TITLE 55. THE BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS AND LANDSCAPE ARCHITECTS OF OKLAHOMA

CHAPTER 10. LICENSURE AND PRACTICE OF ARCHITECTS AND LANDSCAPE ARCHITECTS

SUBCHAPTER 1. GENERAL PROVISIONS

Section

55:10-1-1. Purpose
55:10-1-2. Terms defined by statute
55:10-1-3. Definitions
55:10-1-4. Statutory charges of the Board
55:10-1-5. Severability clause
55:10-1-6. Operations of the Board
55:10-1-7. Service of process

55:10-1-1. Purpose

The rules of this Chapter are set forth for the purpose of interpreting and implementing the Act, establishing the Board and conferring upon it responsibility for registration of Architects and Landscape ~~architects~~ Architects, regulation of the practice of architecture and landscape architecture and enforcement of the Act. The rules of this Chapter are known and cited as OAC 55:10.

55:10-1-2. Terms defined by statute

Terms defined in the Act shall have the same meanings when used in this Chapter unless the context or subject matter clearly requires a different interpretation.

55:10-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the currently enacted and effective State Architectural Act, codified at 59 O.S., Section 46.1, et seq.

"Applicant" means an individual who has submitted an application for registration to the Board.

"Architect" means an individual who engages in the practice of architecture and, for the purpose of these Chapter 10 Rules, holds a License or Certificate of Registration issued by the Board.

"Architect(s) of Record" means a Registrant currently licensed and in good standing with this Board, that has met statutory and OAC 55:10 requirements, who is directly responsible to this Board for the firm practice and the filing and paying of all fees and documents.

"ARE" means the current architect registration examination~~,~~ prepared by NCARB and adopted by this Board as the licensing examination.

"Assembly hall" means included, but not limited to, all buildings or portions of buildings used for gathering together 50 or more persons for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Assembly occupancies include:

(A) Armories
(B) Assembly halls
(C) Auction rooms
(D) Auditoriums
(E) Bowling lanes
(F) Churches
(G) Club rooms
(H) College and university classrooms, 50 persons and over
(I) Conference rooms
(J) Courtrooms
(K) Dance halls

(L) Department stores
(M) Drinking establishments
(N) Exhibition halls
(O) Gymnasiums
(P) Libraries
(Q) Mortuary chapels
(R) Motion picture theaters
(S) Museums
(T) Passenger stations and terminals of air, surface, underground, and marine public transportation facilities
(U) Pool rooms
(V) Recreation piers
(W) Restaurants
(X) Shopping centers
(Y) Skating rinks
(Z) Supermarkets
(AA) Theaters.

~~**"Base state"** means the original state in which licensure was obtained or the state to which the Licensee transferred his original file and all documents and is currently licensed and in good standing.~~

"Board" means The Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma.

"Candidate" means a person who has been approved to sit for the examinations given by the Board, or who has passed said examinations, but has not been issued a Certificate of Registration. **"CE"** means continuing education.

"Certificate of Authority" means the authorization granted by the Board for individuals to practice or offer to practice architecture or landscape architecture in the State through an Entity.

"Certificate of Registration" means the authority granted by the Board to an individual registrant to practice or offer to practice architecture or landscape architecture in the State.

"CEU" means a continuing education unit of one Contact Hour.

"CLARB" means Council of Landscape Architectural Registration Boards.

"Contact Hour" as used in the continuing education requirements means one clock hour of not less than 50 minutes.

"Dormitories" means those occupancies in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations. Dormitory occupancies are in the following groups:

(A) Apartments/apartments for elderly
(B) Correction centers
(C) Detention Centers
(D) Dormitories
(E) Hotels/motels
(F) Jails
(G) Lodging or rooming houses
(H) Orphanages for age 6 years and older
(I) Penal institutions
(J) Reformatories
(K) Residential-restrained care institutions

"Educational buildings" means all buildings used for the gathering of groups of 6 or more persons for purposes of instruction. Educational occupancies include:

(A) Academies
(B) Child day-care facilities
(C) Colleges and universities
(D) Kindergartens
(E) Nursery schools
(F) Schools.

"Entity" means any group of individuals joined together to offer, contract for services, or practice architecture or landscape architecture. Entity shall include partnerships, firms, associations, corporations, limited liability companies and limited liability partnership and any other business or professional group recognized under the Act and approved by the Board to engage in the practice of architecture or landscape architecture.

"Examination" means the current licensing examinations administered by this Board for Architects and Landscape Architects.

"Factories" means factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing, including, among others, the following:

(A) College and university non-instructional laboratories
(B) Creameries
(C) Dry cleaning plants
(D) Factories of all kinds
(E) Laboratories
(F) Laundries
(G) Smokehouses.

"Fiscal Year" means July 1 though June 30.

"Hospitals" means occupancies designed for purposes ~~such as~~ of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity; ~~and~~ or for the care of infants, convalescents, or infirm aged persons. ~~Health care occupancies provide sleeping facilities for the occupants or are occupied by persons who are mostly incapable of self preservation because of age, physical or mental disability, or because of security measures not under the occupants' control.~~ Hospital occupancies are treated in the following groups:

(A) Ambulatory ~~care~~ surgical facilities
(B) Health care facilities:
    (i) Hospitals
    (ii) Nursing homes [Attorney General Opinion 64-108, as modified by Attorney General Opinion 93-036 (1994)]
(C) Mentally retarded care institutions
(D) Residential-custodial care:
    (i) Homes for the infirm aged
    (ii) Nurseries
(E) Supervisory care facilities.

"IDP" means Intern~~-Architect~~ Development Program.

"Intern" means a person in the process of obtaining training credits acceptable to the Board in order to complete requirement to pursue licensing.

"LAAB" means Landscape Architectural Accrediting Board.

"LARE" means the current Landscape Architect examination prepared by CLARB and adopted by the Board as a licensing examination.

"Landscape Architect" means an individual currently licensed to practice landscape architecture in Oklahoma.

"License" means the issuance of a Certificate of Registration or Licensure to an individual by the Board.

"Licensee" means Registrant.

"Licensure" means Registration and shall have the meaning set forth in the Act.

"NAAB" means the National Architectural Accrediting Board.

"NCARB" means National Council of Architectural Registration Boards.

"Reciprocal license" means a license issued to practice architecture or landscape architecture by reciprocity based on a current license in good standing in another jurisdiction.

"Registrant" means an individual licensed in the State of Oklahoma by this Board to practice architecture or landscape architecture.

"Registration" means Licensure.

"Resident State" means the state where the Applicant legally resides.

"Responsible Control" shall have the meaning set forth in the Act ~~at Section 46.3~~.

"Sole proprietorship" means the only owner of a firm, licensed as an individual to practice architecture or landscape architecture.

"Sponsor" means an individual, organization, association, institution or other entity ~~which~~ that provides an educational activity for the purpose of fulfilling the continuing educational requirements of the Board.

"Stadium" means all facilities designed for the purpose of viewing sports events. Stadium facilities include:

(A) Bleachers
(B) Coliseums
(C) Grandstands.

"Technical submissions" means designs, drawings, specifications, studies and other technical reports

prepared in the course of the practice of architecture.

"UNE" means the former Landscape Architect registration examination, prepared by CLARB and adopted by this Board as the licensing examination.

"Warehouses" means all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products and vehicles. Included in this occupancy group are:

(A) Cold storage
(B) Freight terminals
(C) Hangars
(D) Parking garages
(E) Truck and marine terminals
(F) Warehouses.

55:10-1-4. Statutory charges of the Board

Provisions of the Act charge the Board with enforcement and adoption of all reasonable and necessary rules and regulations which it may deem advisable and empowers the Board with authority to deny, suspend, revoke or refuse to renew Certificates of Registration and Certificates of Authority for certain causes. The Act also empowers the Board with civil fining power and does not preclude the Board from using any necessary legal proceedings to enforce its decisions.

55:10-1-5. Severability clause

Any part of the rules in this Chapter, found by a Court or the Attorney General to be inconsistent with the provisions thereof as presently exist or are hereafter amended, shall be interpreted so as to comply with such statutes as they presently exist or are hereafter amended and the partial or total invalidity of any section or sections of these rules shall not affect its valid section. These rules go through the legislative process, thereby giving them the same effect as law.

55:10-1-6. Operations of the Board

Whenever the operation of the Board, the statutes applying thereto, or the rules in this Chapter are inconsistent with the Oklahoma Administrative Procedures Act, 75 O.S., Sections 250, et. seq, the provisions of the Oklahoma Administrative Procedures Act shall govern.

55:10-1-7. Service of process

Service of process may be served in judicial procedures on the Secretary-Treasurer of the Board or Executive Director at the Board's current address.

SUBCHAPTER 3. ADMINISTRATIVE OPERATIONS

Section

55:10-3-1. Conduct of Board meetings
55:10-3-2. Duties of Board Officers
55:10-3-3. Duties of the Executive Director
55:10-3-4. Reimbursement for travel
55:10-3-5. Official seal
55:10-3-6. Official records
55:10-3-7. Inactive records
55:10-3-8. Public records
55:10-3-9. Confidential records
55:10-3-10. Filing and disposition of petitions for declaratory rulings
55:10-3-11. NCARB and CLARB memberships and programs
55:10-3-12. Method of payments to Board
55:10-3-13. Fees and penalties

55:10-3-1. Conduct of Board meetings

(a) The Board may meet at such place within the State of Oklahoma as may be directed by the Chairman or provided in the notice of call of any regular or special meeting and subject to the requirements of the Oklahoma Open Meeting Act, 25 O.S., Sections 301, et seq.

(b) All meetings shall be conducted in accordance with the current edition of "Robert's Rules of Order".

(c) Members of the Board may waive formal or written call or notice of meeting, and by the attendance at any meeting such members so attending shall be deemed to have waived all notice thereof.

(d) A quorum shall consist of five (5) members but official action may not be taken upon any question unless four (4) members vote in accord.

(e) In the absence of a quorum at any regular or special meeting those members of the Board in attendance shall recess such meeting to any later date.

55:10-3-2. Duties of Board Officers

(a) The duties of the Chairman and the Secretary-Treasurer are as defined in the Act.

(b) The Vice-Chairman shall, in the absence of the Chairman, fulfill all responsibilities of the ~~chairman~~ Chairman and, if necessary, succeed the Chairman without election during the then current year, and shall perform such other duties as the Board may prescribe.

55:10-3-3. Duties of the Executive Director

The Board shall designate an Executive Director who shall have possession, on behalf of the Board, of all the official records of the Board and who shall, under the supervision of the Board, perform such duties as the Board authorizes. The Executive Director shall keep updated information on the examinations and policies of NCARB and CLARB and report any and all other important information to the Board for consideration, review and action.

55:10-3-4. Reimbursement for travel

Members of the Board and staff shall be reimbursed for travel expenses incurred during Board business, as allowed by the State Travel Act and approved by the Board.

55:10-3-5. Official seal

The Board has adopted its official seal which is on file at the offices of the Board.

55:10-3-6. Official records

Among other official records required by law, or by rules of other agencies in support of law, there shall be maintained by the Board accurate and current records including, but not limited to:

(1) Minutes of all meetings of the Board.

(2) Records of Registrants containing the name and registration number of all persons to whom certificates of registration are issued, date of original registration, the last known address of all current Registrants and renewals effected through biennial registration.

(3) Registrant files for each current Registrant containing the original application, relevant verification and evaluation data, record of examination grades, and when applicable, records of alleged violations, suspensions, revocations, refusal to renew, orders issued, hearing transcriptions and penalties levied.

(4) Certificate of Authority file containing the name of each current Entity holding a current certificate, the Architect(s) or Landscape Architect(s) of record, a record of all partners, directors, and/or members of the Entity, their registration number and state, if applicable, and the last known address.
(5) Financial records of funds budgeted, committed, spent, remaining and projections of appropriate request for consideration in budget development.

55:10-3-7. Inactive records

All inactive records of the Board over three (3) years old, except those files containing violations and penalties, shall be transferred to the Archives and Records Commission and disposed of according to that agency's current statutes and rules.

55:10-3-8. Public records

Except confidential records, records of the Board are open to public inspection and copying at any time during normal business hours. A nominal fee may be charged for copying. If extensive time consuming copying or records searches are required, the person requiring such information or copying must supply personnel to do the tasks required. All records copied or searched shall be kept in the order found and shall be put back in the files as such.

55:10-3-9. Confidential records

(a) The Act, at Section 46.24E, provides for certain records of the Board to be confidential and not open to the public for copying or viewing. They are:
(1) Examination materials, before and after the examination is given;
(2) File records of examination problem solutions;
(3) Letters of inquiry and reference concerning Applicants;
(4) Board inquiry forms concerning Applicants; and
(5) Investigation files where any investigation is still pending.
(b) Prior to presentment to the Board for formal or informal adjudication, any record, as defined in the Act at Section 24A.3, pertaining to any alleged violation(s) of the Act or these Chapter 10 Rules shall be deemed part of the file of a pending investigation and confidential and not subject to disclosure.
(c) Upon request, the Board will examine its pending investigation files to determine the extent to which material contained in the said pending investigation file should be deemed not confidential and, therefore, may be disclosed. In all cases, the Board, upon inquiry, will confirm a complaint has or has not been received and that an investigation is pending.

55:10-3-10. Filing and disposition of petitions for declaratory rulings

(a) Any person may file a request for a declaratory ruling by the Board as to the application or enforcement of any rule or statute to a given set of circumstances. Such requests shall be in writing, signed by the person seeking the ruling, state the rule or statute involved and contain a brief and concise statement of facts to which the ruling shall apply. Requests shall be submitted to the Board at its office, either in person or by mail and may be in any form ~~which~~ that meets the requirements stated. The Board will consider the request at its next regular or special meeting unless the question has been resolved by prior ruling of the Board, in which event the petitioner shall be promptly notified of the prior ruling.
(b) The Board may defer action or hold such requests on its agenda pending any investigation or hearing which the Board might conduct. The Board shall issue the requested rulings promptly upon the determination thereof or send an explanation to the petitioner stating why a ruling will not be issued. Unless a ruling states otherwise, rulings contemplated herein shall constitute precedent for the purpose of the Board's application and enforcement of the rules in this Chapter and statutes until revoked or overruled by the Board or the Courts. Such rulings shall be indexed by statute section or rule and shall be available for inspection by members of the public at the Board office. With respect to indexed rulings, the Board may delete nonessential or repetitive information and may edit any ruling to protect proprietary or confidential information.

55:10-3-11. NCARB and CLARB memberships and programs

The Board shall maintain membership in NCARB and CLARB and their regional conferences. It is the intention of the Board, to the extent permitted under Oklahoma law, to support ~~all~~ NCARB and CLARB programs. This Board will cooperate with NCARB and CLARB in furnishing transcripts of records, administering examinations and rendering assistance in establishing uniform standards of professional qualification.

55:10-3-12. Method of payments to Board

Payment of monies shall be made by personal check, money order, credit card or cashiers check made payable to "The Oklahoma Board of Architects". Notations, explaining the payment remitted, should be on the face of the check or within cover letters of submittal. A fee shall be charged for any ~~check~~ payment returned for insufficient funds.

55:10-3-13. Fees and penalties

(a) Schedule of fees and penalties are as follows:

(1) ~~Biennial~~ Initial registration and subsequent biennial fee -- $200.00 ~~(in state, $250.00 out of state)~~
(2) Reciprocal license application fee -- $100.00
(3) Examination & Retake application fee -- $75.00
(4) Examination -- Actual Cost
(5) Late payment penalty -- $25.00
(6) Returned (insufficient funds) check fee -- $25.00
(7) Reinstatement penalty -- $100.00
(8) Certificate of Authority application/revision -- $75.00 ~~(in state, $100.00 out of state)~~
(9) Duplicate certificate -- $ 20.00
(10) Roster-- $ .25 per page
(11) Transcript of hearing-- Actual Cost
(12) Copy of public records-- $ .25 per page
(13) Emeritus license-- All fees waived
(14) CE reinstatement penalty-- ~~$500.00~~ $1000.00 ~~(per year of noncompliance)~~
(15) Civil penalties -- Set by the Act
(16) Manual processing fee-- $25.00 per transaction

(b) ~~The biennial registration fee and the Certificate of Authority application/revision fee will be prorated to $100.00 and $37.50 respectively for the licensing period occurring from July 1 through June 30 for the second year of the biennial licensing period.~~

~~(c)~~ CE reinstatement penalties are in addition to any other reinstatement penalties under these Chapter 10 Rules.

SUBCHAPTER 5. APPLICATION AND ELIGIBILITY FOR REGISTRATION

Section
55:10-5-1. Availability of forms and Board records
55:10-5-2. Documents required for licensing by exam
55:10-5-3. Board action required
55:10-5-4. Evaluation criteria
55:10-5-5. Landscape Architect application deadlines
55:10-5-6. Active and inactive applications
55:10-5-7. Qualifications for Architect registration
55:10-5-8. Qualification for Landscape Architect registration
55:10-5-9. Reciprocal licensing and changing ~~base or~~ resident state registration

55:10-5-1. Availability of forms and Board records

All forms required ~~to be submitted~~ for submission to the Board are available from the Board office. When received complete, they will be entered into the Board records.

55:10-5-2. Documents required for licensing by exam

Every individual applying for initial registration by examination shall submit (i) an application to the Board, accompanied by the applicable fees in 55:10-3-13, a 2" x 3" photograph, original college transcript and the required reference forms verifying all training experience, or (ii) through NCARB or CLARB, copies of the NCARB or CLARB documents and an original Oklahoma application. Information submitted will be verified and evaluated and subsequent submissions may be required of the Applicant. The forms must be complete and properly executed over the signature of the Applicant.

55:10-5-3. Board action required

All applications submitted for registration by examination shall be approved or disapproved by Board action.

55:10-5-4. Evaluation criteria

(a) In the Board's evaluation of education and experience credits required, the Intern's application shall be subject to the education and training requirement standards:

(1) for Architects, as established by this Board based upon the current "NCARB Handbook for Interns and Architects," "NCARB Education Standard" and "Intern Development Program Guidelines";

(2) for Landscape Architects, by the evaluation of credits established for Landscape Architect interns in this Subchapter.

(b) Rejections of applications will include evaluation reports and instructions for completing requirements.

55:10-5-5. Landscape Architect application deadlines

Applications for initial registration may be made at any time, but, if received later than March 1st for the June exams or October 1st for the December exams, they will be continued to the next examination schedule. All applications, fees and notifications must reach this office by 4:30 p.m. on the due date and postmarks will not be accepted.

55:10-5-6. Active and inactive applications

Applications for examination will remain ~~affective~~ effective for ~~three~~ six years only. Incomplete applications ~~will be withdrawn by the Board~~ are withdrawn after one year and the applicant will be required to reapply.

55:10-5-7. Qualifications for Architect registration

(a) An Applicant for initial registration as an Architect in Oklahoma shall be a person of good moral character and not less than 21 years of age. Further, the Applicant shall have a professional degree from an NAAB accredited program in a school of architecture and provide evidence of acceptable training in architecture as noted in the current "NCARB Handbook for Interns and Architects" and "NCARB Education Standard" and "Intern Development Program Guidelines," as adopted by the Board. ~~After June 30, 1999, the~~ The Board requires three (3) years of acceptable training and completion of the IDP program. ~~Any Candidate with an application on file with the Board prior to June 30, 1999 shall be exempt from the IDP requirements.~~

(b) The Board may, in its discretion, accept applications for initial registration from persons who are not graduates

as required in (a) of this Section but otherwise qualifying, who furnish evidence acceptable to the Board of having completed NCARB's current education requirements as set forth in "NCARB Education Standard," as adopted by this Board.
(c) ~~After June 30, 1999, all~~ All Applicants ~~and current Registrants~~ shall take and pass an examination on the Act and these Chapter 10 Rules, as well as passing NCARB's examination prior to ~~licensing or~~ receiving a license in the State.

55:10-5-8. Qualification for Landscape Architect registration
(a) **General requirements.** An Applicant for initial registration as a Landscape Architect shall be a person of good moral character and not less than 21 years of age.
(b) **Education and training requirements.** Applicants shall have a professional degree from a LAAB accredited program in a school of landscape architecture and provide evidence of three (3) years of acceptable training credits as provided in (c) of this Section.
(c) **Training credits.**
(1) Training credits may not be counted prior to completion of the third year of college or a pre-professional degree. Thirty-two (32) semester credit hours or forty-eight (48) quarter credit hours are considered to be one (1) year. Fractions of one-half or greater will be considered one-half year and smaller fractions will not be counted. To earn full training credits, an Applicant must work at least 35 hours per week. A Candidate may earn one-half the credit specified for work of at least twenty (20) hours per week.
(2) Training credits are defined as follows:
(A) Diversified landscape architectural experience under the responsible control of a licensed Landscape Architect.
(i) 100% credit
(ii) No limit to credit
(B) Diversified landscape architectural experience under the responsible control of a licensed Architect or engineer.
(i) 75% credit
(ii) No limit to credit
(C) Landscape architectural experience directly related to on site construction, maintenance, or installation operations.
(i) 50% credit
(ii) 1 year maximum credit
(d) ~~After June 30, 1999, all~~ All Applicants ~~and current Registrants~~ shall take and pass an examination on the Act and these Rules as well as an examination on Oklahoma plant materials and CLARB's examination prior to ~~licensing or~~ receiving a license in the State.

55:10-5-9. Reciprocal licensing and changing ~~base or~~ resident state registration
(a) All individuals applying for reciprocal licensing shall submit an application for the license requested and enclose the necessary fees applicable in 55:10-3-13, payable by cashier's check, money order, credit card or certified funds when submitted. Prior to being issued a license, Applicants shall take and pass an examination on the Act and these Rules. The Secretary-Treasurer shall have the power at his/her discretion, to approve all reciprocal licensing that meet the statutory requirements of the Act and the Board's applicable rules in this Chapter without full Board action. The Certificate of Registration will follow at a later date.
(b) A license certificate shall be issued and will authorize him or her to engage in the practice of architecture or landscape architecture and use the title Architect or Landscape Architect in this state until the 30th day of June of the biennial license period. No license shall be issued or renewed for longer than two (2) years.
(c) Any reciprocal license denied, suspended, revoked or refused to renew, by ~~the base or resident~~ any state of the Registrant, or certification is withdrawn by NCARB or CLARB shall be cause to suspend, revoke or refusal by this Board to renew the reciprocal license in Oklahoma.
(d) The Registrant may change the ~~base or~~ resident state to Oklahoma by applying for a transfer of the person's official records to this Board and paying all applicable fees in 55:10-3-13.
(e) Applications for architectural registration by reciprocity shall comply with (a) of this Section and be through NCARB or directly through the Board and only to those individuals whose states have similar requirements and extend the same privilege to this state's Applicants. A letter confirming the Board's action and assignment of a registration number will be issued.
(f) Applications for landscape architectural registration by reciprocity will be through submission of a CLARB record or directly through the Board, complying with (a) of this Section and showing registration by the UNE or the LARE in any other state, country or territory whose requirements for licensing are at least equivalent to the

requirements of this state and extend the same privilege of reciprocity to Landscape Architects registered in this state. The Applicant shall be required to submit to and pass an examination on Oklahoma plant material and an examination covering the Act and these Rules.

(g) Rejections of applications for registration by reciprocity will be by letter explaining the reasons, and outlining procedures under which reconsideration may be possible.

SUBCHAPTER 7. EXAMINATION

Section

55:10-7-1. Examination required
55:10-7-2. Examination notifications
55:10-7-3. Examination ~~syllabus~~
55:10-7-4. Deadlines for submissions
55:10-7-5. Examination fee refunds
55:10-7-6. Grading
55:10-7-7. Reexamination
55:10-7-8. Review of examination grades; retention period
55:10-7-9. Transfers of examination grades prior to licensing

55:10-7-1. Examination required

Approved Candidates for initial registration shall personally appear and pass the required examinations ~~which~~ that will be conducted under conditions warranting honest and best results. Candidates can take any section of the examinations that has not been previously passed. ~~After June 30, 1999, all~~ All Candidates have a six (6) year time frame to pass all sections of the examination. Any Candidate failing to obtain a passing score on all sections of the examination within the six year period, shall forfeit all credits for any section(s) of the examination previously passed. Board members and/or their representatives will monitor all tests, and Candidates will not be permitted to communicate with one another during examination periods.

55:10-7-2. Examination notifications

Examination information, formats, dates, times and places will be announced in notices mailed to Candidates, at their last known address.

55:10-7-3. Examination ~~syllabus~~

Examinations offered by the Board will be NCARB and CLARB ~~syllabus~~, developed by that organization's examination committee and as approved for administration on specified dates. Landscape architectural Candidates and reciprocal Applicants shall in addition be tested upon their knowledge of Oklahoma plant material. All Applicants shall, after completing all other required examinations, take and pass an examination on the Act and these Rules prior to being licensed in the State.

55:10-7-4. Deadlines for submissions

All examination applications, fees and notifications must reach this office by 4:30 p.m. on the due date and postmarks will not be accepted.

55:10-7-5. Examination fee refunds

The Board may return examination fees paid by an Applicant whose application to take the examination has been rejected or for other extenuating circumstances approved by the Board. No refund of the examination application fee shall be returned to any Applicant who takes any of the examination or who voluntarily withdraws after his/her application to take the examination has been approved.

55:10-7-6. Grading

Exams will be graded and scored generally in accordance with NCARB and CLARB procedures except as directed by the Board. Minimum passing scores are adopted as recommended by NCARB and CLARB. Minimum passing scores on the landscape architectural plant material and the Act and Rules shall be 75%. Examination Candidates will pass or fail in accordance with the current NCARB and CLARB grading procedures.

55:10-7-7. Reexamination

~~Prior to June 30, 1999, the~~ The Board will allow unlimited opportunities to retake the architectural and landscape architectural examinations previously failed. ~~After June 30, 1999,~~ Candidates shall have ~~a~~ six (6) years from the first sitting for the examination to pass all sections of the examination. Any Candidate failing to obtain a passing score on all sections of the examination within the six year period, shall forfeit all credits for any section(s) of the examination previously passed. Candidates failing to appear for reexamination within a six year period will forfeit ~~any~~ all credits for parts passed, and are required to re-apply for admission to the examinations.

55:10-7-8. Review of examination grades; retention period

(a) The Board will not review any sections of the examinations.

(b) The Board will retain test scores on individual sections of the examinations for six years following the date the Candidate first sits for the examination. Final passing scores will be placed in the Registrant's file and retained permanently.

55:10-7-9. Transfers of examination grades prior to licensing

(a) **Outgoing transfers.** The Board, upon written request, will transfer examination grades given under the Board's jurisdiction to any other duly constituted architectural or landscape architectural registration board and to CLARB and NCARB for use in evaluating such Applicant's eligibility for certification. A transfer to another board shall immediately terminate the Applicant's application with this Board.

(b) **Incoming transfers.** The Board will not accept, toward initial registration, scores on separate test sections taken in other states by Candidates who did not meet Oklahoma requirements for admission to the exams at the time the exams were taken.

SUBCHAPTER 9. REGISTRATION

Section

55:10-9-1. Certificate of registration
55:10-9-2. Term of certificate of registration
55:10-9-3. Required display of certificate of registration
55:10-9-4. Duplicate certificates
55:10-9-5. Suspension, revocation, or refused renewal of certificate of registration
55:10-9-6. Biennial registration required
55:10-9-7. Emeritus status requirements
55:10-9-8. Failure to register biennially
55:10-9-9. Emeritus readmission to active practice
55:10-9-10. Reinstatement of canceled registrations

55:10-9-1. Certificate of registration

A Certificate of Registration shall be issued to individuals meeting all requirements of the Act and the Rules of the Board. Such Certificate of Registration shall identify the Registrant by name and registration number, designate an effective date, confirm the Registrant's qualifications and acknowledge the Registrant's right to practice architecture or landscape architecture, as the case may be, in the State. Every Architect certified by NCARB, but unlicensed in the State, shall apply to the Board for licensing within ten (10) working days after notification of selection (whether notified orally or in writing) as the Architect by the client/owner. Such Architect shall be licensed in the State prior to signing a contract or engaging in the practice of architecture, as defined by the Act.

55:10-9-2. Term of certificate of registration

A Certificate of Registration will be issued by the Board for the life of the Registrant, subject to the Registrant meeting all requirements of renewal, meeting continuing education requirements, and subject to the Board's powers of reinstatement, fining, probation, suspension, revocation, penalties, orders or refusal to renew for cause, vested in the Board by the Act.

55:10-9-3. Required display of certificate of registration

Each person holding a certificate of registration shall display it at his/her place of practice and be prepared to substantiate biennial registration renewal.

55:10-9-4. Duplicate certificates

Duplicate certificates of registration will be issued to a Registrant provided:

(1) the current registration renewal is effective;
(2) the Registrant makes written request for a replacement or duplicate certificate; and
(3) the Registrant pays the fee prescribed in 55:10-3-13.

55:10-9-5. Suspension, revocation, or refused renewal of certificate of registration

(a) **Surrender of certificates.** Upon notice of the Board, certificates of registration suspended, revoked or refused by the Board to renew for cause, as defined in (b) of this Section, shall be surrendered immediately in the manner prescribed by that notice.

(b) **Cause defined.** Cause shall be defined as any violation of the Act and the Board's current rules in this Chapter. Cause shall also be defined as ~~the Registrant's base or resident~~ another state refusing to renew the Architect's or Landscape Architect's professional license, not meeting continuing education requirements, suspension or revocation of a license or NCARB and CLARB withdrawing the certification of the individual Registrant.

55:10-9-6. Biennial registration required

The Act requires all Architects and Landscape Architects desiring to practice in Oklahoma to biennially register with the Board and pay a biennial registration renewal fee in 55:10-3-13. Notices will be sent to all Registrants at the last known address of record; however, it is the responsibility of each individual Registrant to insure the renewal fees and applications are received by the Board office on or before 4:30 p.m. on June 30th of the renewal year to avoid penalties. Upon receipt by the Board of the individual's and if applicable, Entity's renewal forms, continuing education forms, fees and compliance with the Board's current rules in this Chapter, the license shall be renewed. No license will be issued for longer than a 2 (two) year period.

55:10-9-7. Emeritus status requirements

Registrants, who are residents of Oklahoma, who have been registered in this state for ten (10) consecutive years, sixty-five (65) years of age or older and retired from active practice or other related professional activities, may request emeritus status by filing the application showing compliance with this Section. If the rules of this Chapter have been met, all fees and penalties for biennial license registration, shall be waived by the Board. Emeritus status Licensees are exempt from continuing education requirements unless they reactivate their license to active status in accordance with OAC 55:10-9-9. At that time, they shall complete the continuing education requirements for the current licensing period.

55:10-9-8. Failure to register biennially

(a) Failure to biennially register and satisfy all continuing education requirements and remit renewal fees and penalties where applicable in 55:10-3-13, as prescribed by the Act and the Board's current rules in this Chapter, will result in automatic suspension and revocation of the Registrant's certificate of registration and the Certificate of Authority on July 1st of the renewal year.

(b) Notices of automatic suspension and/or revocation will be sent to the last known address of the Registrant or Entity.

55:10-9-9. Emeritus readmission to active practice

(a) **Reinstatement within five years.** Emeritus persons may be readmitted to the active practice of their respective professions without reexamination upon proper application within five (5) years of acquiring emeritus status. Continuing education requirements shall be met for the current licensing period only.

(b) **Reinstatement after five years.** An emeritus Licensee who has enjoyed emeritus status in excess of five (5) consecutive years may be readmitted to active practice of the profession ~~only upon completion of the current licensing examination~~ as defined by the Act.

(c) **Fees required.** An emeritus Licensee seeking readmission to active practice shall pay all applicable fees in 55:10-3-13, not to exceed the current license fees for a two (2) year period and shall be required to meet continuing education requirements for the current licensing two (2) year period. No CEU reinstatement penalties shall apply while the person was in emeritus status.

55:10-9-10. Reinstatement of canceled registrations

(a) **Reinstatement for nonpayment of fees and/or failure to comply with continuing education requirements within three years of cancellation of license.** Registrations canceled for nonpayment of fees and/or failure to comply with continuing education requirements may be renewed, at any time within three years, from the date of the cancellation, upon compliance with the Act and the Board's current Rules and upon payment to the Board the fees which shall have been accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license been suspended and revoked, together with the amount of penalties prescribed in 55:10-3-13. Additionally, no license shall be reinstated unless the person has completed all past continuing education requirements for the three (3) years and paid to the Board the penalties for reinstatement set forth in OAC 55:10-3-13.

(b) **Reinstatement for nonpayment of fees and/or failure to comply with continuing education requirements three years after cancellation of license.** For those Architects or Landscape Architects licensed initially in Oklahoma, if a registration canceled for nonpayment remains canceled for a period exceeding three consecutive years, such former Licensee shall ~~not~~ have a license reinstated ~~without taking and passing the current licensing examination~~ in a manner consistent with the Act.

(c) **Reinstatement of reciprocal licenses after three years.** Any Architect or Landscape Architect licensed to practice in Oklahoma by reciprocity must, after his/her reciprocal license has been canceled for nonpayment for more than three years, re-apply through the means of which the initial license was granted.

(d) **Reinstatement of licenses based on cause.** Registrations suspended, refused to renew, penalties, orders issued or revoked for cause, may be reinstated only by Board action and only then in the manner determined by such Board action. Requests for reinstatement of registration may be filed after all appeals have been exhausted and the further passage of six (6) months of suspension, refusal to renew, penalties, orders issued or revoked for cause. The request shall show the Board that the public interest will not suffer by reason of the reinstatement and should be addressed to the Secretary-Treasurer at the Board office. The Board, by law, has the discretion as to whether to reinstate the license or certificate of authority, or deny it.

SUBCHAPTER 11. RULES OF PROFESSIONAL CONDUCT

Section

55:10-11-1. General requirements
55:10-11-2. Good moral character
55:10-11-3. Competence
55:10-11-4. Conflict of interest
55:10-11-5. Full disclosure
55:10-11-6. Compliance with laws
55:10-11-7. Professional conduct
55:10-11-8. Registrant's seal
55:10-11-9. Authorized use of seal
55:10-11-10. Required use of seal, signature and date on documents
55:10-11-11. Prohibition on submitting documents without seal, date and signature
55:10-11-12. Prohibited use of seal

55:10-11-1. General requirements

A Registrant or Entity shall above all, serve and promote the public interest in the effort to improve human environment and shall act in a manner ~~to support the human rights of all mankind and~~ to bring honor and dignity to the professions of architecture and landscape architecture.

55:10-11-2. Good moral character

The Act requires all Registrants be of good moral character. Among items considered as defining the lack of good moral character are:

(1) Practicing architecture or landscape architecture without a license in violation of any jurisdiction regulation.

(2) Conviction of a felony.

(3) Misrepresentations or falsifications of fact in an application for licensing or any other document filed with the Board.

(4) Individual cases may require consideration of other items that define the lack of good moral character.

55:10-11-3. Competence

(a) In engaging in the practice of architecture or landscape architecture, a Registrant or Entity shall act with care and competence, and shall apply the technical and tactical knowledge and skill which is ordinarily applied by licensed Architects and Landscape Architects of good standing. The Registrant or Entity shall not directly or indirectly indulge in exaggerated, misleading, deceptive or false statements or claims about professional qualifications.

(b) In designing a project, a licensed Architect or Landscape Architect shall follow all applicable state and municipal building laws, codes and regulations. While a Registrant of these professions may rely on the advice of other professions as to the intent and meaning of such laws, codes and regulations, once having obtained such advice, the Registrant shall not intentionally or negligently design a project in violation of such laws, codes and regulations. When two or more codes are in conflict, the standard of practice is to use the most restrictive.

(c) A licensed Architect or Landscape Architect shall undertake to perform professional services only when he or she together with those engaged as consultants, is qualified by licensing, education, training and experience in the specific technical and tactical areas required. The Registrant shall establish by ~~written contract~~ agreement, the nature and extent of services to be provided and the compensation to be paid.

(d) No individual shall be permitted to engage in the practice of architecture or landscape architecture if, after a hearing, in the Board's judgment, such individual's professional competence is found to be substantially impaired by mental disabilities. An individual may apply for reinstatement through the procedures established by the rules in this Chapter.

55:10-11-4. Conflict of interest

(a) A Registrant or Entity shall not accept or receive compensation directly or indirectly for services from any person or Entity other than the client in connection with the reparation, alteration or construction of a project in relation to which the Registrant or Entity shall have accepted employment in any manner.

(b) If a Registrant or Entity has any business association or direct or indirect financial interest in a project

undertaken to perform professional services, the Registrant or Entity shall fully disclose in writing to the client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the Registrant or Entity shall either terminate such association or interest or offer to give up the commission or employment.
(c) A Registrant or Entity shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
(d) A Registrant or Entity shall not publicly endorse a product, system, or service, or permit the use of his/her or its name or photograph to imply such endorsement. However, he/she or it may be identified with any product, system, or service designed or developed by him/her or it.
(e) When acting as the interpreter of building contract documents and the judge of contract performance, a Registrant or Entity shall render decisions impartially, favoring neither party to the contract.

55:10-11-5. Full disclosure
(a) A Registrant or Entity making public statements on architectural or landscape architectural questions, shall disclose when he/she or it is being compensated for making such statements.
(b) A Registrant or Entity shall accurately represent to a prospective or existing client or employer his/her/its qualifications and the scope of responsibility in connection with work for which he/she/it is claiming credit. A person leaving employment shall obtain written permission from the employer to take or copy plans and specifications when they leave the Entity.
(c) If, in the course of his/her/its work on a project, the Registrant or Entity becomes aware of a decision taken by his/her/its employer or client, against such Registrant's or Entity's advice, which violates applicable state or municipal building laws, codes or regulations, and which will, in the Registrant's or Entity's judgment, materially and adversely affect the health, welfare and safety to the public of the finished project, the Registrant or Entity shall:

(1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws, codes or regulations;
(2) refuse to consent to the decision;
(3) in circumstances where the Registrant or Entity reasonably believes that other such decisions will be taken, notwithstanding her/his/its objection, terminate services with respect to the project. In the case of a termination in accordance with (c) of this Section, the Architect, Landscape Architect or Entity shall have no liability to his/her/its client or employer on account of such termination.

(d) A Registrant or Entity shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with an application for a registration, renewal or contract with a client/owner.
(e) A Registrant or Entity shall not assist the application for an individual or Entity known by the Registrant or Entity to be unqualified in respect to education, training, experience or character.
(f) A Registrant or Entity possessing knowledge of a violation of the rules in this Chapter or the Act, by another Registrant or Entity, shall report such knowledge to the Board.
(g) The Architect, Landscape Architect or Entity contracting to provide professional services shall disclose whether or not they carry liability insurance or are bonded for the project. If insurance or a bond is canceled during the term of a contract, or any extension thereof, the client/owner shall be notified in writing of the cancellation.

55:10-11-6. Compliance with laws
(a) A Registrant or Entity shall not, while engaging in the practice of his/her/its profession, knowingly violate any state or federal criminal law.
(b) A Registrant or Entity shall neither offer nor cause to be offered any payment or gift to a government official, elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Registrant or Entity is interested.
(c) A Registrant or Entity shall comply with the registration laws and rules and/or regulations governing his/her/its professional practice in any jurisdiction.
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55:10-11-7. Professional conduct

An Architect, Landscape Architect or Entity shall preserve the confidences of the client or employer. A Registrant or Entity may make contributions of service or anything of value to those endeavors which he/she/it deems worthy. A Registrant or Entity has the right to participate in the political process and to contribute time and money to political campaigns. In making political contributions, the Registrant or Entity shall do so publicly.

(1) Each office in Oklahoma maintained for the preparation of drawings, specification, reports or other professional work shall have a Registrant in that office having Responsible Control of such work.
(2) A Registrant shall not sign or seal drawings, specifications, reports or other professional work for which he/she does not have responsible control. Provided, however, that in the case of the portions of such

professional work prepared by the Registrant's licensed consultants, registered under this or another professional registration of Oklahoma, the Registrant may dually sign and seal that portion of the professional work if the registered Architect or Landscape Architect has coordinated its preparation, and intends to be responsible for its adequacy.

(3) A Registrant or Entity shall neither offer nor make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or ~~perspective~~ prospective client in connection with a project in which the Registrant or Entity is interested. Intent of influence means influence, direct or indirect, which induces or tends to induce consideration or action with respect to any prospective work on any basis other than the merits of the matter.

(4) ~~A Registrant or Entity shall not engage in conduct involving fraud or wanton disregard of the rights of others.~~

~~(5)~~ A Registrant or Entity shall not engage directly or indirectly an agent or representative to solicit work on his/her/its behalf whose compensation is contingent, in whole or in part, upon obtaining professional work for the Entity, Architect or Landscape Architect.

~~(6)~~ (5) A Registrant or Entity shall not make false statements about the professional work, or maliciously injure or attempt to injure the prospects, practice or employment position of others.

~~(7)~~ (6) A Registrant or Entity shall not furnish limited services in such a manner as to enable owners, draftsmen, or others to evade public health and safety requirements.

55:10-11-8. Registrant's seal

(a) **Seal required**. Every person authorized to practice architecture or landscape architecture by a certificate of registration shall procure a seal with which to identify all technical submissions, addenda, field orders and other documents of service issued by the Registrant for use in this state. This seal may be purchased from any company of the Registrant's choice or computer generated.

(b) **Type of seal**. The seal required shall be of a type ~~which~~ that ~~will make~~ makes an image on the surface of original documents and duplications of original documents. The use of a rubber stamp or electronic image ~~which produces~~ producing an accurate and legible image of the seal is permissible.

(c) **Design of seal**. The seal of a licensed Architect shall contain his/her name, Oklahoma registration number, city, state of residence and the words, "Licensed Architect, State of Oklahoma." The seal of a licensed Landscape Architect shall contain his/her name, Oklahoma registration number and the words, "Licensed Landscape Architect, Oklahoma." Examples of acceptable forms for the design of seals are available from the Board.

55:10-11-9. Authorized use of seal

(a) **Seal declares authorship.** The seal appearing on any technical submission shall be a prima facie evidence in 55:10-15-1 that said technical submission was prepared by or under the responsible control of the individual named on said seal.

(b) **Location of seal, signature and date.** The seal impression or image shall be across the ~~original~~ signature that may be generated electronically of the Registrant responsible to this Board for authorship of the documents thus identified. The handwritten date the signature is affixed shall accompany the signature.

(c) **Use of seal is individual act.** Authorized use of the prescribed seal is an individual act. The Registrant is responsible for its security when not in use.

(d) **Use or attempted use of seal by unauthorized persons.** No person, other than the Registrant represented, shall use or attempt to use the prescribed seal, and no unregistered person or Entity shall be authorized to use the prescribed seal, except as described in (c) above.

(e) **Entire Contract.** Any licensed Architect or Landscape Architect preparing documents that would be considered to fulfill an entire contract with a client being the end point of service, whether or not the plans are complete, shall sign, seal and date those documents. The Licensee may add any words on the documents that he/she/it chooses to indicate an incomplete document and not for construction notice.

(f) **Technical submissions.** Architects and Landscape Architects are permitted to review and adapt portions of technical submissions if:

(1) the seal of the original Architect or Landscape Architect appears on the submissions to authenticate authorship.

(2) the succeeding Architect or Landscape Architect clearly identifies all modifications to the submissions.

(3) the succeeding Architect or Landscape Architect assumes responsibility and liability for the adequacy of the design on the modifications.

55:10-11-10. Required use of seal, signature and date on documents and retention period

(a) All Registrants must affix their seal, signature and date to all original working drawings, and to the original cover sheet and ~~index~~ the page identifying all specification pages covered, including all addenda and field changes.

(b) In the absence of ~~index~~ sheets or covers identifying all sheets or pages bound, all original contract documents of service must have the seal, date and signature of the Registrant responsible and the date prepared affixed thereto. In addition, the Registrant shall identify on the ~~index~~ page or covers ~~or~~ of sheets or pages bound, by name and license number, the consultants used on the project and the sections the consultants worked on.

(c) An Architect, Landscape Architect or Entity shall retain a copy of all technical submissions produced for a minimum of fifteen (15) years following the date of preparation. Should the submissions be retained by electronic means, all submissions shall be updated into current versions so they are accessible at all times and can be printed out in a legible format.

55:10-11-11. Prohibition on submitting documents without seal, date and signature

No Architect or Landscape Architect shall submit technical submissions for a building permit or other submission without affixing his/her seal, date and signature to the work. All technical submissions shall clearly state the name of the firm, the Registrant and the date prepared.

55:10-11-12. Prohibited use of seal

(a) **Prohibition on sealing documents**. No Registrant shall affix or attempt to affix the seal, signature or date to sketches, working drawings, specifications or other documents developed by others not under the Responsible Control and not subject to the authority of that Registrant in critical, professional judgments, except as stated in OAC 55:10-11-9(e) and (f).

(b) **Prohibited acts using seal**. No Registrant shall affix the seal, signature or date to documents unless:

(1) such documents were developed and prepared under the Registrant's Responsible Control;

(2) the Registrant had full authority to determine their development; and

(3) the Registrant has reviewed and adopted, in whole or in part, architectural or landscape architectural portions and has either coordinated their preparation and integrated them into the work.

SUBCHAPTER 13. ORGANIZATIONAL PRACTICE

Section

55:10-13-1. Individual and group practice
55:10-13-2. Licensee required in each office
55:10-13-3. Licensees accountable individually
55:10-13-4. Certificate of Authority required
55:10-13-5. Establishing criteria for issuance of Certificate of Authority
55:10-13-6. Biennial registration for Certificate of Authority
55:10-13-7. Failure to register biennially for Certificate of Authority
55:10-13-8. Reinstatement of canceled Certificate of Authority
55:10-13-9. Compliance with laws, rules, regulations and orders
55:10-13-10. Investigations, hearings and penalties
55:10-13-11. Surrender of Certificates of Authority
55:10-13-12. Notification of changes in firm practice required
55:10-13-13. Authority to use professional titles
55:10-13-14. Certificate of Authority index maintained; restriction on similar names
55:10-13-15. Limited partnerships and corporations required to file with Secretary of State
55:10-13-16. Use of deceased or retired names in titles of firm name
55:10-13-17. Use of multiple surnames in titles of firm name
55:10-13-18. Use of full name in title of firm name
55:10-13-19. Use of departed person's surname in title of firm name
55:10-13-20. Use of fictitious name in title of firm name
55:10-13-21. Use of single surname in title of firm name

55:10-13-1. Individual and group practice

Individual Registrants holding current Certificates of Registration may organize or engage in individual or group practice of architecture or landscape architecture allowed by statutes of this state and which are in compliance with the Board's current rules in this Chapter.

55:10-13-2. Licensee required in each office

Each Entity in the State where architectural or landscape architectural services are offered or performed for execution in Oklahoma shall have a current Oklahoma registered Architect or Landscape Architect in Responsible Control.

55:10-13-3. Licensees accountable individually

The responsibility of the Board to safeguard the life, health, property, and the public welfare against the irresponsible practice of the professions of architecture and landscape architecture is vested in the qualification and responsibility of Registrants who are accountable individually.

55:10-13-4. Certificate of Authority required

~~All~~ Excluding sole proprietorships practicing under the name of the licensee only ~~or~~, all Entities, including Entities using a fictitious name, practicing, offering to practice or contracting to provide architectural or landscape architectural services in the State of Oklahoma shall file an application with the Board, pay applicable fees and penalties in OAC 55:10-3-13 and, if qualified, be issued a Certificate of Authority by the Board. Certificates of Authority may be granted by the Board to any Entity recognized under the Act and approved by the Board, which meets the criteria in OAC 55:10-13-5.

55:10-13-5. Establishing criteria for issuance of Certificate of Authority

The Board may grant a certificate to practice through individual Licensees to those firms meeting the following criteria:

(1) An application is filed and approved by the Board.

(2) At least one general partner, or director, officer, shareholder, manager, member or ~~principle~~ principal is designated as being responsible for the practice of the profession and is licensed to practice architecture or landscape architecture in the State of Oklahoma. If a firm is offering to practice both professions, the firm shall have at least one general partner, director, officer, shareholder, ~~manager, member or principle~~ principal or for a limited liability company, a manager or member who is designated as being responsible for the practice of the profession and licensed to practice each profession.

(3) The firm's practice of architecture or landscape architecture in any office (e.g. branch office) is under the responsible control of a duly licensed Architect or Landscape Architect and such person is duly listed in the Certificate of Authority as an Architect of Record.
(4) All technical submissions, original working drawings, original cover sheet and index page identifying all specification pages covered, all addenda and field changes shall be signed, sealed and dated by an Architect of Record defined in 55:10-1-3.
(5) The Certificate of Authority shall identify the individual(s) Oklahoma licensed Architect(s) or Landscape Architect(s), who shall be an Architect of Record and in responsible charge of the architectural or landscape architectural practice.
(6) Compliance with the Board's rules in this Chapter and ~~Section 46.9 of~~ the Act shall not alleviate other members, officers, shareholders, managers, ~~principles~~ principals, directors, partners or employees from direct responsibility and liability by reason of employment or relationship with the Entity to the Board.
(7) The Certificate of Authority issued by the Board is subject to powers of renewal, suspension, revocation, denial, refusal to renew, criminal or civil penalties vested in the Board by the Act and does not preclude the Board from using any other legal procedures necessary to carry out its powers and duties.

55:10-13-6. Biennial registration for Certificate of Authority
(a) **Biennial registration requirements.** An Entity desiring to practice under the Certificate of Authority must submit the proper fees and applicable penalties in 55:10-3-13 and forms for application and renewal biennially. No Certificate of Authority shall be issued for longer than a two (2) year period. The renewal forms and fees shall be due with the Registrant's individual license renewal which is due by 4:30 p.m. on or before June 30 of the renewal year to avoid penalties. Postmarks will not be accepted.
(b) **Late payment penalty.** Failure to biennially register and remit payment of the renewal fee for the Certificate of Authority on June 30 of the renewal year will result in a late payment penalty in 55:10-3-13.

55:10-13-7. Failure to register biennially for Certificate of Authority
(a) Failure to biennially register, remit renewal fee and penalties prescribed in the rules of this Chapter by ~~August~~ July 1 of the renewal year will result in automatic suspension and revocation of the Certificate of Authority.
(b) Notices of suspension or revocation will be sent to the last known address of the Entity failing to biennially register and remit renewal fees and penalties.

55:10-13-8. Reinstatement of canceled Certificate of Authority
(a) **Reinstatement for nonpayment of fees.** Certificates of Authority canceled for nonpayment of fees may be renewed upon completion of an updated application form, provided the Entity currently meets all statutory requirements, the rules of this Chapter and payment to the Board of the fees and penalties in 55:10-3-13 have been paid, which have been accrued by the Entity at the time of reinstatement.
(b) **Reinstatement of Certificate of Authority for cause.** Certificates suspended, denied, refused to renew or revoked for cause may be reinstated only by Board action and only then in the manner determined by such Board action. Requests for reinstatement of the Certificate of Authority revoked for cause should be addressed to the Secretary-Treasurer at the board office and shall show cause why such Board action is justified.

55:10-13-9. Compliance with laws, rules, regulations and orders
All entities shall comply with all laws, rules, regulations and orders issued, which apply to an individual Architect or Landscape Architect.

55:10-13-10. Investigations, hearings and penalties
The Board shall investigate complaints, hold hearings, issue orders and determine penalties against entities in the same manner, procedure and with the same rights and offenses as an individual Architect or Landscape Architect, as designated in the rules of this Chapter.

55:10-13-11. Surrender of Certificates of Authority
Upon notice of the Board, Certificates of Authority suspended, refused to renew or revoked for cause by Board action shall be surrendered immediately in the manner prescribed by that notice.

55:10-13-12. Notification of changes in firm practice required
Entities shall notify the Board office within thirty (30) days of any or all changes ~~which~~ that affect the Certificate of Authority. Notification shall be on the Board's form, signed by an Architect or Landscape Architect of Record or another partner, director, officer, shareholder, ~~manager, member or~~ principal or for a limited liability

company, a manager or member of the Entity, notarized and accompanied by the fees in 55:10-3-13. Failure to properly and promptly notify the Board of these changes shall be cause for penalties, orders issued, revocation, refusal to renew or suspension of the Certificate of Authority, as designated in the rules of this Chapter.

55:10-13-13. Authority to use professional titles

(a) Only persons holding current Certificates of Registration in Oklahoma and Entities holding current Certificates of Authority issued by the Board, are authorized to employ the title Architect or Landscape Architect and use any various constructions thereof, in describing or identifying services contracted or executed.

(b) No other person or Entity may employ the title Architect or Landscape Architect to describe persons, entities or services, nor do such unregistered individuals or Entities have authority to contract or execute architectural or landscape architectural services in this state unless they ~~hold a certificate issued by NCARB and~~ comply with OAC 55:10-~~0~~9-1 and ~~Section 46.21B of~~ the Act.

55:10-13-14. Certificate of Authority index maintained; restriction on similar names

(a) The Board office shall maintain a suitable index of each current Certificate of Authority issued, setting forth the pertinent facts.

(b) The name of the Entity shall not be the same as or deceptively similar to the name of any other Entity then existing or which has existed within the preceding three (3) years, without the written consent of the previously existing Entity.

55:10-13-15. Limited partnerships and corporations required to file with Secretary of State

(a) In order to practice in Oklahoma, limited partnerships, limited liability companies, limited liability partnerships, foreign and domestic corporations are required by law to file for a certificate of incorporation or domestication and maintain same with the Secretary of State.

(b) Failure of an Entity to properly file or register with the Oklahoma Secretary of State and maintain said Entity in good standing with the Oklahoma Secretary of State may result in revocation of the Certificate of Authority and disciplinary action pursuant to the rules in this Chapter.

55:10-13-16. Use of deceased or retired names in titles of firm name

Use of the names of deceased or retired licensed partners or directors in a firm name is permissible. Stationary, advertisements, business cards and similar items ~~which may be~~ circulated to the public, ~~or in the ordinary course of business~~ shall indicate the status and year the person ~~of the~~ retired or died ~~deceased person and include the year the person retired or became deceased~~. Retired ~~person's~~ persons may also be listed as consulting Architects or Landscape Architects. Example:

Doe, Smith & Jones
Architects

John Doe	Fred Jones
Deceased	Retired/Consulting Architect
1930-1988	1987

55:10-13-17. Use of multiple surnames in titles of firm name

Use of multiple surnames in titles of firms is permissible so long as one surname is a licensed Architect or Landscape Architect. Other surnames shall be names of related licensed professions (e.g., engineer - structural, mechanical, electrical, civil, or land surveyor). Example (where Doe is a licensed Architect, and Smith and Jones are licensed structural engineers):

Doe, Smith & Jones
Architects & Engineers

55:10-13-18. Use of full name in title of firm name

Use of full name in the title of a firm is permissible so long as the full name is the name of a licensed Architect or Landscape Architect or a deceased licensed Architect or Landscape Architect. Example (where John C. Doe was a licensed Architect):

John C. Doe Company
Architects
John C. Doe (1930-1988)

55:10-13-19. Use of departed person's surname in title of firm name

Use of a surname of a person who has left a firm is permissible by written agreement for a period of two (2) years so long as all stationary, advertising, business cards and similar items note that person's inactive status with the firm, the year and a current practicing licensed Architect's or Landscape Architect's name, who is a general partner or director appears on all stationary, advertising, business cards and similar items. Example:

Doe & Smith
Architects & Engineers

John Doe
Inactive 1988

David Williams
Architect

55:10-13-20. Use of fictitious name in title of firm name

Fictitious names of firms are permissible so long as at least one Architect of Record as defined in 55:10-1-3, being a licensed Architect or Landscape Architect responsible for firm practice appears on all stationary, business cards and similar items. Example:

The Gold Star Group
Architects & Engineers

John Brown
Licensed Architect

55:10-13-21. Use of single surname in title of firm name

Use of a single surname is permissible so long as that surname is a licensed Architect, Landscape Architect or related professional (e.g., engineer, structural, mechanical, electrical, or civil, or land surveyor). The entity shall also list the name of the licensed Architect or Landscape Architect responsible for firm practice on all stationary, business cards and similar items. Example (where Jones is a licensed related professional):

The Jones Group
Architects & Engineers & Land Surveyors

John Doe
Architect

SUBCHAPTER 15. VIOLATIONS

Section

55:10-15-1. Prima facie evidence
55:10-15-2. Grounds for violations and penalties
55:10-15-3. Additional penalties for violations
55:10-15-4. Fraud or misrepresentation
55:10-15-5. Gross incompetence
55:10-15-6. Recklessness
55:10-15-7. Dishonest practice
55:10-15-8. Duty to refer alleged violations to Secretary-Treasurer
55:10-15-9. Filing a complaint; forms and evidence
55:10-15-10. Informal resolution
55:10-15-11. Investigation committee
55:10-15-12. Investigation report and recommendations
55:10-15-13. Investigator
55:10-15-14. Civil and formal proceedings
55:10-15-15. Hearings
55:10-15-16. Hearing disqualification procedures
55:10-15-17. Powers of hearing authority
55:10-15-18. Findings of the Board and penalties
55:10-15-19. Proposed hearing orders
55:10-15-20. Issuing of orders
55:10-15-21. Final orders
55:10-15-22. Procedures to file exceptions to proposed orders
55:10-15-23. Rehearing, reopening or reconsideration
55:10-15-24. Other hearings
55:10-15-25. Emergency hearings and orders

55:10-15-1. Prima facie evidence

A person or Entity shall be construed to practice or offer to practice architecture or landscape architecture, within the meaning and intent of the State Architectural Act, who practices any branch of the professions the Board regulates, or who, by display or verbal claim, sign, advertisement, contract, card or other printed, engraved, or written instrument or device, <u>or by electronic means, internet or e-mail</u> bearing a person's or Entity's name or in any other way represents to be a professional architect or landscape architect, or through the use of some other title implies that the person or Entity is a professional architect or landscape architect, or that the person or Entity is registered under this Act; or who holds himself/herself or itself out as able to contract for, offer or perform, or who does contract, offer or perform any architectural or landscape architectural service or work or any other service designated by the Act as the practice of architecture or landscape architecture. Any such action noted by this Section shall be sufficient to justify an injunction or any other order or a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures and penalties are necessary and shall have the power to proceed with any and all legal procedures in addition to the injunction or other such orders issued.

55:10-15-2. Grounds for violations and penalties

Grounds for denial, revocation, suspension, refusal to renew, orders, injunctions, civil and/or criminal penalties are as follows:

(1) Fraud, deception or misrepresentation in applying for a certificate of registration, certificate of authority, or in taking the examinations (see 55:10-15-4);

(2) Noncompliance with statutory requirements or rules in this Chapter for qualifying for licensure;

(3) Violating the State Architectural Act or any rule in this Chapter, regulation or order issued by the Board;

(4) Conviction of a felony;

(5) Violating any other jurisdiction's licensing laws, requirements or rules and regulations;

(6) ~~Mentally impaired~~ <u>Mental impairment</u>;

(7) Gross incompetence (see 55:10-15-5);

(8) Recklessness on the part of the Registrant in designing, planning or observing the construction or alteration of a project or building (see 55:10-15-6);

(9) Dishonest practice (see 55:10-15-7);

(10) ~~Non-renewal of base or resident state registration~~ Failure to maintain a license in good standing in one additional jurisdiction for reciprocal Registrants;

(11) Loss of NCARB or CLARB certification for reciprocal license with Oklahoma;

(12) Nonpayment of fees or penalties or failure to complete continuing education requirements or failure to file required documents with the Board will result in automatic revocation;

(13) Unauthorized or misuse of seal which shall include sealing, dating and signing any or all documents not prepared under the Registrant's Responsible Control.

(14) Aiding and/or abetting unlicensed practice of architecture or landscape architecture.

(15) Sealing, signing and/or dating plans and/or specifications not prepared in accordance with the Act and/or these Rules.

(16) Falsifying any documents submitted to the Board or generated in the practice of architecture or landscape architecture.

55:10-15-3. Additional penalties for violations

Civil penalties may be levied by the Board separately or in addition to any other penalties determined by the Board. The Board may seek criminal and injunctive relief through the courts for any violation of the Act, rules in this Chapter, regulation, or to enforce any order issued by the Board.

55:10-15-4. Fraud or misrepresentation

Any Registrant or Entity or person associated with any Registrant or Entity, holding a Certificate of Registration and/or a Certificate of Authority under this Act who shall make oral or written fraudulent, false or misleading statements concerning any Registrant or Entity or on any document, report, statement, examination, investigation, plans or specifications made by the Registrant or Entity or under his, her or its direct supervision or responsible control shall, upon conviction, be deemed guilty of fraud or misrepresentation. Fraud shall include copying any documents from an employer without specific written authorization.

55:10-15-5. Gross incompetence

Registrants have been licensed under the authority of the State Architectural Act ~~which~~ that establishes minimum competence. Registrants are expected to continue their professional development after licensing, improving and increasing their proficiency and skills as required through fulfillment of continuing education requirements. The Board expects each Registrant or Entity to undertake only those professional assignments he/she or it is qualified to perform and lawfully authorized to undertake. The following practices, among others may be deemed gross incompetence:

(1) Failure to use due diligence and proper restraint in planning and observation procedures, thus endangering the safety and welfare of the public.

(2) Failure to engage other licensed design professionals, competent and authorized to practice in related planning disciplines, when the Registrant is otherwise responsible for obvious technical or tactical error jeopardizing the success or safety of the project, the public, the client and/or contractor.

(3) Failure to clearly, accurately and completely develop plans, drawings, specifications and other instruments of service in practice that properly qualify the requirements intended and insure against misunderstandings jeopardizing the client and/or contractor.

(4) Failure to use diligence and available counsel in preparing documents for the protection of a client in construction agreements involving the Registrant's responsibility.

(5) Practicing architecture or landscape architecture while mentally impaired.

55:10-15-6. Recklessness

(a) The Architect or Landscape Architect is responsible for many technical and tactical judgments relating to construction materials, techniques and systems processes. His/her education, training and experience should enable him/her to make such determinations with confidence in a successful result.

(b) The Board expects of its Registrants, entities or persons representing same, prudent and deliberate consideration in such decisions, made only after responsible and thorough investigation, research and when necessary, expert advice and assistance.

(c) When the result anticipated in such decisions is not reasonably predictable, each Registrant, Entity or person representing same, is expected to so advise the client, fully disclosing the implications involved.

(d) When such decisions promote procedures, techniques, materials, systems, etc., unfamiliar to the planning and/or building team involved, the Registrant, Entity or person, representing same, is expected to exercise extraordinary

care and attention to the process, insuring as best he/she can the result sought.
(e) If, in the judgment of the Board, a Registrant, Entity or person representing same, does not demonstrate concern, attention and involvement stated in this Section, and failure to do so brings jeopardy to the project, public or client, the Board may deem such neglect to be recklessness.
(f) A Registrant or Entity shall not aid or abet any unlicensed person or entity in practicing architecture or landscape architecture. Aiding and abetting shall include a Registrant or entity furnishing limited services in such a manner as to enable owners or unlicensed persons to evade the requirements of the State Architectural Act or rules in this Chapter. Incomplete plans shall be clearly marked as incomplete and not for construction if services are terminated during the contract.

55:10-15-7. Dishonest practice

Dishonest practice means the following practices, among others, may be deemed dishonest practice:

(1) Acts which evidence violation, or attempts to violate, any laws or rules of this or any other state relating to registration or the practice architecture or landscape architecture.

(2) Acts which evidence disregard or neglect in complying with regulations, codes, ordinances and recognized standards regulating construction at the place of building.

(3) Acts which evidence attempts through commission or omission, to mislead or defraud any person or Entity.

(4) Acts which evidence attempts or success in efforts violating rules in this Chapter regarding the use of an Architect's or Landscape Architect's seal, signature and date.

(5) Acts which evidence attempts or success in efforts to bribe any person or Entity, who may influence the selection of any Registrant. Kickbacks, donations, or forgiveness offered or paid to gain improper advantage in selection will be considered bribes.

(6) Acts which evidence attempts or success to conceal personal interests in conflict with responsibilities of service to a client.

(7) Acts which evidence improper partiality as arbiter or interpreter in matters relating to client/contractor agreements resulting in or from unauthorized waivers, deviations, or disregard of provisions in such agreements.

(8) Acts evidenced by exaggerated, misleading, deceptive or false statements or claims about professional qualifications.

(9) Falsifying any documents submitted to the Board, or required to be kept by the Registrant, or generated in the practice of architecture or landscape architecture.

(10) It shall be illegal to copy any documents or programs from the employer's files without expressed written consent by the employer.

55:10-15-8. Duty to refer alleged violations to Secretary-Treasurer

When information comes to the Board or its employees concerning alleged misconduct by Registrants, entities or person's representing same, holding certificates of registration and/or Certificates of Authority or unlicensed practice of the professions regulated by the Board by unlicensed persons or entities, whether through formal or informal channels or by reason of other information, it shall be the duty of such body or person to refer such information to the Secretary-Treasurer.

55:10-15-9. Filing a complaint; forms and evidence

(a) When filing a formal complaint, the person, Registrant or Entity shall contact the Board office for the forms required to be completed. The complainant shall document the allegations with evidence available and shall submit one original and two certified original copies to the Board office. The Secretary-Treasurer of the Board shall make appropriate inquiry to verify such information and shall, based upon such information and inquiry, proceed to one of the following courses:

(1) Terminate the investigation when it appears no violation has occurred or there is insufficient evidence to support any violation; or

(2) Refer the matter to the investigative committee; or

(3) Appoint an individual investigator; or

(4) Attempt informal resolution of the matter; or

(5) Refer directly to Board.

(b) A Board member shall not discuss with any person, any facts or circumstances concerning any investigation or formal complaint prior to holding a formal hearing, except in a Board meeting or with the Board's attorney.

55:10-15-10. Informal resolution

Those matters in which informal resolution is sought may be referred to the investigative committee or terminated as provided in OAC 55:10-15-9. Any final disposition of a violation by the Secretary-Treasurer must be reported to and approved by the Board.

55:10-15-11. Investigation committee

(a) **Appointment; officers.** The investigation committee, appointed by the Chairman, shall investigate such cases referred to it. The committee shall be appointed for terms as designated by the Board. At least a majority of the members of the committee shall be Registrants in good standing with the Board. The Board shall designate one member Chairman whose duty it shall be to conduct meetings of the committee, administer its activities and perform such other duties as are assigned by the Board.

(b) **Duties.**

(1) It shall be the duty of the investigation committee, upon request from the Secretary-Treasurer of the Board, to investigate to determine whether there exists probable cause to believe that such misconduct or violation has occurred as to justify the institution of formal or civil proceedings. The investigation shall be conducted with reasonable dispatch. The investigative committee shall report to the Executive Director of the Board the result of any investigation promptly upon its conclusion. Such report shall include a summary of evidence considered by the committee including any materials provided by the person or Entity, the committee's conclusions of fact and law, and the committee's recommendation with respect to institution of civil or formal proceedings. The committee may, in its discretion, afford the person or Entity involved an opportunity to be heard in the course of preliminary investigation.

(2) Before a report adverse to the Registrant, Entity or person is made, the investigative committee shall notify him/her or it in writing of the complaint and allow not less than ten (10) days to reply in writing. At this level of the proceedings the Registrant, Entity or person shall not be entitled to a hearing before the investigative committee as a matter of right, but may submit, in writing, one original and two certified original copies for consideration by the investigative committee which shall be included in the final report to the Executive Director.

55:10-15-12. Investigation report and recommendations

The Executive Director shall forward the investigative committee's report to legal counsel for the Board who shall proceed with the recommendations contained therein, provided such recommended action conforms to law or established policy of the Board and is supportable based upon evidence considered by the investigative committee and its conclusions ~~drawn there from~~. Civil or formal proceedings will not be instituted unless the investigation committee and counsel to the Board are agreed upon such action or unless ordered by the Board based upon review of the recommendations of the investigative committee and counsel of the Board. The Registrant, Entity or person shall be promptly notified ~~promptly~~ of ~~whatever~~ pending action ~~is to be taken~~. If formal charges are proposed without using the investigation committee, those charges shall be approved by the Secretary-Treasurer and the Executive Director before sent out by Counsel.

55:10-15-13. Investigator

Investigations may, at the discretion of the Secretary-Treasurer, be assigned to individual investigators who are employed or retained on a full or part-time basis by the Board for such purpose. Such investigators may make use of the investigative committee but shall be in full charge of any investigation so assigned subject only to direction by the Board.

55:10-15-14. Civil and formal proceedings

Civil or formal proceedings in matters involving misconduct or violations by Registrants, entities or persons shall be brought by Counsel or the Secretary-Treasurer of the Board based upon recommendation of the investigative committee, investigator, or when ordered by the Board. The formal complaint shall be signed by Counsel to the Board and/or Executive Director and shall include a concise statement of the allegations and particular sections of statutes and rules in this Chapter involved.

55:10-15-15. Hearings

(a) **General provisions.**

(1) The Board shall set a time and place for the hearing of charge, provided that such hearing shall not be set less than twenty (20) days from mailing of notice of the proceeding to the Registrant, Entity or person at the last known address according to Board records or information.

(2) Such notice shall include a copy of the charge, a statement of the time, place and nature of the hearing,

a statement of the legal authority and jurisdiction under which the hearing is held; of the matters asserted or issues involved. At any hearing interested parties shall be afforded the opportunity to respond, present evidence, and argue on all issues involved.

(3) Unless precluded by law, informal disposition may be made of any proceeding by stipulation, agreed settlement, consent order, or default.

(4) At any hearing the Registrant, Entity or person charged with misconduct shall enjoy the following rights:

(A) against self-incrimination in testimony before the Board. However, any previous testimony before a court or inquiry of public record, may be used in evidence; and

(B) of confidential communication with his spouse, attorney, clergyman, priest and/or physician; and ~~.~~

(C) of withholding such other records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States, are made confidential or privileged; and ~~.~~

(D) of cross examination; and ~~.~~

(E) of counsel.

(b) **Hearing record.**

(1) The hearing record shall include:

(A) All pleadings, motions and intermediate rulings;

(B) Evidence received or considered;

(C) Questions and offers of proof, objections, and rulings thereon;

(D) Proposed findings and exceptions;

(E) Any decision, opinion, or report by the officer presiding at the hearing;

(F) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

(2) Oral proceedings or any part of the oral proceedings shall be transcribed on request of any party.

(3) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(c) **Methods of hearings.** Hearings shall be conducted by one of the following methods, as determined by the Board:

(1) By the Board;

(2) By any member of the Board or its designee acting as hearing examiner;

(3) By any attorney licensed to practice before the Supreme Court of the State of Oklahoma acting as hearing examiner.

55:10-15-16. Hearing disqualification procedures

A hearing examiner or any Board member shall withdraw from any proceeding in which he/she cannot afford a fair and impartial hearing or consideration. Any party may request such disqualification by filing an affidavit, promptly upon discovery of the alleged disqualification, stating the particular grounds for objection. The issue shall be referred to the Board to be determined promptly by the Board or the remaining members thereof and upon disqualification the Board shall assign another hearing examiner and if necessary, as provided by 75 O.S., Section 316, seek appointment of an additional member or members pro-tem.

55:10-15-17. Powers of hearing authority

A hearing authority shall require the furnishings of information; the attendance of witnesses; and the production of books, records, papers or other objects as may be necessary and proper for the purposes of the hearing. Any party to a proceeding may take depositions of witnesses in the same manner as provided by law in any civil actions before courts of record and such depositions may be admitted into evidence subject to the right of objection at the time of hearing in accordance with the law.

55:10-15-18. Findings of the Board and penalties

(a) The Board may find:

(1) The charges are dismissed for insufficient evidence;

(2) The charges are dismissed without prejudice;

(3) The charges are dismissed with prejudice;

(4) The defendant is found not guilty;

(5) The defendant is found guilty;

(b) If the finding is guilty, the Board shall then determine the penalty to be imposed. The penalty resulting from a finding of guilty shall be one or more of the following:

(1) Reprimand: The formal notice of the Board, not subject to public notice, that the accused Registrant or Entity has been found guilty of violations which can and must be corrected as instructed; failure for which may result in suspension, revocation, probation or a civil penalty.

(2) Censure: The formal notice of the Board, subject to public notice, that the accused Registrant or Entity has been found guilty of violations which cannot be corrected, and which if repeated may result in suspension, revocation, probation, denial, refusal to renew, or civil penalty.

(3) Suspension: The formal notice of the Board, subject to public notice, that the finding of guilty had resulted in suspension, denial, probation or refusal to renew the accused's Certificate of Registration and/or Certificate of Authority for a stated period. ~~A~~ In addition, a civil penalty may also be imposed ~~by the Board~~.

(4) Revocation: The formal notice of the Board, subject to public notice, that the finding of guilty has resulted in revocation of the accused's Certificate of Registration and/or Certificate of Authority. ~~A~~ In addition, a civil penalty may also be imposed ~~by the Board~~.

(5) Civil Penalty: The formal notice, at the discretion of the Board, may be subject to public notice, that the finding of guilty of the accused Registrant, Entity or person has resulted in a civil penalty, as provided by the Act.

(6) Probation: The formal notice of the Board, subject to public notice, that the accused Registrant or Entity has been found guilty of violations which cannot be corrected, and which if repeated may result in suspension, revocation, denial or refusal to renew and/or civil penalty.

(c) All disciplinary actions where the Registrant or Entity has been convicted, pled guilty or nolo contendere to a violation of the Act or rules, shall be publicized to the public and profession with their name, license or certificate of authority number and the city and state on the Board's records.

55:10-15-19. Proposed hearing orders

At any hearing not heard by a majority of the members of the Board or when the case hearing record has not been read by a majority of the members of the Board, the decision, if adverse to a party to the proceeding, shall not be made until a proposed order is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the Board. The proposed order shall be accompanied by statements of the reasons therefore and of each issue of fact or law necessary to the proposed order, prepared by the person who conducted the hearing or by one who has read the record. The parties may, by written stipulation waive compliance with this Section.

55:10-15-20. Issuing of orders

All orders, whether proposed or final, shall be issued within one hundred twenty (120) days of a hearing. Final orders shall state their effective date but in no event shall such order be effective less than ten (10) days from the entry thereof.

55:10-15-21. Final orders

A final order adverse to a party in a proceeding shall be in writing or stated in the record. A final order shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by mail of any order. Upon request, a copy of the order shall be delivered or mailed to each party and to the attorney of record.

55:10-15-22. Procedures to file exceptions to proposed orders

Exceptions shall be filed with the Executive Director within ten (10) days of mailing the proposed order to the Registrant, person, or Entity. If exceptions are filed, the Executive Director shall set the time and place for the Board to consider the proposed order and the exceptions to it and cause notice of such time and place to be mailed to the Registrant, Entity or person. Such time shall not be less than twenty (20) days after such notice is mailed. Briefs in support of exceptions must be filed with the Board at least seven (7) days before such hearing. The Registrant, Entity or person may personally or through counsel be present and present oral argument to the Board in support of the exceptions. If no exceptions are filed, the Board will consider the proposed order at its next regular or special meeting, or at such other time as is convenient to the Board.

55:10-15-23. Rehearing, reopening or reconsideration

(a) A decision by the Board shall be subject to rehearing, reopening, or reconsideration by the Board if requested within ten (10) days from the date of its entry. The grounds for requesting such action shall be either:

(1) Newly discovered or newly available evidence relevant to the issues; or

(2) Need for additional evidence adequately to develop the facts essential to proper decision; or
(3) Probable error committed by the Board or hearing examiner in the proceeding or in its decision such as would be grounds for reversal on judicial review or the order; or
(4) Need for further consideration of the issues and the evidence in the public interest; or
(5) A showing that issues not previously considered should be examined in order to properly dispose of the matter; or
(6) Fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence.

(b) The order of the Board granting rehearing, reconsideration, or review, or the petition of a party, shall set forth the grounds ~~which~~ that justify such action.

(c) The Board will consider past disciplinary action taken against any Registrant, Entity or person found guilty of misconduct in any present proceeding. Such past conduct shall not be evidence of guilt in the present proceeding but will be considered only in determining appropriate sanctions or penalties to be imposed by the Board in the present proceeding.

(d) Unless precluded by law, any party may waive rights and proceed by stipulation, agreed settlement, consent order or default. No provision in the rules of this Chapter shall be construed as prohibiting the Board from suspending or holding in abeyance any formal or civil proceeding pending the outcome of informal negotiation or informally agreed upon terms.

55:10-15-24. Other hearings

When it comes to the Board's attention that persons or entities residing in or out of the State of Oklahoma may be engaged in the practice of architecture or landscape architecture in Oklahoma as defined by the State Architectural Act and the Board's current rules in this Chapter, and further that such person or Entity may be engaged in the unauthorized practice of these professions or may not meet the requirements thereof, the Board may institute proceedings or penalties as provided in the rules of this Chapter against Registrants, persons or entities for the purpose of determining if any violation of the law, rules in this Chapter or orders has occurred and may take such action as is permitted pursuant to the provisions of 59 O.S., Sections 46.1 et seq. and may, in addition, bar said Registrant, person or Entity concerned and their employers from registration with the Board or the practice of architecture or landscape architecture within the State of Oklahoma.

55:10-15-25. Emergency hearings and orders

(a) If the Board shall find an emergency to exist which, in the opinion of the Board, poses an immediate danger to the public health, welfare, or safety or which threatens irreparable harm to any person or Entity, the Board may order hearings as provided in this Section upon the giving of twenty-four (24) hour notice to the parties concerned, and may enter such temporary orders as will, in the judgment of the Board, maintain or restore the public health, welfare, and safety pending hearing by the Board or judicial review of the Board's actions.

(b) Whenever in the judgment of the Board any Registrant, person or Entity has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of the Act, the Board may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the Board that such Registrant, person or Entity has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court, without bond.

(c) Nothing in the rules of this Chapter dealing with violations, penalties or findings of facts shall preclude the Board from proceeding through any legal proceedings necessary to enforce its findings, orders or penalties.

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

Section

55:10-17-1. Purpose
55:10-17-2. Board responsibilities
55:10-17-3. Noncompliance and Sanctions
55:10-17-4. CEU Requirements
55:10-17-5. Exemptions
55:10-17-6. Computation of Credits
55:10-17-7. General course/program requirements
55:10-17-8. Instructional guidelines
55:10-17-9. Disallowance
55:10-17-10. Registrant responsibilities
55:10-17-11. Biennial Report and affidavit
55:10-17-12. Requirements and responsibilities

55:10-17-1. Purpose

These Rules provide for a continuing education program to insure that all Architects and Landscape Architects licensed in the State remain informed of technical and professional subjects which the Board deems appropriate to professional architectural practice and to safeguard life, health, and promote the public welfare.

55:10-17-2. Board responsibilities

(a) The Board shall:

(1) Perform audits of Registrants.

(2) Determine if courses address the health, safety and welfare of the public through an audit.

(3) Discipline Registrants, as may be appropriate.

(b) Members of the Board may attend courses for purposes of auditing the content and compliance with this Rule.

55:10-17-3. Noncompliance and sanctions

The continuing education requirements contained in this Section will apply to every Registrant as a condition for renewal of said license. Failure to fulfill the continuing education requirements, or file the required biennial report and affidavit, properly completed and signed, or to pay all required fees by June 30th of the renewal year, shall result in non-renewal of ~~an~~ a Registrant's certificate of registration. If a license is not renewed for any reason, the Registrant must immediately cease the practice of architecture or landscape architecture. Persons who continue to practice architecture or landscape architecture during the time of license delinquency are subject to the fines, penalties and civil remedies contained in the Act and these Rules.

55:10-17-4. CEU requirements

(a) Beginning with applications for renewal of licenses which expire on June 30, 2001, each Registrant shall have completed 24 CEU' s of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date as a condition for license
renewal. One CEU shall represent one Contact Hour. No credit will be allowed for introductory remarks, meals, breaks, or business/administration matters related to courses of study.

(b) If the Registrant exceeds the continuing education requirements in any renewal period, the Registrant may carry a maximum of 4 CEU's forward into the subsequent renewal period.

55:10-17-5. Exemptions

A Registrant may be exempt from participating in the continuing education program required by these Rules for one of the following reasons:

(1) A first-time Registrant by examination or first-time reciprocal Registrant shall be exempt for his/her first renewal period if the first renewal period is less than two years from the original date of licensure. Reciprocal Registrants will be exempt from the requirements of this Subchapter if the Registrant's base or resident state's continuing education requirements are equal to, or exceed, the requirements of this Subchapter. The Registrant shall certify to the Board that the requirements of this Subchapter have been met and shall substantiate same when audited.

(2) A Registrant who has taken emeritus status; said emeritus Registrant must certify to the Board that the Registrant is not currently practicing architecture or landscape architecture. In the event the emeritus Registrant elects to return to active practice, the Registrant shall earn CEU for the current licensing period,

not to exceed two (2) years.

(3) A Registrant called to active duty in the armed forces of the United States for a period of time exceeding one hundred and twenty (120) consecutive days during a fiscal year shall be exempt from obtaining the CEU's required during that fiscal year.

(4) A Registrant experiencing physical disability, illness or other extenuating circumstances may request exemption from the continuing education requirements. The Registrant shall provide supporting documentation for the Board's review. Such hardship cases will be considered by the Board on an individual basis.

55:10-17-6. Computation of credits

Continuing education credits shall be measured in CEUs and shall be computed as follows:

(1) successfully completing one Contact Hour in course work, seminars or making professional or technical presentations at meetings, conventions or conferences shall be the equivalent of one CEU;

(2) teaching or instructing a qualified presentation, approved by the Board, shall constitute two CEUs for each hour spent in the classroom. Teaching credit shall be valid for teaching a course or seminar in its initial presentation only. Teaching credit may be claimed by full-time faculty at a college, university or other educational institution for the initial presentation only and shall be related to health safety, welfare issues only;

(3) authoring a published paper, article, writing a CEU course or a book shall be the equivalent of 24 CEUs (No CEU's will be approved for newspaper or similar news articles);

(4) successfully completing one university semester hour of credit shall be the equivalent of 12 CEUs;

55:10-17-7. General course/program requirements

(a) All programs and courses are subject to auditing and the Board may disapprove any course not meeting the intended continuing education criteria set forth in this Subchapter.

(b) All courses sponsored by NCARB, CLARB, The American Institute of Architects and the American Society of Landscape Architects will count for the required continuing education requirements if they met the requirements of this Subchapter and the intent of the Board.

(c) Continuing education courses must be at least one Contact Hour in length and meet the topic area guidelines described in this Subchapter.

(d) Continuing education courses will be approved or disapproved by the Board based upon the information presented at the time of audit.

(e) To qualify for continuing education, the course must:

(1) include technical and practical applications which impact public health, safety and welfare and,

(A) maintain, improve, expand or enhance the quality of the existing technical knowledge;

(B) fill voids that may exist in the professional education and internship training; or

(C) develop new and relevant technical profession skills and knowledge.

(2) have clear purposes and objectives;

(3) be well organized, presented in a sequential manner, and provide evidence of pre-planning;

(4) be presented by persons who are well-qualified by education or experience in the field being taught; and

(5) provide individual participant documentation for record keeping and reporting.

(f) Registrants may secure continuing education credit through the following types of programs and courses:

(1) attending professional or technical presentations at meetings, conventions or conferences;

(2) attending in-house programs sponsored by corporations or other organizations;

(3) successfully completing seminars, tutorials, short courses, correspondence courses, televised courses or video-taped courses;

(4) making professional or technical presentations at meetings, conventions or conferences;

(5) teaching or instructing, complying with OAC 55:10-17-6;

(6) authoring published papers, articles or books;

(7) successfully completing college or university sponsored courses; and

(g) Subject content acceptable for purposes of architecture continuing education shall be limited to:

(1) Study of Codes including safety codes, and laws and regulations governing the practice of architecture.

(2) Environmental Issues.

(3) Design proficiency.

(4) Study within planning, engineering, interior design, construction contracting and related disciplines.

(5) Legal aspects of contracts, documents, insurance, bonds, project administration, etc.

(6) Specialization, preservation, adaptive reuse, building types) etc.
(7) Construction Documents and Services.
(8) Materials and Methods.
(9) Mechanical, Plumbing, Electrical and Life Safety.
(10) Structural technology.
(11) Energy efficiency.
(12) Project administration.
(13) Professional ethics.
(14) Americans with Disabilities Act guidelines.

(h) Subject content acceptable for purposes of landscape architecture continuing education shall be limited to:
(1) Study of Codes including safety codes, and laws and regulations governing the practice of Landscape Architect;
(2) Environmental issues;
(3) Design proficiency;
(4) Study within planning, engineering, horticulture, construction contracting and related disciplines;
(5) Legal aspects of contracts, documents, insurance, bonds, project administration, etc.
(6) Specialization in areas of concentration;
(7) Construction documents and sources;
(8) Project administration;
(9) Professional ethics;
(10) Safety guidelines (Playgrounds, trails, etc.);
(11) Herbicide and pesticide use;
(12) ADA Guidelines;
(13) Irrigation system design;
(14) Grading and drainage.

55:10-17-8. Instructional guidelines

Methods of instruction used for course delivery include, in-person presentation, correspondence and video courses or other learning techniques which may be pre-approved by the Board. Instructional guidelines for the presentation of such course includes the following:

(1) In-person presentation courses must include:
(A) Course presentation and materials,
(B) Question and answer sessions, and
(C) Evaluation.

(2) Correspondence courses must include:
(A) Pre-course instruction book and course materials,
(B) Question and answer (optional),
(C) Evaluation, and
(D) Testing (optional).

(3) Video courses must include:
(A) Pre-course instruction book and course materials,
(B) Lecture,
(C) Question and answer (optional),
(D) Evaluation, and
(E) Testing (optional).

55:10-17-9. Disallowance

(a) The Board has final authority with respect to approval of courses, credits, and CEUs.

(b) If the Board determines that continuing education credits are to be disallowed, Registrants shall have ~~90~~ 30 calendar days after notification to substantiate the original claim or earn other continuing education credits to meet minimum requirements.

(c) Fraud or misrepresentation in certification of course attendance or any other aspect of fulfilling continuing education requirements will be disciplined in accordance with the Act, including revocation or denial of the renewal of a Registrant.

55:10-17-10. Registrant responsibilities

(a) The Registrant is responsible for retaining proof of participation in continuing education activities. Such verification includes, the following as applicable:

(1) A log showing activity claimed, sponsoring organization, location duration, etc.
(2) Attendance Certificates.
(3) Signed attendance receipts.
(4) Sponsor's list of attendees (signed by a person in responsible charge of the activity).

(b) These records must be retained for a period of four years following the filing of an application for license renewal. Copies shall be furnished to the Board for audit purposes if requested.

(c) The Registrant must be present for the entire duration of the course for all approved course Contact Hours.

55:10-17-11. Biennial report and affidavit

(a) Each Registrant, at license renewal, shall submit an affidavit attesting to the Registrant's fulfillment of continuing education requirements during the two years preceding the renewal. Affidavits, with an accompanying report concerning the courses taken by the Registrant to fulfill continuing education requirements, shall be submitted on a form(s) provided by the Board.

(b) Each affidavit shall be reviewed by the Board's staff for completeness, and may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of four years after submission in the event that the affidavit and report is selected for audit.

(c) The Board may, upon audit for verification of compliance, disallow claimed credit for continuing education. The Registrant shall have ~~90~~30 calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEU credit which fulfills minimum requirements.

55:10-17-12. Requirements and responsibilities

(a) The Board has set forth the following criteria ~~which~~ that will be reviewed in approving CEU credits:
(1) Subject area expertise of Sponsor and/or instructor(s).
(2) Experience or demonstrated ability in written instructional material and testing.
(3) Experience of Sponsor.
(4) Ability of Sponsor to provide course evaluation forms to participants, if applicable.
(5) Ability of Sponsor to provide reporting certificates or letters to participants.

(b) Courses shall be presented in the format established, including all handouts, scheduling and course content.

(c) The instruction level (either core, intermediate or advance) of courses being advertised, in information sent to Registrants, should be identified. Registrants are encouraged to take programs of intermediate and advanced levels.

(d) Courses are required to issue reporting certificates to Registrants, upon completion of a course. Completion of a course is considered the end of the course. There are no partial credits. Reporting certificates should contain no less than the following information: Participant's name, license number, ~~address, phone number,~~ sponsor name ~~and address~~, course title, ~~instructor name,~~ number of Contact hours, date course given, sponsor or monitor signature.

(e) Registrants shall maintain a record of all reporting certificates issued for a period of four years following the issuance ~~of same~~. Sponsors shall maintain security regarding the release of reporting certificates. Duplication or falsification, as-well-as misuse, of reporting certificates may be grounds for disciplinary action against the Registrant.

(f) Courses must issue to attendees seeking continuing education credit, a "Course Evaluation Summary Form." Completed evaluations from each attendee must be retained for four years after the course/program.

(g) Courses shall verify identity of course participants ~~by way of their license, and one form of recognized official photographic identification e.g., passport, driver license, student identification, etc., at both the beginning and end of the course~~.

(h) Sponsors shall contact Registrants regarding courses. Sponsors are encouraged to publicize their courses whenever and wherever offered. In order to do so, lists of licensed Architects and/or Landscape architects may be secured for a nominal fee from the Board. Applicable fees must be submitted with the request. The Board shall have thirty (30) days from receipt of the request to process ~~same~~ and provide the requested listing.

(i) Registrants cannot claim or obtain partial credit for portions of courses taken. If a Registrant cannot complete the entire course, no credit is to be claimed or approved by the Board.

(j) Sponsors shall monitor all attendees to ensure attendance for complete contact hour credit as follows:
(1) Identify all attendees seeking Board credit.
(2) Provide reasonable times for break and meal recesses.
(3) Review attendance ~~after each break and recess~~.
(4) Other brief absences or tardiness during a course offering are discouraged, however, if necessary the total of the absence of the attendee from the course contact shall not exceed 10% of the course Contact Hours.

(k) Administrative procedures and introductions shall be limited to no more than 10% of the courses approved Contact Hour credits. Specific course content shall utilize no less than 90% of the course Contact Hours.

(l) It is the responsibility of the Sponsor to offer a course in an environment and atmosphere appropriate to teaching and the course being presented.