmission beyond the direct control of the licensee or registrant of Computer Aided Design (CAD), vector, or other

1 files subject to easy editing are subject to the requirements of this Paragraph. A file subject to "easy editing" is one
2 consisting of separate elements that can be individually modified or deleted. Documents that are excepted from
3 certification by a statement meeting the following requirements are not subject to the requirements of this Paragraph:

- 4 (1) "Preliminary - Do not use for construction";
- 5 (2) "Progress Drawings - Do not use for construction";
- 6 (3) "Final Drawing - Not released for construction";
- 7 (4) "Final Drawing - For Review Purposes Only";
- 8 (5) "Not a Certified Document – This document was originally issued and sealed by (name of licensee
9 or registrant), (license or registration number), on (date of sealing). This document shall not be
10 considered a certified document";
- 11 (6) "Not a Certified Document as to the Original Document but Only as to the Revisions - This
12 document originally issued and sealed by (name of licensee or registrant), (license or registration
13 number), on (date of sealing). This document is only certified as to the revisions".

14
15 *History Note: Authority G.S. 83A-6; 83A-10; 83A-12;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 29, 1977;*
18 *Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989; October*
19 *1, 1985;*
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
21 *2015;*
22 *Amended Eff. April 1, 2024; June 1, 2022; November 1, 2017.*

1 21 NCAC 02 .0210 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0210 INCOMPETENCE**

4 (a) ~~In practicing architecture, an architect shall act with reasonable care and competence and shall apply the technical~~
5 ~~knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality. No~~
6 ~~person shall be permitted to practice architecture or registered interior design if such person~~ **person's competence** ~~is~~
7 ~~found by a licensed physician or court of law to be~~ **substantially** ~~impaired in his or her ability to practice the~~
8 **profession because of** ~~by~~ **physical or mental disability.** ~~disabilities.~~

9 (b) ~~In designing a project, an architect shall take into account all applicable state and municipal building laws and~~
10 ~~rules. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified~~
11 ~~persons) as to the intent and meaning of such laws and rules, once having obtained such advice, an architect shall not~~
12 ~~design a project in violation of such laws and rules. No person shall be permitted to practice architecture or registered~~
13 ~~interior design if such person is found insane or incompetent by a court of law.~~

14 (c) ~~An architect shall undertake to perform professional services only when he, together with those whom the architect~~
15 ~~may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.~~

16 (d) ~~No person shall be permitted to practice architecture if such person's professional competence is substantially~~
17 ~~impaired by physical or mental disabilities.~~

18 (e) ~~Architects preparing plans for building permits for projects not exempt under G.S. 83A-13 shall submit plans that~~
19 ~~are complete and buildable. Such plans shall conform with the State Building Code and local plan submission~~
20 ~~requirements. Professional judgment shall be exercised to reflect sufficient documentation necessary for plan~~
21 ~~approval. Provided, however, this Rule does not alter any standard of liability applicable to licensees.~~

22
23 *History Note: Authority G.S. 83A-6; 83A-14; 83A-15;*
24 *Eff. February 1, 1976;*
25 *Readopted Eff. September 29, 1977;*
26 *Amended Eff. April 1, 2024, July 1, 2006; June 1, 1995; May 1, 1989; November 1, 1979;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
28 *2015;*
29 *Temporary Amendment Eff. November 30, 2021;*
30 *Temporary Amendment Expired Eff. September 11, 2022.*
31
32

21 NCAC 02 .0213 is amended with changes as published in 38.10 NCR 621-636 as follows:

21 NCAC 02 .0213 INDIVIDUAL LICENSES AND REGISTRATIONS

(a) Renewal. The license to practice architecture or interior design registration must be renewed on or before the first day in July each year. Continued practice after such date shall constitute unlawful practice as set forth in G.S. 83A-12 and may be grounds for disciplinary action. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each individual licensee or registrant via electronic mail. The licensee or registrant shall submit to the Board the completed license or registration renewal documentation, along with the annual license or registration renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying payment in the amount of the renewal fee is dishonored by the licensee or registrant's drawee bank for any reason, the Board shall suspend the license or registration until the renewal fees and check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of this Chapter, the Executive Director shall approve renewal of the license or registration for the current renewal year. Renewal fees are non-refundable. All applications for renewal of individual licensure or registration shall contain the following:

(1) the licensee's or registrant's name, mailing address, physical address, email address, and phone number;

(2) whether the licensee or registrant has satisfied the continuing education requirements set forth in Rule .0903;

(3) since issuance of the individual's licensure or registration or the individual's last renewal, whichever is later:

(A) whether the licensee or registrant has had a credential denied, limited, reprimanded, suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and whether the terms of the adverse action have been satisfied;

(B) whether the licensee or registrant has been convicted of a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;

(C) whether any criminal charges have been filed or are pending against the licensee or registrant and, if so, the jurisdiction, charge, and case number of each such charge;

(D) whether any court, board, agency, or professional organization has found the licensee or registrant guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;

(E) whether any disciplinary action, charges, or controversy is pending against the licensee or registrant before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action; or

1 (F) whether any liens or judgments have been filed or entered against the licensee or registrant
2 and, if so, the jurisdiction, date, and parties to ~~involved with~~ such lien or judgment.

3 (b) Late Renewal. If the Board has not received the annual renewal fee and completed renewal documentation on or
4 before the first day of July, each year the license or registration shall expire and be placed on delinquent status. For
5 the purpose of this Rule, "delinquent status" means an administrative suspension and is not considered discipline. The
6 license or registration may be renewed at any time within one year of being deemed delinquent, upon the return of the
7 completed renewal documentation, the annual renewal fee, and the late renewal penalty and demonstration of
8 compliance with Section .0900 of this Chapter.

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

11 (d) Any individual who is currently licensed or registered by and in good standing with the Board who is serving in
12 the armed forces of the United States shall not be subject to late fees, suspension, or revocation for failure to renew
13 licensure on or before the first day July each year, provided that the individual has been granted an extension of time
14 to file a tax return as set forth in G.S. 105-249.2.

15
16 *History Note: Authority G.S. 83A-6; 83A-11; 93B-15(b);*
17 *Eff. February 1, 1976;*
18 *Readopted Eff. September 29, 1977;*
19 *Amended Eff. December 1, 2010; July 1, 2006; July 1, 1999; May 1, 1989; November 1, 1979;*
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
21 *2015;*
22 *Amended Eff. November 1, 2017;*
23 *Temporary Amendment Eff. November 30, 2021;*
24 *Amended Eff. April 1, 2024; June 1, 2022.*
25
26

1 21 NCAC 02 .0214 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE AND REGISTERED INTERIOR**
4 **DESIGN**

5 (a) Prior to offering and rendering architectural or registered interior design services as set forth in G.S. 83A and Rule
6 .0204(a) and Rule .0204(c) of this Chapter, all firms shall submit an application for firm licensure or registration and
7 be granted licensure or registration by the Board. Application for firm licensure or registration to practice of
8 architecture or registered interior design within the State of North Carolina shall be made upon forms provided on the
9 Board web site at www.ncbarch.org and include the required application fee as set forth in Rule .0108 of this Chapter.
10 Licensure for firm practice of architecture shall be issued only under the provisions of the Professional Corporation
11 Act, G.S. 55B and G.S 57D-2-02. Registration for firm practice of interior design shall be issued only under the
12 provisions of the Business Corporation G.S. 55 and G.S 57D. All applications for firm licensure or registration shall
13 contain the following:

14 (1) the firm's name, mailing address, physical address, email address, and phone number;

15 (2) the firm's representative completing the application;

16 (3) for all officers, directors and shareholders, if the firm is a professional corporation:

17 (A) the profession;

18 (B) the credential number and jurisdiction in which the credential was issued, if outside of
19 North Carolina;

20 (C) the credential number issued by the Board, if any;

21 (D) whether the individual is an officer, director, or shareholder; and

22 (E) percentage of stock owned.

23 (4) for all members and owners, if the firm is a professional limited liability company:

24 (A) the profession;

25 (B) the credential number and jurisdiction in which the credential was issued, if outside of
26 North Carolina;

27 (C) the credential number issued by the Board, if any;

28 (D) whether the individual is a member or manager; and

29 (E) percentage of membership held.

30 (5) the names, position, and ownership interest of any non-licensed shareholder or member of the firm;

31 (6) whether the firm is a professional corporation or professional limited liability company;

32 (7) whether the firm intends to form a new entity with the North Carolina Secretary of State and, if so,
33 copies of the proposed articles of incorporation or organization;

34 (8) whether the firm intends to register with the North Carolina Secretary of State as a foreign entity
35 and, if so, copies of the articles of incorporation or organization filed in the other jurisdiction;

36 (9) whether the firm or any of its owners ever has had a credential denied, limited, reprimanded,
37 suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date

1 and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and
2 whether the terms of the adverse action have been satisfied;

3 (10) whether the firm or any of its owners ever has been convicted of a felony or misdemeanor under
4 any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal
5 conviction;

6 (11) whether any criminal charges have been filed or are pending against the firm or any of its owners
7 and, if so, the jurisdiction, charge, and case number of each such charge;

8 (12) whether any court, board, agency, or professional organization has found the firm or any of its
9 owners guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice
10 and, if so, the jurisdiction, charge, case number, and date of such adverse action;

11 (13) whether any disciplinary action, charges, or controversy is pending against the firm or any of its
12 owners before any court, board, agency, or professional organization for unprofessional conduct,
13 dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case
14 number of each such pending action;

15 (14) whether any liens or judgments have been filed or entered against the firm or any of its owners and,
16 if so, the jurisdiction, date, and parties to [involved with] such lien or judgment;

17 (15) if the firm is a foreign entity, a certification from the person identified in Paragraph (b)(2) of this
18 Rule that:

19 (A) the information contained in the application is true and correct to the best of his or her
20 knowledge and belief; and

21 (B) he or she has read the statutes and rules set forth in North Carolina General Statutes 55B
22 for corporations, or Chapter 57D [(for PLLC),] for PLLCs, Chapter 83A[and], and Title 21
23 Chapter 2 of the North Carolina Administrative Code.

24 (16) if the firm is an entity desiring to be incorporated or organized in North Carolina, a certification
25 from the incorporator or organizer that the information contained in the application is true and
26 correct to the best of his or her knowledge and belief; and

27 (17) a certification that the incorporator, organizer, officer, or owner of the firm has read and understands
28 the public notice statement on employee misclassification that is set forth in the application and has
29 disclosed any investigations for employee misclassification, and its results, over the preceding 12-
30 month period, as prescribed by G.S. 143-789.

31 (b) Architecture firm licensure and interior design firm registration shall be renewed on or before December 31st of
32 each year. If the Board has not received the annual renewal fee as set forth in Rule .0108 and completed application
33 on or before December 31st of each year, the architecture firm license or interior design firm registration shall expire.
34 The Board shall send a notice of renewal to each licensed and registered firm no less than 30 days prior to the renewal
35 date. Renewal documentation shall be accompanied by the renewal fee. If the accompanying draft or check in the
36 amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm
37 license or registration until the renewal fees and returned check charges are paid. When the annual renewal has been

1 completed according to the provisions of G.S. 83A-11, the Executive Director shall approve renewal for the firm for
2 the current renewal year. Upon completion of the firm annual renewal, the Board may randomly audit the compliance
3 of firm licenses and registrations and require proof in the form of corporate records maintained pursuant to North
4 Carolina General Statute 55B or 57D. Such records shall be maintained for a period of seven years after the renewal
5 is submitted. Renewal fees are non-refundable. All applications for renewal of firm licensure or registration shall
6 contain the following:

7 (1) the firm's name, mailing address, physical address, email address, and phone number;

8 (2) the firm's representative completing the application;

9 (3) since issuance of the firm's licensure or registration or the firm's last renewal, whichever is later,

10 (A) whether the firm or any of its owners has had a credential denied, limited, reprimanded,
11 suspended, or revoked and, if so, a statement providing the reason for the adverse action;
12 the date and jurisdiction in which the adverse action occurred; the terms of the adverse
13 action imposed; and whether the terms of the adverse action have been satisfied;

14 (B) whether the firm or any of its owners has been convicted of a felony or misdemeanor under
15 any laws and, and, if so, the jurisdiction, charge, case number, and date of each such
16 criminal conviction;

17 (C) whether any criminal charges have been filed or are pending against the firm or any of its
18 owners and, if so, the jurisdiction, charge, and case number of each such charge;

19 (D) whether any court, board, agency, or professional organization has found the firm or any
20 of its owners guilty of unprofessional conduct, dishonest or fraudulent practice, or
21 incompetent practice and, if so, the jurisdiction, charge, case number, and date of such
22 adverse action;

23 (E) whether any disciplinary action, charges, or controversy is pending against the firm or any
24 of its owners before any court, board, agency, or professional organization for
25 unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if
26 so, the jurisdiction, charge, and case number of each such pending action; or

27 (F) whether any liens or judgments have been filed or entered against the firm or any of its
28 owners and, if so, the jurisdiction, date, and parties involved with such lien or judgment;

29 (4) an affirmation from the architectural firm's Chief Executive Officer or person designated by firm
30 resolution as a responsible officer in charge that:

31 (A) the information contained in the renewal application is true and correct to the best of his or
32 her knowledge and belief;

33 (B) ownership of the shares or stock or membership of the firm is in compliance with the rules
34 and laws of North Carolina;

35 (C) any officers, directors, shareholders or members and professional employees, who are
36 practicing architecture or registered interior design for said firm in the State of North
37 Carolina, are duly licensed to so practice in this State;

1 (D) at least one officer, director, and shareholder or member/owner of the firm is licensed in
2 North Carolina;

3 (E) non-licensed individuals do not own no more than one-third of the total stock or ownership;
4 and

5 (F) the firm has read and understands the public notice statement on employee
6 misclassification that is set forth in the application and has disclosed any investigations for
7 employee misclassification, and its results, over the preceding 12-month period, as
8 prescribed by G.S. 143-789.

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

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

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

21
22 *History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8; 83A-10*
23 *Eff. February 1, 1976;*
24 *Readopted Eff. September 29, 1977;*
25 *Amended Eff. July 1, 2014; December 1, 2010; July 1, 1993; May 1, 1989; November 1, 1979;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
27 *2015;*
28 *Temporary Amendment Eff. November 30, 2021;*
29 *Amended Eff. April 1, 2024; June 1, 2022.*

1 21 NCAC 02 .0215 is amended with changes as published in 38.10 NCR 621-636 as follows:

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3 **21 NCAC 02 .0215 OUT OF STATE FIRMS**

4 (a) Architectural and interior design firms from other states shall be granted firm licensure or registration for practice
5 in this State upon receipt by the Board of a completed application as set forth in Rule .0214(a), fees as required by
6 Rule .0108, the submission of a copy of their firm charter, or other corresponding documents, amended as may be
7 necessary to ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act for
8 architectural firms and Chapter 55, the Business Corporation Act for registered interior design firms. In addition to
9 the other requirements as set out in G.S. 83A-8, out of state interior design firms shall, prior to registration, receive
10 from the Secretary of State of North Carolina a certificate of authority to do business within the state. Architectural
11 firms shall obtain a certificate for filing from the Board prior to submitting application to the Secretary of State for a
12 Certificate of Authority.

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

21 (c) Partnerships. An out of state architectural or registered interior design partnership may practice architecture or
22 registered interior design, if every partner in the firm is licensed or registered as an individual in this state under Rule
23 .0213 and the partnership complies with Paragraph (f) this Rule .

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

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

30 (f) Failure to Renew and Reinstatement. If the Board has not received the annual firm renewal fee and completed
31 application as required by Rule .0214(b) on or before December 31st each year the firm license or registration shall
32 expire and be deemed delinquent. The firm registration may be renewed at any time within one year, upon the return
33 of the completed application, the annual renewal fee and the late renewal fees. After one year from the date of
34 expiration for non-payment of the annual renewal fee, the license or registration shall be automatically revoked. The
35 Board may reinstate the firm's license or registration, as allowed by G.S. 83A-11.

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37 *History Note: Authority G.S. 55B-6; 83A-6; 83A-8; 83A-9; 55B-16;*

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Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. ~~April 1, 2024;~~ December 1, 2010; June 1, 1995; July 1, 1993; May 1, 1989;
November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,
2015;
Temporary Amendment Eff. November 30, 2021;
Amended Eff. June 1, 2022; April 1, 2024.

1 21 NCAC 02 .0302 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **21 NCAC 02 .0302 ARCHITECTURAL LICENSURE BY EXAMINATION**

4 (a) Those individuals who wish to take the Architectural Registration Exam (ARE) shall contact the National Council
5 of Architecture Registration Boards (NCARB) directly to obtain exam eligibility. Upon completion of all requirements
6 set forth in the NCARB Architecture Experience Program (AXP), a candidate seeking licensure by exam in North
7 Carolina shall direct NCARB to transmit a completed NCARB AXP record to the North Carolina Board of
8 Architecture and Registered Interior Designers.

9 (b) Upon passing all sections of the NCARB ~~ARE~~, ARE, fulfillment of all NCARB AXP requirements, and
10 completion of the National Architectural Accrediting Board (NAAB) accredited degree, NCARB, as directed by the
11 candidate, will transmit a completed NCARB AXP file to the Board to determine compliance with G.S. 83A-7(a)(1)a.
12 G.S. 83A-7(a)(1)(a), which shall be deemed satisfied through completion of the requirements set forth in
13 Subparagraphs (1) through (5) of this Paragraph. The Board shall grant licensure by exam to those individuals who:

- 14 (1) are of good moral character as defined in G.S. 83A-1(5);
- 15 (2) are at least 18 years of age;
- 16 (3) have completed a NAAB accredited professional degree in architecture or who have completed a
17 NAAB accredited degree program that is identified as an NCARB endorsed Integrated Path To
18 Architectural Licensure Degree Program;
- 19 (4) have completed the NCARB AXP; and
- 20 (5) submit the Application for Licensure by Exam and fee as required by Rule .0108.

21 (c) Retention of credit for purposes of licensure by examination in North Carolina.

- 22 (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of time
23 established by the exam provider, NCARB.
- 24 (2) Scores received on any part of the ARE prior to July 1, 2006 are invalid.

25 (d) Practical training pursuant to G.S. 83A-7(a)(2) means practical experience and diversified training as defined by
26 the NCARB AXP.

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

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

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

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

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

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History Note: Authority G.S. 83A-1; 83A-6; 83A-7; 83A-12;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. March 1, 2016; July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; July 1,
1996; June 1, 1995; December 1, 1992; July 1, 1991;
Amended Eff. November 1, 2017;
Temporary Amendment Eff. November 30, 2021;
Amended Eff. April 1, 2024; June 1, 2022.

1 21 NCAC 02 .0303 is amended with changes as published in 38:10 NCR 621-636 as follows:

2

3 **21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY**

4 (a) An individual who holds a current license in good standing from a National Council of Architecture Registration
5 Boards (NCARB) recognized jurisdiction and a Certified Council Certificate issued by NCARB shall qualify for
6 licensure by reciprocity upon receipt of a certified record from NCARB and the Board application for licensure by
7 reciprocity and fee as required by Rule .0108 as provided in G.S. 83A-7(b). Revocation of the certificate by NCARB
8 shall automatically suspend the architect's license to practice in North Carolina until such time as the certificate is
9 reinstated by NCARB.

10 (b) In order to supplement or clarify the contents of a record or application, the Board may interview the applicant to
11 ensure that the applicant has had sufficient architectural practice experience to be able to practice architecture in this
12 State.

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14 *History Note: Authority G.S. 83A-6; 83A-7;*

15 *Eff. February 1, 1976;*

16 *Readopted Eff. September 29, 1977;*

17 *Amended Eff. [~~April 1, 2024~~] July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; October*
18 *1, 1995; May 1, 1989; October 1, 1984; September 1, 1982;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
20 *2015;*

21 *Temporary Amendment Eff. November 30, 2021;*

22 *Amended Eff. June 1, 2022; April 1, 2024.*

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1 21 NCAC 02 .0307 is adopted with changes as published in 38.10 NCR 621-636 as follows:

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3 **21 NCAC 02 .0307 CERTIFICATION AND LICENSURE FOR MILITARY PERSONNEL AND**
4 **MILITARY SPOUSES**

5 (a) Upon receipt of a request for certification or licensure pursuant to G.S. 93B-15.1 from an applicant with military
6 training and experience, the Board shall issue a certificate or license upon submission of the following to the Board:

7 (1) an application containing the following information:

8 (A) the applicant's contact information;

9 (B) the social security number of the applicant;

10 (C) the requested designation of licensure or registration;

11 (D) employment history;

12 (E) whether the applicant has ever been certified, licensed, or registered to practice architecture
13 or registered interior design by the Board, by another occupational board~~Board, or~~ in
14 another state/jurisdiction and, if so what credential was held, in what state/jurisdiction, the
15 issuance date and expiration date, and what examinations were taken to obtain said
16 certification, licensure, or registration;

17 (F) whether the applicant has ever had a credential denied, limited, reprimanded, suspended,
18 or revoked;

19 (G) whether the applicant has ever been convicted of, or plead nolo contendere to, a felony or
20 misdemeanor under any laws;

21 (H) whether any criminal charges have been filed or are pending against the applicant;

22 (I) whether any court, board, agency, or professional organization has found the applicant
23 guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;

24 (J) whether any charges are pending against the applicant before any court, board, agency, or
25 professional organization for unprofessional conduct, dishonest or fraudulent practice, or
26 incompetent practice;

27 (K) the applicant's affirmation that the applicant has read the statutes and rules set forth in
28 North Carolina General Statutes 83A and Title 21 Chapter 2 of the North Carolina
29 Administrative Code, the information provided by the applicant in the application is true,
30 and that the applicant has read and understands the public notice statement on employee
31 misclassification that is set forth in the application and has disclosed any investigations for
32 employee misclassification, and its results, over the preceding 12-month period, as
33 prescribed by G.S. 143-789;

34 (2) written documentation to satisfy conditions set out in G.S. 93B-15.1(a); or

35 (3) written documentation to satisfy conditions set out in G.S. 93B-15.1(a2).

36 (b) Upon receipt of a request for certification or licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board
37 shall issue a certificate or license upon submission of the following to the Board:

1 (1) an application containing the following information:

2 (A) the applicant's contact information;

3 (B) the social security number of the applicant;

4 (C) the requested designation of licensure or registration;

5 (D) employment history;

6 (E) whether the applicant has ever been certified, licensed, or registered to practice architecture
7 or registered interior design by the Board, by another occupational Board, or in another
8 state/jurisdiction and, if so what credential was held, in what state/jurisdiction, the issuance
9 date and expiration date, and what examinations were taken to obtain said certification,
10 licensure, or registration;

11 (F) whether the applicant has ever had a credential denied, limited, reprimanded, suspended,
12 or revoked;

13 (G) whether the applicant has ever been convicted of, or plead nolo contendere to, a felony or
14 misdemeanor under any laws;

15 (H) whether any criminal charges are pending against the applicant;

16 (I) whether any court, board, agency, or professional organization has found the applicant
17 guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;

18 (J) whether any charges are pending against the applicant before any court, board, agency, or
19 professional organization for unprofessional conduct, dishonest or fraudulent practice, or
20 incompetent practice;

21 (K) a completed NCARB AXP file as set forth in Rule .0302; and

22 (L) the applicant's affirmation that the applicant has read the statutes and rules set forth in
23 North Carolina General Statutes 83A and Title 21 Chapter 2 of the North Carolina
24 Administrative Code, the information provided by the applicant in the application is true,
25 and ~~that~~ ~~[that -; and]~~ the applicant has read and understands the public notice statement on
26 employee misclassification that is set forth in the application and has disclosed any
27 investigations for employee misclassification, and its results, over the preceding 12-month
28 period, as prescribed by G.S. 143-789 (2) written documentation to satisfy conditions set
29 out in G.S. 93B-15.1(b);

30 (c) Military trained applicants and military spouse applicants may apply for a temporary license by submitting to the
31 Board an application containing the information set forth in Paragraph (a)(1) of this Rule.

32 History Note: Authority G.S. 83A-7; 93B-15.1;

33 Eff. April 1, 2024.

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day,~~;~~ and”
 - Right: “day, day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0108

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Where is your statutory authority to assess a fee for licensure by reciprocity? 83A-4 allows a fee for licensure by exam, but 83A-7 says that licensure by reciprocity may be without exam. And even if the fee were for licensure by reciprocity following exam, the most you could charge would be \$100 to an individual and \$150 to a firm.

GS 83A-4(b) provides that the fees for "reciprocal license" for the practice of architecture shall not exceed \$300.00 and that the fees for "reciprocal registration" for the practice of interior designers and interior design firms shall not exceed \$300.00.

Where is your statutory authority to charge more than \$100 for individuals and \$150 for firms for the initial registration as an interior designer? Why are you able to charge a NCIDQ certified individual \$155?

NCIDQ certification is considered by the Board to be certification of another jurisdiction that is substantially equivalent to the standards of North Carolina, per GS 83A-7(d). GS 83A-4(b) allows the Board to assess up to \$300 for "reciprocal" interior design registration. We have revised the text to make it clear that this fee is applicable for initial registration by reciprocity, per GS 83A-4(b).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0201

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b)(3), line 18, define "controversy".

Revised to read "contested case proceeding"

Also in (b)(3), line 20, did you mean to omit the date of the filing of the action, charge, or controversy? Same for (d)(3), on p.2, line 8.

Yes. The Board will be able to ascertain the date of filing if the licensee provides the other information required in section (b)(3) and (d)(3)

In (d)(1) and (3), p.2, lines 1 and 5, can a firm be charged or convicted of a criminal act?

Yes. Please see <https://ncpro.sog.unc.edu/manual/205-1>

In your History Note, please move the proposed effective date to the last line.

Done

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0203

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (2), line 20, add an oxford comma following “engineers”.

Done

In (4), line 26, add quotations around the second instance of “Responsible Control”.

Done

In (4), line 28, what are the “instruments of service”? I did not see that term elsewhere in these Rules.

“Instruments of service” is a common term used in the practice of architecture and known to the regulated public. As a term of art among architects, it means “the collection of documents, drawings, specifications, calculations, and other tangible materials produced by design professionals during the various stages of a project.”

In (4), line 29, what is the standard of care? Is it found in (3)? If so, consider a cross-reference.

“Standard of care” is a commonly used and understood phrase in the practice of architecture and understood by the regulated public. As a term of art among architects, it means “the care usually exercised by one in the profession, on the same type of project, at the same time and in the same place, under similar circumstances and conditions.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0206

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (d), p.4, line 20, is there a requirement that documents be locked?

Per (d)(4) the digital signature must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. The commonly used terms in practice and with authorities having jurisdiction is "locked."

The Rule requires that the document be sealed and in this case, electronically signed, but I don't see anything requiring that the document be locked, presumably from anyone else making changes.

With most software, "digitally signing" will "lock" the document – in other words, prevent alteration or overriding of the authentication procedure.

In (d), line 20, what is an entity?

In practice, entities to which an architect regularly may provide unlocked copies of sealed construction documents for electronic usage where the document content is not being altered include agencies regulating the permitting of construction projects.

In (d), line 21, what constitutes an "effective" alteration?

An "effective alteration" means a change that may impact health, safety or welfare (commonly referred to as HSW, in the practice of architecture). An "effective alteration" might include such as changes to egress or changes to window placement. The term "effective alteration" is a commonly used term of art in the practice of architecture and is known to the regulated public.

In (d), line 21, omit the parentheses and incorporate the parenthetical information into the body of the Rule.

Done

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Cathe Notes

Brian Liebman
Commission Counsel
Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0210

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 7, define "substantially impaired".

Revised to read "impaired in his or her ability to practice the profession"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0213

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*In (a)(3)(F), p.2, line 2, what does it mean to be "involved" in a judgment or a lien?
Please clarify.*

Revised to read "to"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0214

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(10) and (11), p.2, lines 3 and 6, and in (b)(3)(B) and (C), p.3, lines 13 and 16, can a "firm" be charged with a crime or convicted?

Yes. Please see <https://ncpro.sog.unc.edu/manual/205-1>

In (a)(14), p.2, line 16, what does it mean to be "involved" in a judgment or a lien? Please clarify.

Revised to read "to."

In (a)(15)(B), lines 21-22, suggest revising as follows: "North Carolina General Statutes Chapter 55B for corporations, or Chapter 57D for PLLCs, Chapter 83A, and Title 21, Chapter 2 of the North Carolina Administrative Code."

Done.

In (a)(17), and in (b)(4)(F), p.4, line 5, a "firm" cannot "read and understand" a statement. Please specify who at the firm must read and understand the public notice statement.

Revised to read "incorporator, organizer, officer or owner of the firm"

In (b)(4)(B), line 32, whose ownership does the Rule refer to?

Per GS 83A-8, to be credentialed by the Board, architectural firms must comply with the Professional Corporation Act and interior design firms must comply with the Business Corporation Act. Those Acts impose certain requirements on firms with regard to its licensee ownership.

In (e), p.4, line 20, is "responsible charge" different than "responsible control"?

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

Yes, the terms are different. We have revised to be consistent in using the term “responsible control.”

In (e), lines 19-20, what are you requiring here? An out of state firm has to have a dedicated employee who only works on NC projects? Is this different than the requirement in Rule .0215(b) that an out of state firm shall designate an architect licensed in NC to be in responsible control for the firm’s practice within the state?

We have removed this text.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Cathe Notes

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0215

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0302

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (b), lines 11-12, I think there's a typo. What shall be deemed satisfied?

Revised to read "[NCARB] . . . will transmit a completed NCARB AXP file to the Board to determine compliance with G.S. 83A-7(a)(1)a, which shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: March 5, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0303

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your History Note, please move the proposed effective date to the last line.

Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: NC Board of Architecture and Registered Interior Designers

RULE CITATION: 21 NCAC 02 .0307

DEADLINE FOR RECEIPT: Tuesday, March 19, 2024.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1)(E), and (b)(1)(E), what "other occupational Board" licenses architecture or interior design in NC?

Revised for clarity

In (a)(3), what about the requirement in 93B-15.1(a2)(2) that the applicant pass a proficiency examination? What written documentation would satisfy that requirement?

Written documentation to satisfy the conditions set out in GS 93B-15.1(a2)(2) is a document demonstrating passage of the proficiency exam offered by the Board to military-trained applicants, which is the Architectural Registration Examination prepared by the National Council of Architectural Registration Boards.

In (b)(1)(L), p.2, line 25, delete "; and".

Done.

There is an extra space before (c) on p.2.

Done.

Where is your statutory authority to issue a temporary license? Assuming arguendo that there is authority for a temporary license, what is the duration of this license? Is it limited in any way?

GS 93B-15.1(f) provide that "An occupational licensing board or State agency licensing board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section no later than 15 days following

Brian Liebman

Commission Counsel

Date submitted to agency: March 5, 2023

receipt of an application, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board or State agency licensing board in this State. The temporary practice permit shall be issued using the same information as provided by the applicant in the licensure application and remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or registration is granted by the occupational licensing board or State agency licensing board. A temporary practice permit may be denied or revoked for a pending complaint after notice is provided to the military-trained applicant or military spouse as set forth under subsection (a1) or (b1) of this section.

Paragraph (c) of this Rule lets the regulated public know what minimum amount of information must be provided to the Board in order for the temporary license to be issued, pursuant to GS 93B-15.1(f).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 21 NCAC 02 .0201 is amended with changes as published in 38.10 NCR 621-636 as follows:

2
3 **SECTION .0200 - PRACTICE OF ARCHITECTURE**

4
5 **21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP**
6 **CONTACT INFORMATION AS ON FILE WITH THE BOARD**

7 (a) Every individual licensee and registrant shall keep the Board advised of his or her preferred current contact
8 information. Current contact information includes a physical mailing address, email, phone numbers, and the name of
9 the firm or partnership where he or she is employed. Every individual licensee and registrant shall notify the Board in
10 writing of all changes to contact information within 30 days of such changes.

11 (b) The licensee or registrant shall give notice in writing to the Board of the following within 30 days of the adverse
12 action set forth below:

13 (1) the filing of any criminal charges against the licensee or registrant and, if so, the jurisdiction, charge,
14 and case number of each such charge;

15 (2) any conviction of, or plea of nolo contendere by, the licensee or registrant for a felony or
16 misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each
17 such criminal conviction;

18 (3) the filing of any disciplinary action, charges, or **contested case proceeding[controversy]** against the
19 licensee or registrant before any court, board, agency, or professional organization for
20 unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the
21 jurisdiction, charge, and case number of each such pending action;

22 (4) the finding by any court, board, agency, or professional organization that the licensee or registrant
23 is guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if
24 so, the jurisdiction, charge, case number, and date of such adverse action;

25 (5) any denial, limitation, reprimand, suspension, or revocation taken against the licensee or registrant's
26 credentials, to include a statement providing the reason for the adverse action; the date and
27 jurisdiction in which the adverse action occurred; the terms of the adverse action imposed;

28 (6) whether the terms of the adverse action have been satisfied; and

29 (7) whether any liens or judgments have been filed or entered against the licensee or registrant and, if
30 so, the jurisdiction, date, and parties involved with such lien or judgment.

31 ~~(b)~~(c) Each firm or partnership shall, within 30 days, notify the Board of all changes in ownership, association, contact
32 information, email, or physical address. Upon the dissolution of a firm, the architect or registered interior designer in
33 responsible control of the firm at the time of dissolution shall notify the Board within 30 days concerning such
34 dissolution and of the succeeding status and addresses of the architects and registered interior designers employed by
35 the firm.

36 (d) Each licensed or registered firm shall give notice in writing to the Board of the following within 30 days of the
37 adverse action set forth below:

- 1 (1) the filing of any criminal charges against the firm or any of its owners and, if so, the jurisdiction,
2 charge, and case number of each such charge;
- 3 (2) any conviction of, or plea of nolo contendere by, the firm or any of its owners for a felony or
4 misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each
5 such criminal conviction;
- 6 (3) the filing of any disciplinary action, charges, or controversy against the firm or any of its owners
7 before any court, board, agency, or professional organization for unprofessional conduct, dishonest
8 or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number
9 of each such pending action;
- 10 (4) the finding by any court, board, agency, or professional organization that the firm or any of its
11 owners is guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent
12 practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- 13 (5) any denial, limitation, reprimand, suspension, or revocation taken against the firm's credentials or
14 that of any of its owners, to include a statement providing the reason for the adverse action; the date
15 and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and
16 whether the terms of the adverse action have been satisfied; and
- 17 (6) whether any liens or judgments have been filed or entered against the firm or any of its owners and,
18 if so, the jurisdiction, date, and parties involved with such lien or judgment.

19
20 *History Note:* *Authority G.S. 83A-5; 83A-6;*
21 *Eff. February 1, 1976;*
22 *Readopted Eff. September 29, 1977;*
23 *Amended Eff. [April 1, 2024;] November 1, 2010; June 1, 1995;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13,*
25 *2015;*
26 *Temporary Amendment Eff. November 30, 2021;*
27 *Amended Eff. June 1, 2022; April 1, 2024.*
28
29

Burgos, Alexander N

From: Liebman, Brian R
Sent: Tuesday, March 5, 2024 1:22 PM
To: Cathe Evans
Cc: Burgos, Alexander N
Subject: 21 NCAC 02 Requests for Changes - March 2024 RRC
Attachments: 03.2024 - 21 NCAC 02 Request for Changes.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the March 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, March 27, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Tuesday, March 19, 2024.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

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