

# THE LOUISIANA STATE BOARD OF ARCHITECTURAL EXAMINER

## RULES (As amended August, 2011)

### Chapter 1. General Provisions

#### §101. Authority

A. Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners adopted the following.

#### §103. Rule Making Process

A. The Louisiana State Board of Architectural Examiners operates pursuant to these rules, adopted under the authority of R.S. 1950, Title 37, and Chapter 3 as amended.

B. For purposes of these rules, the term *architect* means a person who is technically and legally qualified to practice architecture in Louisiana including a professional architectural corporation certified by the board pursuant to the provisions of R.S. 12:1086 et seq., an architectural-engineering corporation certified by the board pursuant to the provisions of R.S. 12:1171 et seq., and a limited liability company certified by the board pursuant to the provisions of R.S. 12:1301 et seq. The term *board* means the Louisiana State Board of Architectural Examiners.

### Chapter 3. Organization

#### §301. Executive Director

A. The name and address of the person designated by the board upon which service of process may be served in judicial procedures against the board is the executive director at the address of the official place of business of the board.

#### §303. Officers

A. The board shall elect a president and a secretary, each to hold office until their successors shall have been elected. The term of office shall be for one year beginning the first day of January the ensuing year.

B. The president shall preside at all meetings; appoint all committees; sign all certificates of registration issued; sign or authorize by signature stamp all checks with the executive director; and perform all other duties pertaining to his office.

C. The secretary shall, with the assistance of such executive and clerical help as may be required:

1. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;
2. sign, with the chairman, certificates of licensure; and

3. sign the minutes of the board meetings after the minutes have been approved by the board.

#### §305. Other Personnel

A. The board may employ such executive, stenographic, and office assistance, including an executive director, as is necessary, and shall rent office space as necessary to house the staff and records.

B. The board shall employ an executive director who shall have possession on behalf of the secretary of all the official records of the board and who may, under the supervision of the board, perform such administrative and ministerial duties as the board authorizes.

C. In discharging its responsibilities, the board may engage private counsel, or, as prescribed in law, utilize the services of the attorney general. The board may also employ such accountants, auditors, investigators, and professionals as it deems necessary.

#### §307. Meetings

A. There shall be at least four regular meetings each year. If the executive director or the president decide additional meetings are necessary, a special meeting may be called by due notification of all members of the board. A special meeting of the board shall be called by the president upon the request of any two members by giving at least a 10-day written notice to each member of the time and place of such meeting.

#### §309. Minutes

A. The minutes of all meetings shall be prepared by the executive director and signed by the secretary and the president at the next regular meeting. As soon as the minutes are prepared, the executive director shall mail them to the membership for their comments.

#### §311. Conduct of Meetings

A. Unless required otherwise, by law or by these rules, *Robert's Rules of Order* shall be used in the conduct of business by the board.

#### §313. Quorum

A. Four members of the board constitute a quorum.

#### §315. Official Records

A. Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the board offices accurate and current records including, but not limited to:

1. minutes of all meetings of the board;

2. the name and registration number of all persons to whom certificates of registration are issued, the last known address of all registrants, and all current renewals effected through annual registrations;

3. an individual file for each registrant containing the original application, relevant verification and evaluation data, examination dates, grades, and date of original registration;

4. alleged violations and any revocation, rescission and suspension of licenses; and

5. a system of record keeping correctly and currently indicating funds budgeted, spent, and remaining, as well as projections of appropriate requests for consideration in budget development.

### **§317. National Council of Architectural Registration Boards**

A. The board shall maintain membership in the National Council of Architectural Registration Boards (NCARB) and its regional conference. Up-to-date information on the examinations and policies adopted from time to time by NCARB shall be reported to the board regularly.

B. The board will cooperate with NCARB in furnishing transcripts of records and rendering assistance in establishing uniform standards of professional qualification throughout the jurisdiction of NCARB.

C. Effective July 1, 2004, out of the funds of the board each board member shall be compensated equal to the rate of compensation allowable for members of the legislature for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member, the executive director, and the board attorney shall be reimbursed reasonable and necessary travel, meals, lodging, clerical, and other incidental expenses incurred while performing the duties, responsibilities, and powers of the boards, including but not limited to performing the aforesaid specific activities.

## **Chapter 5. Election of Nominees to Fill Vacancy**

### **§501. Vacancy**

A. This Chapter concerns the election of the three nominees to be submitted to the governor for the filling of a vacancy on the board of one or more of the five architectural members to be appointed by the governor pursuant to R.S. 37:142.B. This rule shall be applicable whether the vacancy occurs as a result of withdrawal, disability, death, completion of the term of appointment,

or any other reason. This rule shall not be applicable to the board members selected by the governor pursuant to R.S. 37:142(C) or (D).

B. If a vacancy occurs, or is about to occur, the executive director shall publish notice thereof in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall send a letter by certified mail to the director of the board indicating his or her intent to be a candidate, which letter shall be accompanied by a curriculum vitae and shall certify that, if elected, the architect will serve. The deadline for receipt of the certified letter shall be at least 20 calendar days subsequent to the publication of the last notice appearing in the official journal of the state. Confirmation of receipt shall be the sole responsibility of the candidate.

C. The board shall also provide notice of any vacancy to anyone who has requested same by certified mail within 90 days of the occurrence thereof. However, any failure to provide such notice shall not affect the results of any election conducted to fill the vacancy.

### **§503. Waiver of Election**

A. If three or fewer eligible architects from any district seek nomination, no election shall be held in that district, and the names of those three or fewer candidates shall be submitted to the governor without any further board action.

### **§505. Ballots**

A. If an election is necessary, an official ballot and an official return envelope shall be mailed to each licensed architect residing in Louisiana. The ballot shall contain the names of the candidates printed in alphabetical order for each district, the date for the return of the ballots, and any other information or instructions the board believes may be helpful in the election process. Biographical information may be attached to the ballot.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §507.C are satisfied.

### **§507. Voting**

A. All licensed architects residing in Louisiana shall have the right to vote in the election of nominees to fill the vacancy for any district. If nominees are being elected for more than one district, a licensed architect may choose to vote in one or more but less than all district elections and no ballot shall be voided for that reason. However,

any ballot containing more than three votes or fewer than three votes for candidates in any one district will be voided in its entirety. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided in its entirety.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C. The ballot shall not be valid unless the signature and license number appear on the return envelope, and the return envelope is received by the board office on or before the deadline. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided the signature and license number of the voting architect appear on the return envelope, and the return envelope is received by the board office on or before the deadline.

D. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all licensed architects. Ballots received after the deadline shall not be counted.

E. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

#### **§509. Tabulation**

A. Within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the governor and the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;

2. count all ballots properly prepared; and

3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the governor and the candidates of the results.

C. The three candidates receiving the highest number of votes in each district shall have their name submitted to the governor as nominees.

#### **§511. Tie**

A. In the event the three candidates receiving the highest number of votes cannot be determined because of a tie, a run-off election will be held. The only candidates in the run-off election will be those candidates who received the same number of votes so that the outcome of the election cannot be fully determined.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each licensed architect residing in Louisiana approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §505.A, except only the names of and the information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person or persons elected as nominees, and for tabulating votes set forth elsewhere in this rule shall be applicable.

E. In the event the run-off election does not decide the three candidates receiving the highest number of votes, the procedure set forth herein shall be repeated.

#### **§513. Vacancy of Person Elected as Nominee**

A. If a vacancy occurs with respect to a person elected as a nominee, that vacancy shall be filled in the following manner.

1. The executive director shall give notice of the vacancy to all of the other candidates in that district and to anyone who has requested notice of any such vacancy in writing by certified mail within 90 days of the election; however, any failure to provide such notice shall not effect any election conducted subsequently held to fill the vacancy.

2. The executive director shall also publish notice of the vacancy in the official journal of the state for a period of not less than 10 calendar days. The published notice need not appear more than three times during the 10 day period. The published notice shall identify the district where the vacancy has occurred and state that any licensed architect domiciled in that district desiring to fill that vacancy shall advise the board in writing before the deadline determined by the president, and may contain other information.

3. If more than one person seeks election as the nominee, the board will call another election to fill that vacancy.

#### **§515. Election Contest**

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.

## **Chapter 7. Applications for Examination**

### **§701. Making Application for Architectural Registration Examination**

A. A person desiring to take the Architectural Registration Examination ("ARE") should contact the National Council of Architectural Registration Boards ("NCARB").

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

C. For the purpose of qualifying for the examination, the applicant shall:

1. be of good moral character;
2. have paid his debt to society if he has ever been convicted of a felony;
3. be the holder of a professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board; and

4. be enrolled in the Intern Development Program administered by the National Council of Architectural Registration Boards.

### **§703. Training Credits for Applicants Not Holding a Professional Degree**

A. Experience used to meet the educational equivalency requirements set forth in R.S. 37:146(D)(2) can not be used to satisfy the practical architectural work experience requirements set forth in R.S. 37:146(D)(3). Although training credits can be earned prior to satisfactory completion of the educational equivalency requirements set forth in R.S. 37:146(D)(2) at such times permitted by NCARB in its Circular of Information No. 1, experience used in earning such credits can not also be used to satisfy the training requirements of R.S. 37:146(D)(3).

### **§705. Modifications to Examination Administration to Accommodate Physical Handicaps**

A. Requests for modification to the examination administration to accommodate physical handicaps must be made in writing to the board. Such a request must be accompanied by a physician's report and/or a report by a diagnostic specialist, along with supporting data, confirming to the board's satisfaction the nature and extent of the handicap. After receipt of the request from the applicant, the board may require that the applicant supply further information and/or that the applicant appear personally before the board. It shall be the responsibility of the applicant to timely supply all further information as the board may require. The board, along with the National Council of Architectural Registration Boards (NCARB), shall determine what, if any, modifications will be made.

## **Chapter 9. The Examination**

### **§901. Examinations Required**

A. The Architectural Registration Examinations ("ARE") prepared by the NCARB is adopted by this board as the examinations required to obtain registration.

### **§903. Review of Examination and Answers of the Candidate; Reversing Grades**

A. A candidate will not be permitted to review his/her examination or answers thereto.

B. The board will not reverse the grade received by a candidate from NCARB.

## **Chapter 11. Certificates**

### **§1101. Registration Information**

A. To obtain information regarding registration to practice architecture in Louisiana an individual, a

corporation which satisfies the requirements of the Professional Architectural Corporations Law, an architectural-engineering corporation which satisfies the requirements of the Architectural-Engineering Corporation Law, and a limited liability company which satisfies the requirements of the Limited Liability Company Law shall write the board indicating whether the applicant seeks to be registered as an architect, a professional architectural corporation, an architectural-engineering corporation, or a limited liability company. The applicant will then receive instructions on the procedure to follow. Upon passing all divisions of the examination, an in-state candidate shall be charged a fee of \$75 and an out of state candidate shall be charged a fee of \$150 for the issuance of his or her initial license.

#### **§1103. Individuals Registered in Other States**

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the submission to the board of an NCARB (blue cover) certificate.

B. Upon finding the NCARB (blue cover) certificate in order and upon payment of the registration fee of \$300, the board will register said individual and issue a license to said individual to practice architecture in this state.

#### **§1105. Certificates**

A. Upon granting registration and issuance of a license to practice architecture, a copy of the licensing law and the rules of the board shall be forwarded to the registrant.

B. Only individuals, professional architectural corporations, architectural-engineering corporations, and limited liability companies who have met the statutory registration requirements through established board rules shall receive certificates of registration.

C. Each holder of a certificate shall maintain the certificate in his principal office or place of business in this state.

D. A replacement certificate will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction of the original certificate, and the registrant pays a fee to be set by the board.

E. A registrant retired from practice who has either practiced architecture for 30 years or more or who is 65 years of age or older may request emeritus status. Only a registrant who is fully and completely retired from the practice of architecture may request emeritus status. Any registrant who is presently receiving or who anticipates receiving in the future any salary, income, fees or other compensation (other than retirement income) from an

architectural client, architectural firm, architect, design professional, or any other person for the practice of architecture is ineligible for emeritus status. The annual renewal fee for an approved emeritus registrant is \$5. Revocation and reinstatement rules apply to an emeritus registrant, just as they do to any other registrant.

#### **§1107. Practical Experience**

A. To obtain an initial license to practice architecture in Louisiana, an applicant shall present satisfactory evidence to the board of either practical experience of training or experience in the field of architecture. This experience may be demonstrated only by:

1. satisfactory completion of the training requirements delineated by the National Council of Registration Boards in the Intern Development Program; or

2. a certificate record certified by the National Council of Registration Boards that the applicant is currently registered to practice architecture in another state.

## **Chapter 13. Administration**

#### **§1301. Renewal Procedure**

A. A license for individual architects shall expire and become invalid on December 31 of each year. Licenses for professional architectural corporations, architectural-engineering corporations, and limited liability companies shall expire and become invalid on June 30 of each year. An individual architect, professional architectural corporation, architectural-engineering corporation, and limited liability company who desire to continue his or its license in force shall be required annually to renew same.

B. It is the responsibility of the individual architect, professional architectural corporation, architectural-engineering corporation, and limited liability company to obtain, complete, and timely return a renewal form and fee to the board office, which forms are available upon request from said office.

C. Prior to December 31 of each year, architects shall renew their licenses online in accordance with the instructions set forth on the board website, [www.lastbdarchs.com](http://www.lastbdarchs.com). The license renewal fee for an individual architect domiciled in Louisiana shall be \$75; the license renewal fee for an architect domiciled outside Louisiana shall be \$150. Upon renewal, the architect may download from the board website a copy of his or her renewal license.

D. Prior to June 1 of each year the board shall mail to all professional architectural corporations, architectural-engineering corporations, and limited liability companies currently licensed a renewal form. A professional architectural corporation, an architectural-engineering

corporation, and a limited liability company which desires to continue its license in force shall complete said form and return same with the renewal fee prior to June 30. The fee shall be \$50. Upon payment of the renewal fee, the executive director shall issue a renewal license.

E. The failure to renew a license timely shall not deprive the architect of the right to renew thereafter. An individual architect domiciled in Louisiana who transmits his renewal form and fee to the board subsequent to December 31 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$105. An individual architect domiciled outside Louisiana who transmits his renewal form and fee to the board subsequent to December 31 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$180. The delinquent fee shall be in addition to the renewal fee set forth in the §1301.C.

F. The failure to renew its license in proper time shall not deprive a professional architectural corporation, an architectural-engineering corporation, or a limited liability company of the right to renew thereafter. A professional architectural corporation, an architectural-engineering corporation, or a limited liability company who transmits its renewal form and fee to the board subsequent to June 30 in the year when such renewal fee first became due shall be required to pay a delinquent fee of \$50. This delinquent fee shall be in addition to the renewal fee set forth in §1301.D.

### **§1303. Architect's Seal or Stamp**

A. The seal or stamp of the architect shall contain the name of the architect, the architect's license number, and the words "Registered Architect, State of Louisiana."

### **§1305. Placing of Seal or Stamp**

A. An architect shall affix his or her seal or stamp to all contract drawings and specifications requiring the services of an architect which were prepared by the architect or under the architect's responsible supervision. Contract drawings and specifications prepared by a consulting electrical, mechanical, structural, or other engineer shall be sealed or stamped only by the consulting engineer.

B. An architect shall clearly identify the specification sections prepared by that architect or under that architect's responsible supervision and distinguish such sections from those prepared by consulting engineers. An architect shall affix his or her seal or stamp either to:

1. each specification section, page, or sheet prepared by or under the responsible supervision of the architect; or
2. the appropriate portion of any seals/stamp page in the specification document which identifies the specification sections prepared by the architect or under

his or her responsible supervision and those sections prepared by consulting engineers. Consulting engineers shall affix their seal or stamp either to each specification section, page, or sheet prepared by that consultant, or to that portion of any seals/stamp page which identifies the specification sections prepared by that consultant.

C. If a public or governmental agency requires further certification by the architect (such as that the title or index page of the specifications be certified by the architect), the architect's further certification shall include a description of exactly what drawings and what portions or sections of the specifications were prepared by or under the architect's responsible supervision, and what drawings and what portions or sections of the specifications were prepared by others. In addition, the architect shall include a certification from any consulting engineers as to what drawings and what portions or sections of the specifications were prepared by or under the responsible supervision of the consulting engineers.

### **§1307. Architect or Professional Engineer**

A. It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is recognized that an architect, who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in activities properly classifiable as professional engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the professional engineer, who has complied with all of the current laws of Louisiana, and is properly registered in that branch of engineering for which he may be qualified, has a right to engage in activities classifiable as architectural insofar as is necessarily incidental to his work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs of projects with which he may be engaged.

### **§1309. Calculating Gross Floor Area under R.S. 37:155(4) Where Building Contains Mixed Occupancy Classifications**

A. When a building contains more than one of the occupancy classifications set forth in R.S. 37:155(4)(f), the gross floor area shall be calculated by performing the following calculations.

1. Divide the gross floor area of each of the occupancy classifications by the corresponding threshold of each, as established in R.S. 37:155(4)(f). Round off the resultants to four decimal points.
2. Add the results of each of the above calculations.

3. If the total exceeds 1.0000, the building shall be determined to exceed the gross floor areas established in R.S. 37:155(4)(f).

a. For example, calculating the gross floor area of a building containing 3,126 square feet of storage occupancy and 2,000 square feet of business occupancy shall be performed as follows:

3,126 actual storage sq. ft.	=	0.5002
divided by 6,250 threshold		
2,000 actual business sq. ft.	=	0.5000
divided by 4,000 threshold		
Total	=	1.0002

b. In this example, the threshold square footage of this mixed occupancy building would be exceeded and, therefore, would not be exempt under R.S. 37:155(4).

**§1311. Interpretation of R.S. 37:155(4)(c)**

A. As set forth in R.S. 37:155(4)(c), renovations or alterations of any size building which do not affect the structural integrity or life safety, exclusive of building finishes and furnishings, are exempted from the Licensing Law, R.S.37:141 et seq. Renovations or alterations which exceed \$125,000 are exempted from the Licensing Law only if the applicant documents to the satisfaction of the state fire marshal that the project does not affect structural integrity or life safety.

**§1313. Interpretation of R.S. 37:152(B)**

A.1. Specifications, drawings, or other related documents will be deemed to have been prepared either by the architect or under the architect's responsible supervision only when:

a. the client requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the architect, or the architect's employee as long as the employee works in the architect's office;

b. the architect personally controls the preparation of the plans, specifications, drawings, reports or other documents and has input into their preparation prior to their completion;

c. if the plans, specifications, drawings, reports, or other such documents are prepared outside the architect's office, the architect shall maintain evidence of the architect's responsible control including correspondence, time records, check prints, telephone logs, site visit logs, research done for the project, calculations, changes, and written agreements with any persons preparing the documents outside of the architect's offices accepting professional responsibility for such work;

d. the architect reviews the final plans, specifications, drawings, reports or other documents; and

e. the architect has the authority to, and does, make necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

2. If an architect fails to maintain written documentation of the items set forth above, when such are applicable, then the architect shall be considered to be in violation of R.S. 37:152, and the architect shall be subject to the disciplinary penalties provided in R.S. 37:153. This written documentation should be maintained for the prescriptive period applicable to claims against the architect which may arise from his or her involvement in the project.

B.1. Nothing precludes the use of prototypical documents provided the architect:

a. has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents;

b. reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job specific requirements;

c. independently performed and maintains on file necessary calculations;

d. after reviewing, analyzing, and making revisions and/or additions, issued the documents with his/her title block and seal (by applying his/her seal, the architect assumes professional responsibility as the architect of record); and

e. maintained design control over the use of site adapted documents just as if they were his/her original design.

2. The term *prototypical documents* shall mean model documents of buildings that are intended to be built in several locations with substantially few changes and/or additions except those required to adapt the documents to each particular site; that are generic in nature, that are not designed or premised upon the laws, rules or regulations of any particular state, parish, or municipal building code; that do not account for localized weather, topography, soil, subsistence, local building codes, or other such conditions or requirements; and that are not intended to be used as the actual documents to be employed in the construction of a building, but rather as a sample or a model to provide instruction or guidance. The term *legal owner* shall mean the person who provides the architect with a letter that he or she is the owner of the documents and has the written permission to allow the use thereof.

## §1315. Continuing Education

A. Purpose and Scope. These rules provide for a continuing education program to insure that all architects remain informed of those technical and professional subjects necessary to safeguard life, health, and promote the public welfare. These rules shall apply to all architects practicing architecture in this state.

B. Exemptions. Exempt from participating in the continuing education program required by these rules are:

1. a newly registered architect during his or her initial year of registration;
2. an emeritus status architect as defined by board rule §1105.E;
3. a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding 90 consecutive days during the annual report period;
4. an architect who demonstrates to the satisfaction of the board that meeting these requirements would work an undue hardship by reason of disability, sickness, or other clearly mitigating circumstances.

### C. Definitions

*AIA*—the American Institute of Architects.

*AIA/CES*—the continuing education system developed by *AIA* to record professional learning as a mandatory requirement for membership in the *AIA*.

*ARE*—the Architect Registration Examination prepared by the National Council of Architectural Registration Boards.

*Board*—the Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809, Telephone: 225-925-4802, Telecopier: 225-925-4804, website: <http://www.lastbdarchs.com>.

*CEH*—a continuing education hour. One CEH is equivalent to 50 minutes of actual contact time.

*HSW*—the health, safety and welfare of the public.

*Individually Planned Educational Activities*—educational activities in which the teaching methodology primarily consists of the architect himself/herself addressing *HSW* subjects which are not systemically presented by others, including authoring a published *HSW* paper, article or book and successfully completing college or university sponsored *HSW* courses.

*NCARB*—the National Council of Architectural Registration Boards.

*Non-Resident Architect*—an architect registered by the board and residing outside Louisiana.

*Resident Architect*—an architect residing in this state.

*Sponsor*—an individual, organization, association, institution or other entity which offers an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

*Structured Educational Activities*—educational activities in which the teaching methodology consists primarily of the systematic presentation of *HSW* subjects by qualified individuals or organizations, including *HSW* monographs, course of *HSW* study taught in person or by correspondence, organized *HSW* lectures, *HSW* presentations or workshops, and other means to which identifiable technical and professional *HSW* subjects are presented in a planned manner.

### D. Requirements

1. Beginning with license renewals effective January 1, 1999, all architects must show compliance with the educational requirements of these rules as a condition for renewing registration.

2. Resident architects shall complete a minimum of 12 continuing education hours (CEH) in *HSW* each calendar year, beginning with 1998. The 12 CEH must be obtained in either structured educational activities or individually planned educational activities, as defined herein. Of the 12 required CEH, a minimum of eight CEH must be obtained in structured educational activities. No more than four CEH may be obtained in individually planned educational activities. The requirement must be satisfied during the period which begins January 1 and ends December 31 of the calendar year immediately preceding the license renewal year.

3. Non-resident architects shall complete either:

a. the mandated requirements for continuing education of a jurisdiction in which that architect is registered to practice architecture, provided that a minimum of eight hours of CEH are obtained in *HSW* educational activities and also provided the other jurisdiction accepts satisfaction of Louisiana continuing education requirements as meeting its own; or

b. the requirements set forth herein for resident architects.

4. To satisfy the continuing education requirements for the year 1998 only, an architect may use hours obtained during calendar years 1997 and 1998.

5. If an architect is being re-registered after having been unregistered then, in addition to all other requirements, the architect must have acquired that number of total CEH that would have been required if registration had been regularly renewed.

### E. Acceptable Educational Activities

1. Credit will be allowed only for continuing education activities in areas which:

- a. directly safeguard the public's health, safety, and welfare; and
  - b. provide individual participant documentation from a person other than the participant for record keeping and reporting.
2. Only subject matters on the ARE current at the time of the activity are acceptable. An official list of approved topics to accomplish the purpose of these rules is published on the board's website. The board's current list is also available upon written request from the board.
3. Acceptable continuing educational activities in HSW include the following:
- a. attending HSW professional or technical seminars, lectures, presentations, courses, or workshops offered by a professional or technical organization (AIA, National Fire Protection Association, Concrete Standards Institute, NCARB, etc.), insurer, or manufacturer;
  - b. successfully completing HSW tutorials, short courses, correspondence courses, televised courses, or video-taped courses offered by a provider mentioned in the preceding Subparagraph;
  - c. successfully completing HSW monographs or other self-study courses such as those sponsored by NCARB or a similar organization which tests the architect's performance;
  - d. making professional or technical HSW presentations at meetings, conventions or conferences;
  - e. teaching or instructing HSW courses;
  - f. authoring a published paper, article or book;
  - g. successfully completing college or university sponsored courses; and
  - h. service upon NCARB committees dealing with HSW.
4. Continuing educational activities need not take place in Louisiana, but may be acquired at any location.
5. All continuing education activities shall:
- a. have a clear purpose and objective;
  - b. be well organized and provide evidence of pre-planning;
  - c. be presented by persons who are well qualified by education or experience in the field being taught;
  - d. provide individual participant documentation from a person other than the participant for record keeping and reporting; and
  - e. shall not focus upon the sale of any specific product or service offered by a particular manufacturer or provider.

F. Number of Continuing Education Hours Earned

1. Continuing education credits shall be measured in CEH and shall be computed as follows.
- a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one CEH for each contact hour of attendance.
  - b. Successfully completing tutorials, short courses, correspondence courses, televised or video-taped courses, monographs and other self-study courses shall constitute the CEH recommended by the program sponsor.
  - c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two CEH for each contact hour spent in the actual presentation. Teaching credit shall be valid for teaching a seminar or course in its initial presentation only. Teaching credit shall not apply to full-time faculty at a college, university or other educational institution.
  - d. Authoring a published paper, article or book shall be equivalent of 8 CEH.
  - e. Successfully completing one or more college or university semester or quarter hours shall satisfy the continuing education hours for the year in which the course was completed.

2. Any program in HSW contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the AIA as a professional registry, and contact hours listed in HSW in the AIA/CES transcript of continuing education activities will be accepted by the board for both resident and non-resident architects.

3. If the architect exceeds the continuing education requirement in any renewal period (January 1 through December 31), the architect may carry over a maximum of 12 qualifying CEH to the subsequent renewal period.

G. Reporting, Record Keeping and Auditing

1. Each architect shall complete the language on the renewal application pertaining to that architect's continuing education activities during the calendar year immediately preceding the license renewal period. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.

2. To verify attendance each attendee shall obtain an attendance certificate from the program sponsor. Additional evidence may include but is not limited to attendance receipts, canceled checks, and sponsor's list of attendees (signed by a responsible person in charge of the

activity). A log showing the activity claimed, sponsoring organization, location, duration, etc., should be supported by other evidence. Evidence of compliance shall be retained by the architect for two years after the end of the period for which renewal was requested.

3. A number of renewal applications will be randomly selected by the board for audit for verification of compliance with these requirements. Upon request by the board, evidence of compliance shall be submitted to substantiate compliance of the requirements of these rules. The board may request further information concerning the evidence submitted or the claimed educational activity. The board has final authority with respect to accepting or rejecting continuing education activities for credit.

4. The board may disallow claimed credit. If so, unless the board finds that the architect willfully disregarded these requirements, the architect shall have a period up to six months after notification of disallowance to substantiate the original claim or earn other CEH which fulfill the minimum requirements (and such CEH shall not again be used for the next renewal).

#### H. Pre-Approval of Programs

1. Upon written request, the board will review a continuing education program prior to its presentation provided all of the necessary information to do so is submitted in accordance with these rules. If the program satisfies the requirements of these rules, the board will pre-approve same.

2. A person seeking to obtain pre-approval of a continuing education program shall submit the following information:

- a. program sponsor(s): name(s), address(es), and phone number(s);
- b. program description: name, detailed description, length of instructional periods, and total hours for which credit is sought;
- c. approved seminar topic: division(s) and topic(s) from the current list of approved seminar topics;
- d. program instructor(s)/leader(s): name(s) of instructor(s)/ leader(s) and credential(s);
- e. time and place: date and location of program; and
- f. certification of attendance: sponsor's method for providing evidence of attendance to attendees.

3. Such information shall be submitted at least 30 calendar days in advance of the program so that the board may analyze and respond.

4. The sponsor of a pre-approved program may announce or indicate as follows:

"This course has been approved by the Louisiana State Board of Architectural Examiners for a maximum of \_\_\_\_\_ CEH."

#### I. Non-Compliance

1. Failure to fulfill the continuing education requirements shall result in non-renewal of that architect's certificate of registration and loss of the right to practice architecture.

2. If the board finds that the architect willfully disregarded these requirements, the board may subject the architect to all of the disciplinary actions allowed by law, including license revocation.

#### §1317. Interpretation of R.S. 37:155(A)(3)

A. Registered architects of other states will be deemed to be associated with a registered architect of this state on a specific project within the meaning of R.S. 37:155(A)(3) only when:

1. a written agreement is signed by both the out-of-state and the in-state architects describing the association prior to executing the work;
2. the in-state architect reviews all documents prepared by the out-of-state architect and makes necessary revisions to bring the design documents into compliance with applicable codes, regulations, and requirements;
3. the in-state architect independently performs or contracts with an engineer or engineers licensed in Louisiana to perform necessary calculations, and maintains such calculations on file;
4. after reviewing, analyzing and making revisions and/or additions, the in-state architect issues the documents with his/her title block and seal (by applying his/her seal the architect assumes professional responsibility as the architect of record); and
5. the in-state architect maintains control over the use of the design documents just as if they were his/her original design.

#### §1319. Interpretation of R.S. 37:141(B)(3); Design/Build

A. A partnership or corporation offering a combination of architectural services together with construction services may offer to render architectural services only if:

1. an architect registered in this state or otherwise permitted to offer architectural services participates substantially in all material aspects of the offering;
2. there is written disclosure at the time of the offering that such architect is engaged by and

contractually responsible to such partnership or corporation;

3. such partnership or corporation agrees that such architect will have responsible control of the architectural work and that such architect's services will not be terminated prior to the completion of the project without the consent of the person engaging the partnership or corporation; and

4. the rendering of architectural services by such architect will conform to the provisions of the architectural registration law and the rules adopted thereunder.

**§1321. Interpretation of R.S. 37:145; Architectural Engineers**

A. A registered professional engineer who has a degree entitled "Architectural Engineering" from a public or private college or university accredited by the accreditation board for engineering and technology to offer such a degree may use the title "Architectural Engineer." A corporation, partnership, limited liability company, or group may include the title "Architectural Engineer" in its firm name, provided an owner, partner, or principal of that firm is a registered professional engineer who has such a degree from a public or private college or university so accredited.

B. This interpretation limits the use of the words "Architectural Engineer" to the descriptive title only. Nothing contained herein shall be construed to authorize or allow such an individual or firm to practice architecture in this state.

**Chapter 15. Titles, Firm Names, and Assumed Names**

**§1501. Misleading and Confusing Names Prohibited**

A. The statutory authorization for architects to offer to the public the practice of architecture and the rendering of architectural services is not an authorization to hold out as an architect any person who is not registered by the board. An architect shall not practice architecture under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.

**§1503. Architect's Responsibility**

A. As a licensed professional, it is the responsibility of the architect to select and use a name which is neither misleading nor confusing. In case of doubt, an architect should first consult the board.

**§1505. Use of Term "Architect," "Architecture," or "Architectural"**

A. Whenever the term *architect*, *architecture*, or *architectural* is used in a firm name, or whenever a firm includes its name in any listing of architects or of firms rendering architectural services, the name of at least one Louisiana licensed architect followed by the title *architect* must be included either as a part of the firm title itself or at least one Louisiana licensed architect must be identified as an architect on the firm letterhead and any website.

Allowed	Not Allowed
Smith & Jones, Architecture & Planning John Smith, Architect	Smith & Jones Architecture & Planning (unless Smith & Jones are both licensed by the board to practice architecture in Louisiana)
Smith & Jones, Architecture & Engineering John Smith, Architect	Smith & Jones Architecture & Engineering (unless Smith and Jones are both licensed by the board to practice architecture in Louisiana)
Design Professionals Architecture & Planning John Smith, Architect	Design Professionals Architecture & Planning
Heritage Architectural Services John Smith, Architect	Heritage Architectural Services
John Smith, Architect and Associates	

**§1507. Use of the Plural Term "Architects"**

A. If the firm title indicates that the firm contains two or more architects, the names of at least two Louisiana licensed architects followed by the title *architect* must be included either as a part of the firm title itself or at least two Louisiana licensed architects must be identified as architects on the firm letterhead and any website. An architectural firm which loses an architect or architects so that it may no longer use the plural term "architects" is required to change its name as soon thereafter as is reasonably possible, which change shall occur no later than one year from the departure of the architect or architects.

Allowed	Not Allowed
Communications Architects John Smith, Architect Jack Jones, Architect	Communications Architects
Smith & Jones, Architectural Services (if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	

**§1509. Firm Name Which Includes Names of Licensed Architect or Architects Only**

A. A firm name which includes only the name or names of a licensed architect or architects engaged in the active practice of architecture is not required to include the name of a licensed architect followed by the title "architect" as a part of the firm title itself. However, if the firm title indicates that the firm is a sole proprietorship or that only one architect is a member of the firm, the identity of the architect shall be shown on the firm letterhead and any website. If the firm title indicates that the firm contains two or more architects, at least two architects shall be identified as such on the firm letterhead and any website.

Allowed	Not Allowed
Smith & Jones, Architects (if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	Smith & Jones, Architects (if Jones is not licensed by the board)

**§1511. Use of "AIA"**

A. The use of "AIA," in and of itself, is not an acceptable substitution for the title "architect" on any listing, publication, announcement, letterhead, business card, website or sign used by an individual practicing architecture in connection with his practice where such title is required.

Allowed	Not Allowed
John Smith, Architect  John Smith, Architect, AIA	John Smith, AIA (if the title "architect" is required)

**§1513. Use of the Term "Associate"**

A. An architect may only use the word "associate" in the firm title to describe a full time officer or employee of the firm. The plural form may be used only when justified by the number of associates who are full time firm employees. An architectural firm which loses an associate or associates so that it may no longer use the plural form is required to change its name as soon thereafter as is reasonably possible, which change shall occur no later than one year from the departure of the associate or associates. Identification of the associates in the firm title, listing, publication, letterhead, or announcement is not required.

Allowed	Not Allowed
John Smith & Associates, Architects (if John Smith is licensed by the board and the firm employs two or more associates as defined herein)	John Smith & Associates, Architects (if the firm employs only one associate as defined herein)

**§1515. Sole Proprietorship, Partnership, Group, Association, or Limited Liability Company**

A. The firm name of any form of individual, partnership, corporate, limited liability company, group, or associate practice must comply with all of the rules set forth in this Chapter.

Allowed	Not Allowed
John Smith, Architect  John Smith, AIA, Architect  John Smith, Architect, AIA  John Smith & Associates, Architect (if John Smith is licensed by the board to practice architecture in Louisiana and the firm employs two or more associates as defined in the rules)  Smith & Jones, Architect & Engineer (if John Smith is licensed by the board to practice architecture in Louisiana)  Smith & Jones, Architects & Engineer (if Smith and Jones are both licensed by the board to practice architecture in Louisiana)	Smith & Jones, Architects & Engineers (if either Smith or Jones is not licensed by the board to practice architecture in Louisiana)  Smith & Jones, Architects (if either Smith or Jones is not licensed by the board to practice architecture in Louisiana)

**§1517. Professional Architectural Corporations**

A. The corporate name of a professional architectural corporation registered with this board must comply with R.S. 12:1088.

B. The corporate name of a professional architectural corporation may include an acronym such as "PAC," "APAC," or "APC" as an acceptable substitute for one of the suffixes listed in R.S. 12:1088.

Allowed	Not Allowed
Smith & Jones, A Professional Architectural Corporation	Smith & Jones, Inc.
Smith & Jones, APAC	Smith & Jones, A Professional Interior Architectural Corporation
Smith & Jones, Architects, A Professional Architectural Corporation	
Smith & Jones, Architects, APAC	
Heritage Architects, A Professional Architectural Corporation	
Heritage Architects, APC	

**§1519. Architectural-Engineering Corporation**

A. The corporate name of an architectural-engineering corporation registered with this board must comply with R.S. 12:1172.

Allowed	Not Allowed
Smith & Jones, An Architectural-Engineering Corporation	Smith & Jones
Smith & Jones, Inc.	
Heritage Architects, Ltd.	

**§1521. Fictitious Name**

A. For the purpose of these rules, a fictitious name is any name other than the real name or names of an individual. Any individual, partnership, corporation, limited liability company, group, or association may practice architecture under a fictitious name provided the name complies with all of the rules of this Chapter.

Allowed	Not Allowed
Heritage Architecture John Smith, Architect	Heritage Architecture
Architectural Design John Smith, Architect	Architectural Design
Architectural Design Consultants John Smith, Architect Jack Jones, Architect	Architectural Design Consultants John Smith, Architect
Heritage Architects, A Professional Corporation	

**§1523. Practicing in a Firm with Other Professionals**

A. An architect who practices in a firm with one or more engineers, land surveyors, landscape architects,

interior designers, or other professionals in an allied profession is permitted to use in the firm title a phrase describing the professions involved such as "architect and engineer," "architects, engineers, and surveyors," etc. provided:

1. the title does not hold out to the public as an architect any person who is not registered by the board;
2. the name of any allied professional in the firm title is practicing in accordance with the applicable statutes and regulations that govern the practice of that allied profession; and
3. the title complies with all the rules of this Chapter.

Allowed	Not Allowed
Smith & Jones, Architect & Engineer John Smith, Architect	Smith & Jones, Architect & Engineer (if neither Smith nor Jones is an architect licensed by the board)
Smith & Jones, Architects & Engineers John Smith, Architect Jack Jones, Architect	

**§1525. Deceased or Retired Member Predecessor Firms**

A. An architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession. The status of any deceased or retired member must be clearly shown on the firm letterhead and website by use of the words "retired" or "deceased" or by showing the years of the member's birth and death. Upon the retirement or death of a firm member, the name of the firm should be changed as soon as reasonably possible, which change shall occur no later than one year following the retirement or death.

**§1527. Unlicensed Persons**

A. Unlicensed persons cannot used the term *architect*, *architectural*, *architecture* or anything confusingly similar to indicate that such person practices or offers to practice architecture, or is rendering architectural services. A person who has obtained a degree in architecture may not use the title *graduate architect*.

Allowed	Not Allowed
Designer	Architectural Designer
Draftsman	Architectural Draftsman
Building Designer Products	Architectural Building Designer

**§1529. Intern Architect**

- A.1. A person who:
  - a. has completed the education requirements set forth in NCARB Circular of Information No. 1;
  - b. is participating in or who has successfully completed the Intern Development Program ("IDP"); and
  - c. is employed by a firm which is lawfully engaged in the practice of architecture in this state may use the title "intern architect" but only in connection with that person's employment with such firm.
- 2. The title may not be used to advertise or offer to the public that such person is performing or offering to perform architectural services, and accordingly such person may not include himself in any listing of architects or in any listing of persons performing architectural services. Such person may use a business card identifying himself as an "intern architect", provided such business card also includes the name of the architectural firm employing such person.

**§1531. Business Cards**

A. The business card of an architect should comply with all of these rules.

**§1533. Limited Liability Company**

A. The name of a limited liability company registered with the board must comply with R.S.12:1306 and include the words "limited liability company" or "professional limited liability company," or the abbreviation "L.L.C.," "P.L.L.C.," or "L.C."

Allowed	Not Allowed
Smith & Jones, Architects, Limited Liability Company (if Smith and Jones are both licensed architects)	Smith & Jones, Architects (if the entity is a limited liability company)
Smith & Jones, Architects, Professional Limited Liability Company (if Smith and Jones are both licensed architects)	
Smith & Jones Architects, L.L.C. (if Smith and Jones are both licensed architects)	
Smith & Jones, Architects, P.L.L.C. (if Smith and Jones are both licensed architects)	
Smith & Jones, Architects, L.C. (if Smith and Jones are both licensed architects)	

**§1535. Non-Resident Firms**

- A. A non-resident corporation or limited liability company legally engaged in the practice of architecture in the jurisdiction of its origin shall have the right to retain its non-resident identity upon obtaining a certificate of registration for practicing architecture in Louisiana, provided its identity is in full compliance with the jurisdiction of its origin and the entity is in full compliance with all of the requirements for practicing architecture in Louisiana.
- B. A non-resident partnership or other entity legally engaged in the practice of architecture in the jurisdiction of its origin shall have the right to retain its non-resident identity in Louisiana, provided its identity is in full compliance with the jurisdiction of its origin and the entity is in full compliance with all of the requirements for practicing architecture in Louisiana.

**§1537. Exemptions**

- A. If an architect or architectural firm believes that the requirements of this Chapter are unduly burdensome or impractical because of the large number of architects employed, or for any other reason, it shall request in writing an exemption from the board.
- B. The request for an exemption shall be made before any name which does not fully comply with the requirements of these rules is used, and it shall fully explain why the architect or architectural firm believes that the requirements of this Chapter are unduly burdensome or impractical.

**Chapter 17. Professional Architectural Corporations, Architectural-Engineering Corporations, and Limited Liability Companies**

**§1701. Professional Architectural Corporations**

- A. The practice of architecture by professional architectural corporations is only permissible when lawfully constituted under the laws pertaining to professional architectural corporations, R.S. 12:1086 et seq.
- B. No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as a professional architectural corporation without first receiving a certificate from the board authorizing the corporation to do so.

C. Any person seeking to be certified to practice architecture as a professional or professional corporation shall request in writing an application to do so from the office of the board. The request shall state the name of the proposed corporation. The applicant is required to complete said application fully and return same to the executive director. Upon receipt of such application and the fee, the board shall either approve said application and certify the applicant as a professional architectural corporation or disapprove said application advising the applicant of the reasons therefor.

D. Architectural services rendered on behalf of a professional architectural corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state.

E. The architects licensed in this state who perform such architectural services or directly supervise such services are responsible to this board for all acts and conduct of such corporation.

F. It will be the responsibility of all architects named in an application to be certified as a professional architectural corporation to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrant's license.

#### **§1703. Architectural-Engineering Corporations**

A. The practice of architecture by architectural-engineering corporations is only permissible when lawfully constituted under the laws pertaining to architectural-engineering corporations, R.S. 12:1171 et seq.

B. No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as an architectural-engineering corporation without first receiving a certificate from the board authorizing the corporation to do so.

C. Any person seeking to be certified to practice architecture as an architectural-engineering corporation shall request in writing an application to do so from the office of the board. The request shall state the name of the proposed corporation. The applicant is required to complete said application fully and return same to the executive director. Upon receipt of such application and the fee, the board shall either approve said application and certify the applicant as an architectural-engineering corporation or disapprove said application advising the applicant of the reasons therefor.

D. Architectural services rendered on behalf of an architectural-engineering corporation must be performed

by or under the direct supervision of a natural person duly licensed to practice architecture in this state.

E. The architects licensed in this state who perform such architectural services or directly supervise such services are responsible to this board for all acts and conduct of such corporation.

F. It will be the responsibility of all architects named in an application to be certified as an architectural-engineering corporation to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

#### **§1705. Limited Liability Companies**

A. The practice of architecture by limited liability companies is only permissible when lawfully constituted under the laws pertaining to limited liability companies, R.S. 12:1301 et seq.

B. No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as a limited liability company without first receiving a certificate from the board authorizing the limited liability company to do so.

C. A limited liability company soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D. Any person seeking to be certified to practice architecture as a limited liability company shall request in writing an application to do so from the office of the board. The request shall state the name of the proposed limited liability company. The applicant is required to complete said application fully and return same to the executive director. Upon receipt of such application and the fee, the board shall either approve said application and certify the limited liability company as authorized to practice architecture or disapprove said application advising the applicant of the reasons therefor.

E. Only a person who is presently licensed by the board pursuant to the provisions of R.S. 37:141 through R.S. 37:158, who is in compliance with said provisions, who is a full-time active employee of the limited liability company, and whose primary occupation is with that limited liability company may be designated as a supervising professional architect.

F. By designating an architect as a supervising professional architect, the limited liability company authorizes that architect to appear for and act on behalf of the limited liability company in connection with the execution and performance of all contracts to provide architectural services.

G. In the event that such registered supervising professional architect ceases being a full-time active employee of the limited liability company or no longer employed by the limited liability company on a primary basis, the authority of the limited liability company to practice architecture is suspended until such time as the limited liability company designates another supervising professional architect pursuant to §1705.E above.

H. The designated supervising professional architect is responsible to this board for all acts and conduct of such limited liability company.

I. It will be the responsibility of all architects named in an application to be certified as a limited liability company to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

## **Chapter 19. Rules of Conduct: Violations**

### **§1901. Rules of Conduct**

NOTE: Commentaries provided by the NCARB Professional Conduct Committee, except the numbering has been changed to conform to the format required by the *Louisiana Register*.

#### **A. Competence**

1. In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

COMMENTARY Although many of the existing state board rules of conduct fail to mention standards of competence, it is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the license. §1901.A.1 sets forth the common law standard which has existed in this country for a hundred years or more in judging the performance of architects. While some few courts have stated that an architect, like the manufacturer of goods, impliedly warrants that his design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but need not always be right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring to his or her work. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural situation.

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

COMMENTARY It should be noted that the rule is limited to applicable state and municipal building laws and regulations. Every major project being built in the United States is subject to a multitude of laws in addition to the applicable building laws and regulations. As to these other laws, it may be negligent of the architect to have failed to take them into account, but the rule does not make the architect specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the architect may be required to seek the interpretation of other professionals. The rule permits the architect to rely on the advice of such other professionals.

3. An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

COMMENTARY While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations of his or her own capacity and knowledge. Where an architect lacks experience, the rule supposes that he or she will retain consultants who can appropriately supplement his or her own capacity. If an architect undertakes to do a project where he or she lacks knowledge and where he or she does not seek such supplementing consultants, the architect has violated the rule.

4. No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

COMMENTARY Here the state registration board is given the opportunity to revoke or suspend a license when the board has suitable evidence that the license holder's professional competence is impaired by physical or mental disabilities. Thus, the board need not wait until a building fails in order to revoke the license of an architect whose addiction to alcohol, for example, makes it impossible for that person to perform professional services with necessary care.

#### **B. Conflict of Interest**

1. An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

COMMENTARY This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such

bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

2. If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her 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 architect will either terminate such association or interest or offer to give up the commission or employment.

COMMENTARY Like §1901.B.1, this rule is directed at conflicts of interest. It requires disclosure by the architect of any interest which would affect the architect's performance.

3. An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

COMMENTARY This rule appears in most of the existing state standards. It is absolute and does not provide for waiver by agreement.

4. When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

COMMENTARY This rule applies only when the architect is acting as the interpreter of building contract documents and the judge of contract performance. The rule recognizes that that is not an inevitable role and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in those two roles. In general, however, the rule governs the customary construction industry relationship where the architect, though paid by the owner and owing the owner his or her loyalty, is nonetheless required, in fulfilling his or her role in the typical construction industry documents, to act with impartiality.

### C. Full Disclosure

1. An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement or when he or she has an economic interest in the issue.

COMMENTARY Architects frequently and appropriately make statements on questions affecting the environment in the architect's community. As citizens and as members of a profession acutely concerned with environmental change, they doubtless have an obligation to be heard on such questions. Many architects may, however, be representing the interests of potential developers when making statements on such issues. It is consistent with the probity which the public expects from members of the architectural profession that they not be allowed under the circumstances described in the rule to disguise the fact that they are not speaking on the particular issue as an independent professional but as a professional engaged to act on behalf of a client.

2. An architect shall accurately represent to a prospective or existing client or employer his or her qualifications, capabilities, experience, and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

COMMENTARY Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his or her experience working under a more senior architect has every right to claim credit for the work which he or she did. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact.

3. The architect shall not falsify or permit misrepresentation of his or her associate's academic or professional qualifications. The architect shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications or his/her work.

4.a. If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public of the finished project, the architect shall:

- i. report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;
- ii. refuse to consent to the decision; and
- iii. in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

b. In the case of a termination in accordance with §1901.C.4.a.iii, the architect shall have no liability to his or her client or employer on account of such termination.

COMMENTARY This rule holds the architect to the same standard of independence which has been applied to lawyers and accountants. In the circumstances described, the architect is compelled to report the matter to a public official even though to do so may substantially harm the architect's client. Note that the circumstances are a violation of building laws which adversely affect the safety to the public of the finished project. While a proposed technical violation of building laws (e.g., a violation which does not affect the public safety) will cause a responsible

architect to take action to oppose its implementation, the committee specifically does not make such a proposed violation trigger the provisions of this rule. The rule specifically intends to exclude safety problems during the course of construction which are traditionally the obligation of the contractor. There is no intent here to create a liability for the architect in this area.

§1901.C.4.a.iii gives the architect the obligation to terminate his or her services if he or she has clearly lost professional control. The standard is that the architect reasonably believes that other such decisions will be taken notwithstanding his or her objection. The rule goes on to provide that the architect shall not be liable for a termination made pursuant to §1901.C.4.a.iii. Such an exemption from contract liability is necessary if the architect is to be free to refuse to participate on a project in which such decisions are being made.

5. An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

COMMENTARY The registration board which grants registration or renews registration on the basis of a misrepresentation by the applicant must have the power to revoke that registration.

6. An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

7. An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board.

COMMENTARY This rule has its analogue in the code of professional responsibility for lawyers. its thrust is consistent with the special responsibility which the public expects from architects.

#### D. Compliance with Laws

1. An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

COMMENTARY This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant's professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant's architectural practice. It is intended, however, that rule §1901.E.4 will cover reprehensible conduct on the part of the architect not embraced by rule §1901.D.1. At present, there are several ways in which member boards have dealt with this sort of rule. Some have disregarded the requirement that the conduct be related to professional practice and have provided for discipline whenever the architect engages in a crime involved "moral turpitude." The committee declined the use of that phrase as its meaning is by no means clear or uniformly understood. Some member boards discipline for felony crimes and not for misdemeanor crimes. While the distinction between the two was once the distinction between serious crimes and technical crimes, that distinction has been blurred in recent years. Accordingly, the committee specifies crimes in the course of the architect's professional practice, and, under §1901.E.4, gives to the member board discretion to deal with other reprehensible conduct. Note that the rule is

concerned only with violations of state or federal criminal law. The committee specifically decided against the inclusion of violations of the laws of other nations. Not only is it extremely difficult for a member board to obtain suitable evidence of the interpretation of foreign laws, it is not unusual for such laws to be at odds with the laws, or, at least, the policy of the United States of America. For example, the failure to follow the dictates of the "anti-Israel boycott" laws found in most Arab jurisdictions is a crime under the laws of most of those jurisdictions; while the anti-Israel boycott is contrary to the policy of the government of the United States and following its dictates is illegal under the laws of the United States.

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

COMMENTARY Section 1901.D.2 tracks a typical bribe statute. It is covered by the general language of §1901.D.1, but it was the committee's view that §1901.D.2 should be explicitly set out in the rules of conduct. Note that all of the rules under this Section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the state registration board, whether or not the architect has been convicted under the state criminal procedure.

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

COMMENTARY Here, again, for the reasons set out under §1901.D.1, the committee chose to limit this rule to United States jurisdictions.

#### E. Professional Conduct

1. Any branch office of a firm rendering or offering architectural services to the public shall be registered with the board as a branch office and shall either have an architect resident and regularly employed in that office, or have a designated registrant in charge of the architectural services provided by that office. The designated registrant shall make periodic visits to the branch office, have direct knowledge and supervisory control of the architectural services provided by that office, and shall be responsible for all of the work performed by that office. In the event a branch office does not have an architect resident and regularly employed therein, the branch office shall inform any person using its services of that fact and of the identity of the designated registrant.

COMMENTARY This Rule previously provided that any branch office offering architectural services to the public shall have an architect resident and regularly employed in that office. With advances in technology and changes in architectural practice, the board concluded that this requirement is no longer necessary to protect the public health, safety, and welfare, provided certain safeguards are in place. This rule sets forth those safeguards. At the same time, the board believes that a potential client seeking architectural services might fairly and reasonably assume that an office offering such services has an architect

resident and regularly employed therein. Accordingly, an office offering architectural services to a potential client which does not have an architect resident and regularly employed therein should disclose that fact to the potential client.

### **§1903. Violations**

A.1. When the board receives a complaint, report, or other information which, if established as being true, would constitute just cause under the law for revocation, suspension, denial of license, or other form of discipline or punishment specified in R.S. 37:153 or R.S. 37:154, the board may:

- a. conduct its own investigation or inquiry;
- b. refer the matter to an investigator for an investigation;
- c. refer the matter to its Complaint Review Committee ("CRC"); and/or
- d. file its own complaint against the architect or the other person (hereinafter in this Section the "respondent") who may have violated the law or rules.

2. In accordance with R.S. 37:153.F, a complaint (whether made by the board or other person) shall be in the form of a sworn affidavit. If a complaint, report, or other such information is received by the executive director, the director will, within her discretion, forward same to either the board (for action consistent with this Section) or to the CRC.

B. The CRC is a committee of the board appointed by the president consisting of at least two board members. The CRC may review complaints and other information concerning possible violations of law or rules, make or have made whatever investigation it deems appropriate concerning such possible violations, file complaints, decide whether an attempt should be made to resolve alleged violations informally (without a full board hearing), discuss or confer with a respondent concerning the alleged violations and/or a possible resolution thereof, make recommendations to the full board concerning a possible resolution of the alleged violations (if the respondent consents to such recommendations), present and explain any recommendations made to the full board, and generally perform whatever other actions it deems necessary or appropriate in the receipt, investigation, handling, and/or disposition of complaints or information concerning possible violations of the law or rules.

C. The board, investigator, and/or CRC shall conduct such investigation or make whatever other inquiry deemed appropriate to determine whether the matter should be dismissed or pursued further. To assist in the investigation, the board may issue, as necessary, such subpoenas as may be required to obtain documents and compel the appearance of witnesses.

D. The executive director may, but shall not be required, to provide written notice to the respondent that an investigation has been initiated. In determining whether to provide notice to the respondent, the director shall consider whether such notice may prejudice the investigation. Any notice shall describe the nature or basis of the complaint or the other information giving rise to the investigation, contain a preliminary statement of the possible violations of law or rules that may be involved, and provide the respondent with an opportunity to respond in writing and provide information relating to the investigation.

E. The executive director will provide a copy of the complaint to the respondent. The executive director will normally provide the complaint immediately, unless in the judgment of the executive director, the board or the CRC doing so may prejudice the investigation. In determining whether providing a complaint to the respondent immediately may prejudice the investigation, the executive director may consult with the president and/or the CRC. The respondent shall be allowed a reasonable opportunity to respond in writing to the complaint and provide whatever information that the respondent would like the board to consider.

F. The board may at any time dispose of any complaint or other matter informally. Such informal resolution may take the form of any informal disposition recognized in R.S. 49:955(D) or any other form of agreement or disposition which adequately addresses the complaint or the matter under investigation.

G. For the purpose of resolving a complaint or other matter without a full board hearing, the board, CRC, or the respondent may suggest that an informal conference be held. If the board or the CRC suggests such a conference, attendance by the respondent at this conference shall be purely voluntary, and no inferences or negative presumptions shall result if a respondent declines to attend or otherwise participate in such a conference.

H. The persons who will normally attend an informal conference are one or both of the board members comprising the CRC, the executive director, the board attorney, and the respondent. The CRC may request that other persons, such as the investigator, also attend, if such attendance would facilitate the discussion and potentially resolve the complaint or other matter at issue. The respondent may bring his or her attorney to the conference, although such legal representation is not necessary.

I. At the start of an informal conference, the CRC, executive director, or board attorney will explain the purpose of the informal conference; discuss the specific charges that may be presented to the board if it becomes necessary to schedule a formal hearing; and present some or all of the evidence that the board might introduce at a

formal hearing to substantiate the charges. The respondent will be provided an opportunity to discuss the board's evidence, present his or her own evidence, and show that no violation of the law or rules has occurred. Statements made at the informal conference may not be introduced at a formal hearing unless all parties consent. No transcript of the informal conference will be made.

J. The respondent has the right to terminate an informal conference at any time and to request a formal hearing called for the purpose of adjudicating any alleged violation of the law or rules.

K. If at the end of the informal conference it appears that no violation of the law or the rules has occurred, no further action will be taken, and the CRC will recommend to the board that the complaint be dismissed or, if no complaint has been filed, that no further action be taken concerning the matter being considered.

L. If at the end of the informal conference it appears that a violation may propose of the law or the rules has occurred, the CRC a stipulation, settlement agreement, or consent order to the respondent. If the proposal for resolving the matter is agreeable to the respondent, the CRC will then submit the proposed stipulation, settlement agreement, or consent order to the board and recommend that the board accept its recommendation.

M. If the respondent does not consent to the proposal made by the CRC for resolving the matter at the end of the informal conference, the CRC will advise the board that an informal conference was unsuccessful in resolving the matter and that the complaint, if one has been filed, may be scheduled for a formal hearing. If no complaint has been filed, the CRC will advise the respondent of whatever action it intends to take concerning the matter being considered. The CRC may file its own complaint against the respondent and, if so, that complaint may be scheduled for a formal hearing before the full board.

N. The CRC will present and explain its recommendations for the proposed stipulation, settlement agreement, or consent order at a board meeting. The members of the CRC may vote on whether the recommendations should be accepted by the board. If CRC's recommendations are not accepted by the board, the members of the CRC will not be allowed to deliberate concerning or vote on anything further concerning the matter which the CRC has considered.

O. The board may accept or reject the recommendations proposed by the CRC. If the recommendations are accepted by the board, the recommendations will be reduced to writing, signed by the board president and the respondent, and entered as a stipulation, written settlement, or consent order by the board. No further disciplinary action on the matters covered may be undertaken by the board.

P. If CRC's recommendations are not accepted by the board, the board may schedule the complaint for a full hearing or take whatever other action it deems appropriate.

Q. The results of any proposed informal disposition (stipulation, agreed settlement, or consent order recommended by the CRC) or formal disposition (stipulation, agreed settlement, or consent order entered as a result of a hearing) are public information. Formal dispositions are published in the board newsletter and sent to the NCARB.

R. Hearings before the board shall be in accordance with R.S. 37:141 et seq. and the Administrative Procedure Act, R.S. 49:951 et seq.

S. The board may obtain the services of a reporter to make a record of the hearing. The respondent may contact the executive director to determine whether a reporter will be provided by the board.

T. In all cases the board's executive director stands instructed to support and cooperate with counsel and the courts in any manner possible and to keep the board advised of relevant matters as the case develops.

U. In the board office there shall be maintained a current file of all complaints alleging violations, reflecting all information and action pertinent thereto.

V. Upon its own motion, the board may reopen any such case on record and direct a reinvestigation of the respondent's actions subsequent to resolution to the original complaint.

## **Chapter 21. Architects Selection Board**

### **§2101. Districts**

A. Only one architect may be elected from each of the districts set forth in R.S. 38:2311(A)(1)(a).

B. If the parishes comprising any district or if the number of districts are changed by the legislature, these rules shall be revised to be consistent with the latest expression of the legislature without the need of formal action by the board.

### **§2103. Nominations**

A. For terms commencing September 15 of each year, the board will accept nominations for election to the Architects Selection Board on the following basis: any resident architect holding a current Louisiana license desiring nomination must deliver a written nomination on a current form and/or reproduction obtained from board office to the board office in Baton Rouge, signed by not less than 10 resident architects other than the nominee holding a current Louisiana license, between May 1 and

May 31 at 5 p.m. preceding the election. The nomination shall state the parish in which the nominee resides and the district for which election is sought. Nominations received on or before such deadline shall be considered timely delivered. Confirmation of receipt is the sole responsibility of the nominee.

#### **§2105. Waiver of Election**

A. If only one resident architect is nominated from any district, no election shall be held in that district, and that nominee shall be deemed elected without any further activity of the board.

#### **§2107. Ballots**

A. If an election is necessary, an official ballot and an official return envelope will be mailed to each resident architect in Louisiana in good standing approximately three weeks after the closing date for nominations. On the ballot shall be printed the names of the candidates for each district in alphabetical order, the date for the return of the ballots, and any other information the board believes helpful in the election process. Attachments to the ballot may include biographical information of the candidates and instructions.

B. If the ballot mailed by board is lost, misplaced or not received, an architect desiring to vote may request from the board a substitute or replacement ballot. This substitute or replacement ballot may be used in the election, provided the requirements of §2109.C are satisfied.

#### **§2109. Voting**

A. Only resident architects in good standing in Louisiana shall have the right to vote. A resident architect may vote in one or more but less than all district elections and no ballot shall be voided for that reason.

B. Ballots shall be returned in the official return envelopes provided by the board to the board office in Baton Rouge. The voting architect shall sign and provide his or her license number in the upper left-hand corner of the return envelope.

C.1. The ballot shall not be valid unless:

a. the signature and license number appear on the return envelope; and

b. the return envelope is received by the board office on or before the deadline.

2. No write-in candidates will be allowed, and any ballot containing a vote for a write-in candidate will be voided. Any ballot containing more than one vote for candidates in one district will be entirely voided. Ballots returned in an envelope other than the official return envelope provided by the board shall not be voided for that reason, provided:

a. the signature and license number of the voting architect appear on the return envelope; and

b. the return envelope is received by the board office on or before the deadline.

D. The deadline for returning the ballots will be fixed by the president and will be at least 14 calendar days after the ballots are mailed to all resident architects. Ballots received after the deadline shall not be counted.

E. Upon receipt, each return envelope shall be stamped by the board office showing the date received.

#### **§2111. Plurality**

The candidate elected in each district will be based on plurality.

#### **§2113. Tabulation**

A. On a date fixed by the president, within 14 calendar days of the deadline for receipt of ballots, tellers appointed by the president, including at least one board member, shall meet at the board office for the purpose of tabulating the ballots. Following a determination that each return envelope contains the required signature and license number, and was timely received, the tellers shall open and count all ballots properly prepared. The executive director will notify the candidates of the results.

B. Alternatively, when in the discretion of the president the manual tabulating of the ballots by tellers in accordance with the preceding Subsection would be burdensome, or for some other reason should be performed by an outside person, the president may refer the entire tabulating of the ballots, or any part thereof, to an accounting firm, data processing company, or other such qualified person in addition to one board member. The outside person may use such clerical or other assistance, including whatever assistance from the board staff, as he or she deems necessary. The outside person shall:

1. determine that each return envelope contains the required signature and license number, and was timely received;

2. count all ballots properly prepared; and

3. certify the number of votes received by each candidate to the board president and the executive director, who shall notify the candidates of the results.

#### **§2115. Tie**

A. In the event no candidate receives a plurality, a run-off election between those candidates who received the highest number of votes will be held.

B. If a run-off election is necessary, an official ballot and an official return envelope will be mailed to each resident architect in Louisiana in good standing

approximately two weeks after it has been determined that such an election is necessary.

C. The official ballot shall contain the information set forth in §2107, except only the names and information for those candidates in the run-off election shall be included.

D. The rules for voting, for determining the person elected, and for tabulating votes set forth in §§2109, 2111, and 2113 shall be applicable.

E. In the event no candidate in the run-off election receives a plurality, the procedure set forth herein shall be repeated until one candidate receives a plurality.

#### **§2117. Vacancies**

A. Any vacancy occurring with respect to any person elected shall be filled in the following manner:

1. The executive director shall give notice of the vacancy to any person who has previously requested such notice in writing; and

2. the executive director shall also publish in the official journal of the state an advertisement which will appear for a period of not less than 10 calendar days.

a. The advertisement in the official journal of the state need not appear more than three times during the 10 day period.

b. The executive director may publish other such advertisements in his or her discretion.

c. The advertisements shall:

i. identify the district in which a vacancy has occurred; and

ii. state that any resident architect in that district holding a current Louisiana license desiring nomination:

(a). must furnish a nomination signed by not less than 10 resident architects holding a current Louisiana license by certified mail to the board office;

(b). that a sample of the nomination may be obtained upon request from the board office, the deadline for filing the nomination; and

(c). any other information the board may consider necessary.

3. The deadline for filing a nomination to fill a vacancy shall be at least 10 calendar days subsequent to the expiration of the last advertisement appearing in the official journal of the state.

4. The board shall appoint one of the nominees to fill the vacancy, which appointee shall serve the unexpired term. If only one qualified architect submits a nomination to fill the vacancy, the executive director shall send a letter to that architect advising of his or her appointment

to the Architects Selection Board, and no further board action shall be necessary to confer such appointment.

B. If the deadline for submission of nominations has passed and (i) the board has not received a nomination from a qualified architect for election to a district that will become vacant on September 15 or (ii) no architect has been nominated or elected to fill a vacancy on the Architects Selection Board that will occur on September 15 for some other reason, the board shall fill the upcoming vacancy by the procedure described in the preceding paragraph.

#### **§2119. Election Contest**

A. The executive director will notify the candidates of the results of the election by U.S. Mail. The 10 calendar days for contesting an election shall commence three work days (excluding Saturdays, Sundays, and legal holidays) after the results of the election are deposited in the mail by the executive director.

B. Any candidate desiring to contest an election shall, within the time period mentioned in the preceding Subsection, file a written petition addressed to the board stating the basis of the complaint. Upon receipt of such petition, the president shall call a special meeting of the board to hear the complaint, which meeting shall be held within 10 calendar days from the date the petition is received and at a time and place to be designated by the president. At the hearing the board shall consider any evidence offered in support of the complaint. The decision of the board shall be announced within 72 hours after the close of the hearing.

C. All ballots shall be preserved until the expiration of the time allowed for the filing and hearing of a contest. After such period has elapsed, if the election be not contested, the executive director shall destroy the ballots. If the election is contested, the executive director shall maintain the ballots until the contest is concluded, after which the executive director shall destroy the ballots.

## **Chapter 23. Application of Rules**

#### **§2301. Severability**

A. If any provision or item of the rules of the board or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the rules of the board which can be given effect without the invalid provisions, items or applications, and to this end the provisions of the rules of the board are hereby declared severable.

#### **§2303. Adoption and Amendment of Rules**

A. These rules may be amended pursuant to the Administrative Procedure Act, R.S. 49:951 et seq.

**(AS AMENDED AUGUST, 2011)**