

1 21 NCAC 26 .0206 is readopted as published in 32:10 NCR 991 with changes as follows:

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21 NCAC 26 .0206 NAME OF FIRM

(a) ~~Exclusion of Non Licensed Individuals.~~ The name of a landscape architectural firm shall not include the proper name of any officer or employee who is not a licensed landscape architect, architect, geologist, land surveyor or professional engineer.

(b) ~~Associate.~~ The word "associate" may be used only with reference to a licensee who is a principal or regular employee of the firm. The plural form may be used only when justified by the number of licensees in addition to those licensees whose proper names are included in the firm ~~name.~~ name as follows:

~~(e)~~ (1) Example: Proper Name and (&) Associates shall refer to a principal landscape architect and at least two licensed landscape architectural employees.

~~(d)~~ (2) Example: Proper Name Associates shall refer to at least one principal landscape architect and at least one licensed landscape architectural employee.

~~(e)~~ (3) Example: Assumed Name Associates shall refer to at least one principal landscape architect and at least one licensed landscape architectural employee, or two or more principal landscape architects.

~~(f)~~ (c) Names Previously in Effect. This Rule shall not be construed to require any firm to seek approval of, or to change, any name duly adopted in conformity with ~~board rules~~ Board Rules in effect at the date of such adoption.

*History Note: Authority G.S. 55B-5; ~~89A-3(e); 89A-3.1;~~
Eff. July 1, 1993;
Amended Eff. February 1, 1994;
Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0207 is readopted as published in 32:10 NCR 991 with changes as follows:

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3 **21 NCAC 26 .0207 APPLICATION OF PROFESSIONAL SEAL**

4 (a) ~~Use of Seal.~~—The seal(s) of the landscape architect(s) responsible for the work and the landscape architectural
5 corporation seal, if appropriate, shall be applied to the following documents:

- 6 (1) Drawings and specifications prepared for public agency approval;
- 7 (2) Drawings and specifications issued for the purpose of bidding, negotiation or construction;
- 8 (3) Reports of technical nature; and
- 9 (4) Letters and certificates of professional opinion.

10 (b) The seal(s) shall be applied only to documents prepared personally or under the immediate supervision of the
11 landscape architect whose seal is affixed, except that seals may be applied to documents that were not prepared by the
12 landscape architect in the following circumstances:

- 13 (1) Documents that were initially sealed by an out of state individual who is a licensed landscape
14 architect in the state of origin of such plans may then be reviewed by a North Carolina Landscape
15 Architect for code conformance, design adequacy, and site adaptation for the specific application
16 within North Carolina. Standard plans, which bear the seal of an individual who is a licensed
17 landscape architect, shall be sealed by the North Carolina Landscape Architect who is assuming
18 responsibility. In addition to the seal, a statement shall be included as follows: "These plans have
19 been examined by the undersigned. I have determined that they comply with existing local North
20 Carolina codes, and have been properly site adapted for use in this area."
- 21 (2) Documents that are prepared by another licensed professional and obtained by the Landscape
22 Architect may be used to prepare landscape architectural design documents provided the origin of
23 the documents and information prepared by another licensed professional shall appear on each
24 drawing or sheet of the documents sealed by the landscape architect.

25 (c) ~~Signature and Date.~~ The individual's seal or facsimile thereof shall have the landscape architect's original signature
26 across its face and the effective date shall be indicated below or elsewhere on the document.

27 (d) ~~Co-authorship.~~—When a document requiring seals has been co-authored by the landscape architect and another
28 licensed design professional of another discipline, the landscape architect shall indicate by notation each portion for
29 which he or she is responsible.

30 (e) Failure to use the professional seal according to this Rule may be deemed by the Board to be "gross malpractice"
31 within the meaning of G.S. 89A-7.

32 (f) Electronically transmitted documents and electronic seals shall be allowed. Documents, including drawings,
33 specifications and reports, that are transmitted electronically to a client or a governmental agency shall have the
34 computer-generated seal removed from the original file, unless signed with a digital signature as defined in Paragraph

35 (g) of this Rule. After removal of the seal, the electronic media shall have the following language inserted in lieu of
36 the signature and date:

1 This document originally issued and sealed by (name of sealer), (license number), on (Date of sealing). This
2 medium shall not be considered a certified document. Hardcopy documents containing the original seal,
3 signature, and date may be obtained from (name of sealer).

4 (g) The scanned digital files of certified documents that cannot be altered ~~are not subject~~ **electronically shall not be**
5 **subject** to the requirements of Paragraph (f) of this Rule. The electronic transmission of CAD, vector or other similar
6 files subject to easy editing ~~are subject~~ **shall be subject** to the requirements of this ~~Paragraph~~ **Rule**. Easy editing ~~is~~
7 ~~based on the file consisting~~ **means the file consists** of separate elements that can be modified or deleted in part or in
8 whole.

9 (h) Documents to be electronically transmitted that are signed using a digital signature shall contain the authentication
10 procedure in a secure mode and a list of the hardware, software and parameters used to prepare the document(s).
11 Secure mode means that the authentication procedure has protective measures to prevent alteration or overriding of
12 the authentication procedure. The term "digital signature" shall be an electronic authentication process that is attached
13 to or logically associated with an electronic document. The digital signature shall be:

- 14 (1) Unique to the licensee using it;
- 15 (2) Capable of verification;
- 16 (3) Under the sole control of the licensee; and
- 17 (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the
18 document is changed.

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20 *History Note: Authority G.S. 89A-3.1; 89A-7;*
21 *RRC Objection Eff. June 17, 1993 Due to Lack of Statutory Authority and Ambiguity;*
22 *Eff. August 1, 1993;*
23 *RRC Objection cured Eff. January 20, 1994;*
24 *Amended Eff. January 1, 2008; February 1, 1994;*
25 *Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0209 is readopted as published in 32:10 NCR 991 with changes as follows:

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3 **21 NCAC 26 .0209 UNPROFESSIONAL CONDUCT**

4 Registrants shall not:

- 5 (1) allow one's name to be associated with an undertaking in any professional capacity without having
6 served specifically in that capacity;
- 7 (2) accept compensation in whole or in part from fees, commissions, earnings, commercial or
8 speculative profit ~~emanating~~ **deriving** from sales of materials or services provided to a Landscape
9 Architect's client by others;
- 10 (3) make exaggerated or misleading statements or claims about any personal qualifications, experience
11 or performance;
- 12 (4) fail to disclose to a client or employer the existence of any financial interest which ~~even remotely~~
13 bears upon the Landscape Architectural services or project **in any way**;
- 14 (5) fail to respond within 30 calendar days to any inquiry from ~~this the~~ Board;
- 15 (6) fail to **properly** supervise his or her practice. Each office maintained for the preparation of drawings,
16 specifications, reports or other professional work shall have a registered landscape architect
17 employed in that office who shall have direct knowledge and supervisory control of such work,
18 except field offices maintained only for the purpose of project construction administration shall have
19 at least one employee present with the supervising landscape architect maintaining control and
20 making periodic visits.

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22 *History Note: Authority G.S. 89A-3.1; 89A-7;*
23 *Eff. August 1, 1993;*
24 *Amended Eff. November 1, 2005; March 1, 1994;*
25 *Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0210 is readopted as published in 32:10 NCR 991 with changes as follows:

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3 **21 NCAC 26 .0210 DISHONEST PRACTICE**

4 (a) Registrants shall not:

5 (1) knowingly make any deceptive or false statement about another's professional work or maliciously
6 injure or attempt to injure the prospects, ~~practice~~ practice, or employment position of those so
7 engaged;

8 (2) knowingly make any deceptive or false statements in an application for examination or in any other
9 statements or representations to ~~this~~ the Board, to any public agency, to a prospective or actual
10 client, or to another Landscape Architect;

11 (3) fail to notify this Board, if registered as a Landscape Architect in North Carolina, of disciplinary
12 action by a Landscape Architectural Board in another jurisdiction.

13 (b) Because of the inherent conflict of interest with construction services, a landscape architect shall not provide
14 ~~contracting services [Combined Design and Construction (Design-Build) Practice]~~ contracting services, including
15 ~~combined design and construction (design-build) practice~~, unless he does the following:

16 (1) Uses the term "limited landscape architectural services" in all representations to the public and the
17 ~~client; and client.~~

18 (2) Affixes a notation on each construction drawing and the cover of technical specifications stating
19 "These construction drawings and technical specifications represent the full extent of the limited
20 landscape architectural services provided for this ~~project".-project."~~

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22 *History Note: Authority G.S. 89A-3.1; 89A-7;*

23 *Eff. August 1, 1993;*

24 *Amended Eff. November 1, 2005; March 1, 1994;*

25 *Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0211 is readopted as published in 32:10 NCR 991 with changes as follows:

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3 **21 NCAC 26 .0211 INCOMPETENCE**

4 The following acts or omissions are deemed to be gross incompetency within the meaning of G.S. 89A-7:

5 (1) to attempt to perform professional services ~~which~~ that are beyond the qualifications ~~which~~ that the
6 landscape architect and those who are engaged as consultants are qualified by education, training
7 and experience in the specific technical areas involved; or

8 (2) to be negligent in planning, designing, supervising, managing or inspecting landscape architectural
9 projects such that the public health, safety, or welfare is jeopardized;

10 (3) to plan, perform, or supervise work for clients in such a manner and with such results as to be below
11 the level of professional competency exercised by other registered landscape architects who are
12 practicing in the ~~area;~~ area.

13 ~~(4) to have been judged incompetent by a court having jurisdiction under G.S. 35A or former G.S. 35~~
14 ~~or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122C 3,~~
15 ~~by a court under G.S. 122C 271.~~

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17 *History Note: Authority G.S. 89A-3.1; 89A-7;*
18 *Eff. August 1, 1993;*
19 *Amended Eff. December 1, 2005; March 1, 1994;*
20 *Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0306 is readopted as published in 32:10 NCR 991 as follows:

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3 **21 NCAC 26 .0306 REINSTATEMENT AFTER REVOCATION**

4 Any person whose certificate of registration is revoked shall be reinstated at any time by majority vote of the **board**
5 **Board** if there is a finding that the cause for revocation no longer exists.

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7 *History Note: Authority G.S. 89A-3.1;*
8 *Eff. February 1, 1976;*
9 *Readopted Eff. September 30, 1977;*
10 *Amended Eff. December 1, 2005;*
11 *Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0307 is readopted as published in 32:10 NCR 991 with changes as follows:

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3 **21 NCAC 26 .0307 CONTINUING EDUCATION AS A CONDITION OF ANNUAL RENEWAL**

4 (a) Every licensee shall meet the continuing education requirements for professional development as a condition for
5 license renewal.

6 (b) In order for a licensee to qualify for license renewal as a landscape architect in North Carolina, the licensee shall
7 have completed 10 contact hours of Board approved continuing education within the previous license year. Such
8 continuing education shall be obtained by active participation in courses, seminars, sessions, or programs approved
9 by the Board.

10 (c) To be acceptable for credit toward this requirement, all courses, seminars, webinars, sessions, or programs shall
11 first be submitted to the CEAC. The CEAC shall review and recommend to the Board any course, seminar, webinar,
12 session, or program for continuing education credit to the Board that the CEAC determines meets the criteria in **Rule**
13 **.0308(b) through (d) Rule .0308(c)** of this Section.

14 (d) Documentation of compliance with this Rule shall be by affidavit provided on the individual application for license
15 renewal and available from the licensee's secure online profile. Erroneous or false information attested to by the
16 licensee shall be deemed as grounds for denial of license renewal and possible suspension of license or denial of
17 consideration for future license reinstatement, at the discretion of the Board.

18 (e) The Board may establish, in consultation with the CEAC, mandatory continuing education topics for a license
19 year.

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21 *History Note: Authority G.S. 89A-3.1(2); 89A-5;*
22 *Eff. May 1, 1990;*
23 *Amended Eff. March 1, 2015; March 1, 1996;*
24 *Readopted Eff. April 1, 2018.*

1 21 NCAC 26 .0401 is readopted as published in 32:10 NCR 991 with changes as follows:

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3 **21 NCAC 26 .0401 RULE MAKING PROCEDURES**

4 In accordance with G.S. 150B-16, G.S. 150B-20, any person desiring the adoption, amendment or repeal of a rule
5 Rule by the board Board shall submit a petition to the Board, board containing the following information:

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(1) — Name of board;

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(2) — A draft of the proposed rule;

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(3) — Reasons for the adoption, amendment or repeal;

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(4) — Data supporting the proposed rule;

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(5) — The effect of the proposal on existing rules;

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(6) — Effects of the proposed rule on persons licensed under Chapter 89A of the General Statutes of North
12 Carolina;

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(7) — Names (including addresses if known) of those most likely to be affected by the rule; and

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(8) — Name(s) and address(es) of petitioner(s);

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16 *History Note:* Authority G.S. 89A-3; 150B-12; 150B-16; 89A-3.1; 150B-20;

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Eff. February 1, 1976;

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Readopted Eff. September 30, 1977;

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Amended Eff. August 1, 1988; April 1, 1983;

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Readopted Eff. April 1, 2018.