

State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Architect Licensure

Section 1. Sections 20-289-1a to 20-289-6a, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 20-289-1a. Definitions

Unless otherwise expressly stated, the following terms have, for the purposes of [these regulations] sections 20-289-1a to 20-289-12a, inclusive, of the Regulations of Connecticut State Agencies, the meanings indicated in this section: (1) [“board”] “Applicant” means a person who has the qualifications for admission to examinations and who has filed with the department an application for licensure accompanied by the examination fee; (2) “A.R.E.” means the Architect Registration Examination as prepared by N.C.A.R.B.; (3) “board” means Connecticut Architectural Licensing Board; [(2) “candidate” means a person who has the qualifications for admission to examinations and who has filed with the department secretary of the architectural licensing board an application for licensure accompanied by the examination fee;] (4) “commissioner” means the Commissioner of the Department of Consumer Protection or said Commissioner’s authorized designee; [(3) “construction”] (5) “construction” means any new construction, enlargement or alteration of any building or project; [(4) “plans” means any drawings or graphic representations or any combination of drawings or graphic representations, or reproduction thereof, prepared for the purpose of illustrating proposed or intended designs for the construction;] (5) “specifications” means detailed statements of particulars for construction; (6) “licensed architect” means a person duly licensed as an architect by the board to engage in the practice of architecture; and (7)] (6) “department” means the Department of Consumer Protection; (7) “licensed architect” means a person duly licensed as an architect by the board to engage in the practice of architecture; (8) “N.A.A.B.” means the National Architectural Accrediting Board; (9) “N.C.A.R.B.” means the National Council of Architectural Registration Boards[.]; (10) “N.E.C.A.R.B.” means the New England Council of Architectural Registration Boards; (11) “plans” means any drawings or graphic representations or any combination of drawings or graphic representations, or reproduction thereof, prepared for the purpose of illustrating proposed or intended designs for the construction; and (12) “specifications” means detailed statements of particulars for construction.

Sec. 20-289-2a. Board procedures

(a) **Board Meetings.** In addition to the four regular meetings prescribed by law, the board shall hold additional meetings at the call of its Chairman who shall give due notice of the time and place. Three (3) members of the board shall constitute a quorum for the transaction of business.

(b) **N.C.A.R.B.**

(1) The board shall maintain membership in [the National Council of Architectural Registration boards] N.C.A.R.B. and pay the necessary costs therefor.

(2) The board shall keep up to date information on the syllabus and the policies adopted by

N.C.A.R.B.

(3) The board shall participate with the N.C.A.R.B. in [estalishing] establishing uniform standards of professional qualification throughout the United States.

(c) **N.E.C.A.R.B.**

(1) The board shall maintain membership in [the New England Council of Architectural Registration boards] N.E.C.A.R.B. and pay the necessary costs therefor.

(2) The board shall participate with other member boards of [the New England Council of Architectural Registration boards] N.E.C.A.R.B. for the purpose of [establishing] coordinating with the department to establish like policies and standards among the boards in qualifying applicants for licensing, preparing, conducting and grading examinations, and in giving assistance in the enforcement of laws regulating the practice of architecture.

(d) **Interviews.** The board may, at its discretion, grant informal interviews to clarify questions concerning an applicant or licensee.

Sec. 20-289-3a. Application procedures

(a) **Filing.** Application for licensure shall be made on forms [obtainable at the office of the board,] prescribed by the commissioner and shall be filled in completely and accompanied by the proper fee. [Supplemental applications must be completed in full and include copies of all information which accompanied the original application.]

(b) **Eligibility.**(1)[Eligibility for admission to the Architect Registration Examination shall be determined by the board after review and verification of information contained in the application.] To be eligible for admission to the [examination] A.R.E., an applicant shall hold an N.A.A.B. accredited degree or have satisfied N.C.A.R.B.'s education requirements as specified in the N.C.A.R.B. education standard, as presently in effect, which is incorporated in sections 20-289-1a to 20-289-6a, inclusive, of the Regulations of Connecticut State Agencies by reference. [must:

(1) up to and including the June 1988 administration of the examination, comply with the provisions for eligibility set forth in Section 20-291 of the general statutes.

(2) subsequent to the June 1988 administration of the examination:

(A) hold a National Architectural Accrediting board (“NAAB”) accredited degree or have satisfied N.C.A.R.B.'s education requirements as specified in the N.C.A.R.B. education standard, as presently in effect, which is incorporated in these regulations by reference, and

(B) have satisfied the N.C.A.R.B. Intern Development Program (I.D.P.) training requirements, as presently in effect.]

Copies of the N.C.A.R.B. education standard [and the Intern Development Program Training Requirements] may be obtained from [the National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, DC 20006] N.C.A.R.B.

[(3)] (2) Any individual wishing to be admitted to the [examination] A.R.E. and unable to satisfy the requirements of this section [Section 20-289-3a(b)(2)(A)], may apply to the [Board] department for a determination of [his] such individual's eligibility for admission to the [examination] A.R.E. The [Board] board or commissioner may allow such individual to be admitted to the [examination] A.R.E. if the [Board] board or commissioner determines that circumstances exist that warrant said individual's admission to [that examination] the A.R.E. and the individual is determined[, by the [Board,] to possess sufficient credentials in the areas of education, experience and training.

[(4)] [Applicants eligible for admission to the examination prior to, and including, the June 1990 administration of the examination, and who have commenced the examination process, will maintain their eligibility for subsequent administrations of the examination notwithstanding their failure to comply with the requirements of subdivision (2) of this subsection.]

(c) **NAAB Accredited Degree.** An N.A.A.B. accredited degree is a professional degree in

architecture earned in a degree program [which has been] accredited by the [National Architectural Accrediting Board] N.A.A.B. at the time of the applicant's receipt of such professional degree or within two years thereafter.

Sec. 20-289-4a. Examination procedures

[(b)](a) The examination for [candidates] applicants who are eligible for admission shall be the current [Architect Registration Examination] A.R.E. as prepared by N.C.A.R.B. [and as accepted by the board.]

[(c)](b) **Conditions of the examination:**

(1) the board shall determine applicant eligibility and forward eligibility information to N.C.A.R.B.;

(2) [the board shall allow] applicants [to] may take the [architect registration examination] A.R.E. at any N.C.A.R.B.-approved test center[, whether located within the state of Connecticut or not];

(3) the [board] department shall accept the examination results as determined by N.C.A.R.B. and shall report the results to the applicant; and

[(4)] [transfer credits for parts of the examination passed prior to the 1983 Architect Registration Examination shall be as established by the board. Information as to transfer credits will be provided, when appropriate, to candidates as an inclusion with the application forms; and]

[(5)](4) if an applicant violates any examination rule, the board or commissioner may, after a hearing, void the results of such examination and prohibit the applicant from taking future examinations, or any part thereof, for a specific period of time.

[(d)](c) The fees for the examination shall be as prescribed by Section 20-292 of the [general statutes] Connecticut General Statutes.

[(e)](d) After the examination, scores are properly recorded in the permanent record.

[(f)](e) Inquiries regarding examinations may be made in accordance with the current N.C.A.R.B. Examination Rules and Regulations. Copies of the N.C.A.R.B. Examination Rules and Regulations may be obtained from [National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, DC 20006] N.C.A.R.B.

[(g)](f) Whether conducted in this state or another, all records of the examination, pursuant to this section, taken under the provisions of this paragraph, shall be returned to the board or state where the examination began, for scoring, recording and licensure when successfully completed.

[(h)](g) Upon proper application, the board or commissioner may[, at its discretion,] accept passing grades achieved on the respective tests, when administered by and attested to by another N.C.A.R.B. Member board. The [candidate] applicant may then take the remaining parts of the A.R.E. in Connecticut, and, if successfully completed, the [candidate] applicant may be [licensed by the board] issued a license.

[(i)](h) The [board] department may, upon proper application, forward the grades achieved by [a candidate] an applicant in the various divisions of the examination given under its jurisdiction to other duly constituted architectural registration [board] boards for their use in evaluating and utilizing such results in registering the individual within their jurisdiction. The request for such transfer shall include a statement of concurrence by the other board and a description of the information they will require. Such transfer shall terminate the [candidate's] applicant's current application to the board and department.

Sec. 20-289-5a. Admission to examinations

Prior to the start of examinations, [the board administrator shall issue letters of admission or rejection thereto to each candidate not previously examined whose examination fee and application for licensure have been received by the board administrator] the board or commissioner shall review

the application of any applicant who has not been admitted by the direct registration process through N.C.A.R.B. If such applicant's application is approved by the board or commissioner, the applicant may enroll in the examination process.

Sec. 20-289-6a. License procedures

(a) A license shall be issued to an applicant who:

(1) successfully passes the A.R.E.; and

(2) completes the N.C.A.R.B. Architectural Experience Program training requirements.

[(a)](b) After initial licensure, entries shall be made in the licensee's file, including [recording] the license number[,] and date of initial license [and the basis upon which the individual was licensed].

[(b)](c) A license shall be issued to each licensee upon [his] initial licensing [which] and shall include the individual's license number. An individual's license and right to practice shall [be deemed to] commence upon the issuance of said license and license number, and, unless suspended, revoked, cancelled or lapsed, shall remain in effect.

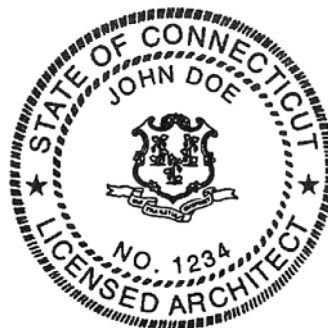
[(c)](d) A license [card] shall be issued to all licensees annually [which shall be effective for a period of twelve months from the date shown on the card].

Sec. 2. Sections 20-289-7 to 20-289-9, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 20-289-7. Seals

[(a)] [Each person granted a license shall use a seal, the design, arrangement, size and wording of which shall conform to that indicated in the figure below. Each licensee shall file with the board an image of the seal used by the licensee.]

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[(b)] [Each corporation granted a certificate of authorization for the practice of architecture, or limited liability company granted a license for the joint practice of architecture, shall use a seal, the design, arrangement, size and wording of which shall conform to that indicated in the figure below. Each such corporation or limited liability company shall file with the board an image of the seal used by the corporation or limited liability company.]

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(a) Each person granted a license shall use a seal, the design, arrangement, size and wording of which shall be prescribed by the board.

(b) Each corporation granted a certificate of authorization for the practice of architecture, or limited liability company granted a license for the joint practice of architecture, shall use a seal, the design, arrangement, size and wording of which shall be prescribed by the commissioner with the advice and assistance of the board.

(c) An embossing seal, rubber stamp or electronic seal conforming to the seals prescribed pursuant to subsection (a) or (b) of this section [above figures as applicable] may be used by the licensee. Any other seal or rubber stamp, or any variation thereof [of the above], is disapproved and shall not be used.

(d) An electronic seal shall be permitted on electronic documents if all the following criteria are met:

- (1) It is unique to the architect;
- (2) It is verifiable;
- (3) It is under the architect's direct and exclusive control;
- (4) It is linked to the electronic document in such a manner that causes changes to be easily determined and visually displayed if any data in the electronic document file is changed subsequent to the electronic seal having been affixed to the electronic document;
- (5) Any attempt to change the electronic document after the electronic seal is affixed shall cause the electronic seal to be removed or altered significantly enough to invalidate the electronic seal; and
- (6) Any time the electronic document is to be electronically transmitted, the electronic document shall be converted to a read-only format.

Sec. 20-289-8. Lapsed license

(a) A license is deemed lapsed if the holder thereof has failed to pay the [secretary of the board the] renewal fee as prescribed by statute. The holder of a lapsed license shall not again practice architecture in this state until [he] the license holder has paid [to the secretary of the board] the renewal fee for each lapsed year and a penalty of twenty-five dollars for each lapsed year or fraction thereof after the first sixty days following the date on which the license became lapsed and provided such payment is made within three years of the date on which [his] the license [became] lapsed. If more than three years have elapsed from the date on which a license [became] lapsed, the holder [thereof] shall not again practice architecture in this state until an application for licensing, accompanied by the fee for a license and the renewal fees for each lapsed year, has been submitted to [the secretary of the board and same has been approved by] the department [board] and the holder of the lapsed license meets the qualifications set forth in subsection (b) [hereof] of this section. In such a case, the department [board] shall issue a new license number to the applicant.

(b) Notwithstanding the provisions of Section 20-289-3a, an applicant whose license has lapsed

for a period of three years or more[, may] shall be allowed to be licensed if the applicant meets the requirements, which may include an examination requirement, established by the department, upon advisement from the board to ensure that a lapsed licensee possesses sufficient credentials in the areas of education, experience and training.

(c) A certificate of authorization for the practice of architecture shall be deemed lapsed if the corporate holder thereof has failed to pay the [secretary of the board the] renewal fee as prescribed by statute. The corporate holder of a lapsed certificate of authorization shall not again practice architecture in this state until [the secretary of the board has been paid] the renewal fee has been paid for each lapsed year or fraction thereof after the first sixty days following the date on which the certificate of authorization [became] lapsed and provided such payment is made within three years of the date on which the certificate of authorization [became] lapsed. If more than three years have elapsed from the date on which the certificate of authorization [became] lapsed, the corporate holder [thereof] shall not again practice architecture in this state until application for certificate of authorization, accompanied by the fee, has been submitted to [the secretary of the board] and [same has been] approved by the department [board]. Upon such approval, the corporate holder shall be issued a new registration number.

Sec. 20-289-9. Partnerships

(a) No firm, company, partnership, association or corporation shall be registered as an architect except as provided in [section] Section 20-290 of the [general statutes] Connecticut General Statutes.

(b) A partnership may engage in the practice of architecture provided each member of such partnership is [the holder of a license granted by the board] a licensed architect.

(c) If one or more of the persons referred to in the partnership name of an architectural firm has been deceased or not actively engaged in the practice of architecture in this state for more than five years, the deceased or inactive partners' names shall not be used unless the date or dates of decease or retirement of said partners is properly noted.

Sec. 3. Section 20-289-10a of the Regulation of Connecticut State Agencies is amended to read as follows:

Sec. 20-289-10a. Code of ethics

[(1)] (a) Competence

[(a)] (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.

[(b)] (2) In designing a project, an architect shall take into account all applicable building laws and regulations. An architect shall not knowingly design a project in violation of said laws or regulations.

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

[(2)] (b) Conflict of Interest

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

[(b)] (2) If an architect has any business association or direct or indirect financial interest [which] that may influence [his] such architect's judgment in connection with the performance of professional services, the architect shall fully disclose in writing to the client(s) or employer(s) the nature of the

business association or financial interest, and if the client(s) or employer(s) object to such association or financial interest, the architect [will] shall either terminate such association or interest, or offer to give up the commission or employment.

[(c)] (3) 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.

[(3)] (c) **Full Disclosure**

[(a)] (1) An architect, making public statements on architectural questions, shall disclose when [he] the architect is being compensated for making such statement.

[(b)] (2) An architect shall accurately represent to a prospective or existing client or employer [his] the architect's qualifications and the scope of [his] the architect's responsibilities in connection with work [that he has] previously performed.

[(c)] (3) If, in the course of [his] the architect's work on a project, an architect becomes aware of a decision taken by [his] the architect's employer or client, against the architect's advice, which violates any applicable statute or regulation and materially affects adversely the safety to the public of the finished project, then the architect shall report the decision to the appropriate enforcement officials or refuse to consent to the decision and terminate [his] the architect's service with reference to the project. Said termination shall excuse any liability to the architect's client on account of such termination.

[(d)] (4) An architect shall not intentionally make a materially false statement or intentionally fail to disclose a material fact requested in connection with [his] an architect's application for licensure or renewal.

[(e)] (5) An architect shall not assist the application for licensure of a person known by the architect to be unqualified in respect to education, training, experience, or character.

[(f)] (6) An architect possessing knowledge of a violation of [these regulations] sections 20-289-1a to 20-289-12a, inclusive, of the Regulations of Connecticut State Agencies by another architect shall report such knowledge to the [board] department immediately.

[(4)] (d) **Compliance with Laws**

[(a)] (1) An architect shall not[, in the conduct of his architectural practice,] knowingly violate any state or federal criminal law.

[(b)] (2) An architect shall neither offer nor make any payments or gifts to a government official with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

[(5)] (e) **Professional Conduct**

[(a)] (1) An architect shall not sign or seal drawings, specifications, reports or other professional work unless the architect was in responsible charge of their preparation.

[(b)] (2) The term "in responsible charge of their preparation" means that such professional work is prepared or reviewed under the licensed architect's control under the following conditions:

[(1)] (A) the architect has detailed professional knowledge of the work;

[(2)] (B) the architect has documented involvement in the preparation of the work;

[(3)] (C) the architect has applied the required professional competency to the work;

[(4)] (D) the architect has accepted full responsibility for the work; and

[(5)] (E) for at least eight years from the date the work was signed or sealed, or from the date of substantial completion as [defined in section] described in Section 52-584a of the Connecticut General Statutes, whichever is later, the architect shall maintain and make available to the board and the [Department of Consumer Protection] department records adequate to demonstrate that the architect has complied with subparagraphs (1) through (4) of this subdivision.

[(c)] (3) An architect shall neither offer nor make any gifts with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is

interested.

Sec. 4. Section 20-289-14 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 20-289-14. [Complaints and adjudication] Adjudication procedures

This board [will] shall be governed by the [complaint and] adjudication procedures [of the Department of Consumer Protection as approved by the Commissioner of Consumer Protection, and published in the Regulations of Connecticut State Agencies Uniform Administrative Procedure Act, Chapter 54] as set forth in Section 4-182 of the Connecticut General Statutes, as amended.

[All complaints received by the board will be forwarded to the Commissioner of Consumer Protection for investigation under the uniform rules of procedure concerning boards and commissions within the jurisdiction of the Department of Consumer Protection, as defined in Section 21a-9a-1 through section 21a-9a-11, inclusive, of the Regulations of Connecticut State Agencies, its amendments or revisions.]

Sec. 5. Sections 20-289-7 to 20-289-9, inclusive, and 20-289-14 are transferred as follows:

Correlated Table

<u>Former Section Number</u>	<u>New Section Number</u>
20-289-7	20-289-7a
20-289-8	20-289-8a
20-289-9	20-289-9a
20-289-14	20-289-12a

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Statement of Purpose

(A) The purpose of this regulation is to bring the Department of Consumer Protection into compliance with Public Act 16-185, which grants the Commissioner of Consumer Protection co-equal authority over licensing activities related to the Architectural Licensing Board

(B) This regulation grants the Commissioner of Consumer Protection co-equal authority over licensing and enforcement activities related to the Architectural Licensing Board. Additionally, this regulation streamlines the licensing function by creating objective standards for license approval and eliminates obsolete provisions regarding transfer credits and exam administration.

(C) The regulation as amended will have some legal effects as the Commissioner of Consumer Protection now has co-equal authority over licensing and enforcement activities related to the Architectural Licensing Board.