



STATE OF ALABAMA
Board for Registration of Architects

BOARD FOR REGISTRATION OF ARCHITECTS

RSA Union Building

100 N. Union Street, Suite 390

Montgomery, Alabama 36130-4450

www.boa.alabama.gov

The Architect's Handbook
THE REGISTRATION ACT
Rules and Regulations

REVISED OCTOBER 2018



FOREWORD

The Alabama Board for Registration of Architects was established in 1931. The Board is charged with protecting the health, safety, and welfare of the public by registering and regulating architects.

This handbook contains the Alabama Board's Registration Act and Rules and Regulations. It is our intention to provide individuals with guidance, as well as limitations, governing the duties and responsibilities of the architectural profession.

State of Alabama
Board for Registration of Architects
RSA Union Building; Suite 390
100 North Union Street
Montgomery, AL 36130-4450
(For "overnight" delivery, please use zip code 36104)

Telephone: (334) 242-4179
Fax: (334) 242-4531
Web Address: <http://www.boa.alabama.gov>

NOTE: This handbook, revised April 2021, supersedes all previous publications.

enters a final judgment in favor of the board of an order appealed pursuant to subsection (e), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty plus attorney's fees and costs.

(i) The cost to the board of the action shall be paid by the respondent if found in violation. (*Acts 1979, No. 79-676, §7; Act 99-159, §3; Act 2010-501, §1; Act 2010-534, §1.*)

§34-2-37. Practice of architecture by certain entities.

(a) It shall be lawful for a corporation, a professional corporation, a professional association, a partnership, or a limited liability company (the entity) to practice architecture in this state provided that:

(1) A minimum of two-thirds of those responsible for controlling the activities of the entity (including officers, partners, directors, members, and others depending on the legal structure of the entity) are voting stockholders who are architects and/or professional engineers registered under the laws of any United States jurisdiction and at least one is an architect registered in Alabama.

(2) Any agreement to perform such services shall be executed on behalf of the entity by a stockholding officer, partner, director, or member with authority to contractually bind the entity, who is an architect registered in the State of Alabama.

(3) A stockholding officer, partner, director, or members who is an architect registered in the State of Alabama shall exercise responsible control over the particular services contracted for by the entity and that architect's name and seal shall appear on all documents prepared by the entity in its practice of architecture.

(4) Other officers, partners, directors, or members shall not direct the professional judgment of the architect in responsible control over the practice of architecture by the entity.

(5) The entity shall furnish the board with such information about its organization and activities as the board shall require by regulation and pay an annual administrative fee as the board may require, not to exceed two hundred fifty dollars (\$250). The board shall maintain a public roster of such entities.

(b) All corporations, professional corporations, professional associations, partnerships, and limited liability companies (entities) practicing architecture in the State of Alabama must fully comply with the above requirements within two years of this requirement becoming law.

(c) Applications to practice as an above described entity shall be made on an annual basis. Disciplinary action for the entities shall be the same as for registered architects. Approved entities shall be responsible for the acts of their agents, employees, general partners, directors, or officers. (*Acts 1979, No. 79-676, §8; Act 2010-501, §1; Act 2010-534, §1.*)

§34-2-38. Board for Registration of Architects - Creation; composition.

To carry out the provisions of this chapter, there shall be a State Board for Registration of Architects consisting of six members, each of whom shall be appointed by the Governor from a list of three persons selected as follows:

(1) All appointments as members of the Board shall be architects registered and licensed pursuant to this chapter. The Board shall be appointed from the following districts: One from the northern district; two from the north central district; two from the central district, and one from the southern district. The northern district shall be comprised of the counties of Colbert, Cullman, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston; the north central district shall be comprised of the counties of Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Etowah, Fayette, Greene, Hale, Jefferson, Lamar, Pickens, Randolph, Shelby, St. Clair, Sumter, Talladega, Tuscaloosa, and Walker; the central district shall be comprised of the counties of Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pike, Russell, Tallapoosa, and Wilcox; and the southern district shall be comprised of the counties of Baldwin, Choctaw, Clark, Conecuh, Escambia, Mobile, Monroe, and Washington.

(2) Thirty days before the expiration of a Board Member's term, or for filling a vacancy otherwise occurring, a nominating committee of six members shall be selected by secret ballot from the district entitled to fill the vacancy. The nominating committee shall be elected at a meeting in the district called by the executive director of the Board, who shall give notice in writing of the time and place of the called meeting to each architect in the district at least 30 days in advance of the date set for the meeting. Those architects present

at the called meeting may vote on the membership of the nominating committee. After the selection of the nominating committee from the district where the vacancy occurs, there shall be a meeting of the committee with the Board at the same place within five days to select, by secret ballot, the name of three persons to be sent to the Governor by the executive director of the Board. The Governor shall appoint one of the named persons to the Board.

In appointing members to the Board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the Board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.

(3) The term of office of the members of the Board shall be four years and until their successors are appointed and qualified.

(4) A member shall reside and have his or her principal office in the district from which appointed. A member's place on the Board shall become vacant if the member removes either his or her residence or principal office from that district. (*Acts 1979, No. 79-676, §9; Act 2003-139, §3; Act 2010-501, §1; Act 2010-534, §1.*)

§34-2-39. Board for Registration of Architects – Certificates; powers and duties; seals; bylaws; rules and regulations.

(a) Each member of the Board shall receive a certificate of appointment from the governor. Before beginning his term of office, each member of the Board shall file with the secretary of state the constitutional oath of office.

(b) The Board, or any committee thereof, shall be entitled to the services of the attorney general in connection with the affairs of the Board, and the Board shall have the power to compel attendance of witnesses, to require production of documents, to administer oaths and to take testimony and proof concerning all matters within its jurisdiction.

(c) The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted.

(d) The Board shall have power and authority to make and adopt bylaws, rules and regulations consistent with the provisions of this chapter and pursuant to the state administrative procedure law in order to comply with the provisions of this chapter and to establish standards of professional conduct of architects.

(e) The Board shall adopt a program of continuing education not later than October 1, 1993, in order to insure that all registered architects remain informed of those technical and professional subjects which the Board deems appropriate to professional architectural practice. The Board may by regulation describe the methods by which the requirements of such program may be satisfied. Failure to meet such requirements of continuing education shall result in nonrenewal of an architect's certificate of registration. (*Acts 1979, No. 79-676, §10; Acts 1991, No. 91-157, §3.*)

§34-2-40. Board for Registration of Architects – Meetings; officers; employees; compensation; quorum.

(a) The Board shall hold at least four regular meetings each year.

(b) The Board shall elect annually a chairman and vice chairman who must be members of the Board. The Board may employ an executive director, clerks, experts, attorneys, and others, as may be necessary in the carrying out of the provisions of this chapter.

(c) The Board shall have the power, with the approval of the governor, to fix the compensation of the executive director and other employees.

(d) A quorum of the Board shall consist of not less than a majority of the duly appointed Board Members. (*Acts 1979, No. 79-676, §11; Acts 1987, No. 87-544, §3; Acts 1991, No. 91-157, §3; Act 2010-501, §1; Act 2010-534, §1.*)

§34-2-41. Fund of the Board for Registration of Architects; compensation of members; expenses; bond.

The executive director of the Board shall receive and account for all moneys derived from the operation of this chapter. Such moneys shall be certified into the treasury in a fund to be known as the "fund of the Board for the Registration of Architects." Such fund shall be drawn against only for the purposes of this chapter.

The fiscal year shall commence on the first day of October and end on the thirtieth day of September.

Each member of the Board shall receive a per diem as recommended by the Board consistent with applicable state laws for attending sessions of the Board or its committee, and for the time spent in necessary travel to attend meetings of the Board or its committee.

In addition, each member of the Board shall be reimbursed for traveling and clerical expenses incurred in carrying out the provisions of this chapter.

Expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including, but limited to, authorized compensations, additional legal services, experts, clerks, office rent, and supplies, shall be paid out of the fund on the warrant of the comptroller of the state. Such warrant shall be issued on requisitions signed by the chairman and executive director of the Board. At no time in any fiscal year shall the total amount of warrants issued exceed the total amount of moneys accumulated in this fund.

The Board may make donations from its surplus funds to any state educational institution which has an accredited school of architecture for assistance in promoting education and research programs in architecture.

The chairman and the executive director of the Board shall give a surety bond in an amount no less than the previous year's budget payable to the State of Alabama and conditioned upon the faithful performance of their duties under this chapter. The premium of the bond shall be paid out of the moneys in the Fund of the Board for the Registration of Architects. (*Acts 1979, No. 79-676, §12; Act 2010-501, §1; Act 2010-534, §1.*)

§34-2-42. Annual report.

On or before January 1 of each year, the Board shall submit to the governor a report of its transactions for the preceding fiscal year together with a complete statement of receipts and disbursements of the Board for its last fiscal year, certified by the chairman and the executive director. (*Acts 1979, No. 79-676, §13; Acts 1982, No. 82-147, §4; Act 2010-501, §1; Act 2010-534, §1.*)

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-1 BOARD ADMINISTRATION AND GENERAL PROVISIONS

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100-X-1-.01 Name. The name of this Board shall be "State Board for Registration of Architects", hereinafter referred to as the Board and the Alabama Board of Architects.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-38

History: New Rule: February 19, 2010.

100-X-1-.02 Office of the Board. The Executive Director shall locate and recommend a lease for office space as necessary to house the staff and records. The lease will be approved by the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-39, 34-2-41

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.03 Board Members. The Board shall be composed of six Board Members who represent the four districts of Alabama. Qualifications for Board Members shall be that they are registered architects practicing or residing in the districts they represent. All appointments of Board Members on the Board shall be made by the Governor of the State of Alabama as provided by the Registration Act.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-38

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.04 Duties of Board Members. Each Board Member shall make an effort to attend all meetings of the Board. They are charged with safeguarding life, health and property, and promoting the public welfare in the State of Alabama as it relates to architects and the practice of architecture. The Board Members are charged with establishing the Board's rules and regulations.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-31, 34-2-38.

History: New Rule: February 19, 2010.

100-X-1-.05 Compensation of Board Members. Board Members shall be entitled to a director's fee, travel expenses, and other authorized compensation as prescribed by the Board and in accordance with the Registration Act. The director's fee is set at \$200 for each day the Board member attends meetings as a representative of the board, including associated travel days.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-41

History: New Rule: February 19, 2010.

100-X-1-.06 Meetings, Quorum and Order of Business. The Board shall have at least four meetings each year. Notice of Board meetings shall be published in accordance with the Open Meetings Act. Special meetings may be called by the Chairman at his or her discretion or on written request to the Executive Director of four other members and shall be subject to the Open Meetings Act. For the transaction of

business, four members shall constitute a quorum. Every decision at a meeting shall be by a majority vote of those present. The order of business at the Board Meeting shall be established by the Chairman and the Executive Director. Unless required otherwise by law, Roberts' Rules of Order shall be used in the conduct of business of the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-39, 34-2-40

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.07 Election of Officers. Annually, the Board shall elect a Chairman and Vice Chairman. The Chairman and Vice Chairman will be elected for one year terms on the same schedule as the Board's fiscal year. A Board Member may not serve more than two consecutive terms in any one office.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-40

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.08 Chairman and Vice Chairman. The Chairman shall exercise general supervision of the Board's affairs, shall preside at all meetings when present, shall appoint all committees, shall sign all payment vouchers (or with approval of the Board, may delegate this duty to another member), and shall perform all other duties pertaining to his or her office. The Vice Chairman, in the absence of the Chairman, shall perform all the duties of the Chairman. In addition, the Vice Chairman will serve as the Board's representative to the Southern Conference of the National Council of Architectural Registration Boards or by special permission may request the Chairman to delegate this responsibility to another Board member.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-39, 34-2-40.

History: New Rule: February 19, 2010.

100-X-1-.09 Executive Director. The Executive Director shall be an administrative officer of the Board. He or she shall supervise the day to day operations of the Board. He or she shall act as its recording and corresponding secretary and shall have custody of and shall safeguard and keep in good order all property and records of the Board; generate written minutes of every meeting of the Board; keep the Board seal

and affix it to such instruments as require it; sign all instruments and matters that require attestation or approval of the Board; act as Treasurer and receive and deposit all funds to the credit of the "Board for Registration of Architects" in the State Treasury; sign all bills before requesting the State Comptroller to make payment of any accounts; submit an annual report of the Board before January 1 each year to the Governor after having the chairman approve said report; and keep the records and books of account of the Board's financial affairs.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-41, 34-2-42.

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.10 Employees and Contract Agreements. In accordance with governing state guidelines, the Board may employ an Executive Director, clerks, experts, attorneys and others, as may be necessary for the operation of the Board. The Board also shall have the power to make contract agreements in accordance with governing state guidelines.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-40

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-1-.11 Financial Operation. The Board shall have the power to set amounts to be collected, to cause all monies to be collected and deposited with the State Treasurer, and to cause expenses to be paid out of such funds by voucher and requisition in accordance with Alabama state law. The Board shall submit an annual report for each fiscal year to the Governor, in accordance with state law.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-41

History: New Rule: February 19, 2010.

100-X-1-.12 Publication of Board Documents and Forms. The Board shall prepare and publish the following: Roster of registered architects; newsletter; rules and regulations; copy of Code of Ala. 1975, Title 34; complaint form and other printed matter.

These shall be available to all registered architects, building officials and to other state agencies free of charge and on the Board's web site. The Board will charge a fee for a printed copy of the Roster of Registered Architects, except as noted above. Samples of routinely used forms can be found in Appendix A to Chapter 1.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010.

100-X-1-.13 National Council of Architectural Registration Boards (NCARB). The Board shall maintain membership with NCARB and its Regional Conference. The Board will cooperate with NCARB in furnishing information, giving examinations and rendering other assistance to aid in establishing uniform standards of professional registration throughout the United States.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39.

History: New Rule: February 19, 2010.

100-X-1-.14 Fee Schedule. All fees and charges shall be as prescribed by the Board and in accordance with the Registration Act. The current fiscal year's fee schedule shall be updated and published annually.

- (1) All fees and fines are not refundable.
- (2) All fees and fines are payable by certified check, cashier's check, corporate or business check, money order or personal check. Counter checks will not be accepted. Personal checks shall be imprinted with the name, address, and account number of the applicant or registrant.
- (3) Statutory charges for returned checks shall be paid by the applicant or registrant.
- (4) The Board may allow payment of fees and fines by electronic means.
- (5) The Board may allow payment of fees for the Architect Registration Examination® to be paid directly to the test administration vendor.

(6) If a payment is not honored by the financial institution, the Board may pursue disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.

(7) The following schedule of fees is adopted by the Board:

A.R.E. Application Fee	\$ 10.00
NCARB Reciprocal Registration Fee	\$150.00
Reinstatement Application Fee	\$460.00
Renewal Fee	\$135.00
Late Fee	\$ 75.00
Application for Certificate of Authorization	\$ 75.00
Certificate Replacement Fee	\$ 25.00
Printing Fee for Roster	\$ 10.00
Mailing Labels	\$ 25.00
Mailing List on Electronic Media	\$ 25.00
Returned Check Fee	\$ 30.00

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-33, 34-2-36

History: New Rule: February 19, 2010. **Amended:** July 19, 2010; April 6, 2016.

100-X-1-.15 Public Records. A “public record” is a record that is reasonably necessary to record the business and activities required to be performed or carried out by the Board so that the status and condition of such business and activities can be known by the public. The results of disciplinary hearings, settlement agreements, and consent orders are considered public records. Public records are available for inspection at the Board office during regular business hours. Any person wishing to obtain a copy of a public record may request copies from the Executive Director, at a reasonable cost. The following records are not considered public records: Records received by the board in confidence, sensitive personnel records, registrant’s education transcripts and other records, examination material, complaints against registrants and non-registrants, and records which, if disclosed, would be detrimental to the best interests of the public.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-2 REGISTRATION AND RENEWAL

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100-X-2-.01 Registration of Architects. The Board shall have the power to determine the requirements for registration in the State of Alabama. They shall review or cause to be reviewed each applicant's file to ensure that all requirements are met. Applicants in question shall be subject to Board approval. The Board shall collect application fees as provided by regulation. There are three methods of obtaining registration in Alabama:

- (1) By written examination administered by the Board or an authorized testing vendor;
- (2) By NCARB certificate; or
- (3) Reinstatement of a lapsed Alabama registration.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010.

100-X-2-.02 Registration by Examination. An applicant for registration by examination shall submit an application fee as provided by regulation. The Board shall set qualifications and review, or cause to be reviewed, each candidate's qualifications. The Board shall require proof of qualifications prior to allowing candidates to sit for the Architect Registration Examination® (ARE®). The Board may approve an applicant to take the ARE® only after the applicant has completed the education requirements for architectural registration by examination in Alabama, has completed at least 930 hours of approved Architectural Experience Program (AXP) experience, and has submitted the required application materials. Upon determination that the applicant is qualified in accordance with the Board's statutes and regulations, the applicant will be granted eligibility for the examination. Upon successful completion of all examination divisions and completion of the Architectural Experience Program, the applicant will be granted registration as an architect.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010. **Amended: Filed:** October 22, 2012; Effective November 26, 2012. **Amended: Filed:** May 19, 2014; Effective June 23, 2014. **Amended:** Filed August 13, 2018; effective September 27, 2018.

100-X-2-.03 Architectural Experience Program (AXP). All applicants for registration by examination must complete the Architectural Experience Program (AXP) training requirements consistent with guidelines established by the National Council of Architectural Registration Boards (NCARB). Information concerning AXP can be obtained from NCARB or the Board.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §§34-2-33c (1), 34-2-39.

History: New Rule: February 19, 2010. **Amended:** Filed August 13, 2018; effective September 27, 2018.

100-X-2-.04 Administration of Examination. The Board shall administer or cause to be administered the Architect Registration Examination (ARE®) to qualified candidates for registration. Administration of the ARE® will be consistent with NCARB standards, and their procedures will be followed. The Board shall report or cause to be

reported the grades to individuals in accordance with Board policy and to NCARB for national certification. Eligibility qualifications may be obtained by contacting the Board office or through the Board's web site.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-38

History: New Rule: February 19, 2010.

100-X-2-.05 Registration by NCARB Certificate. An applicant for registration by NCARB Certificate shall submit an application for registration and the appropriate fee to the Board. The applicant will authorize NCARB to transmit his or her council record in support of the application. Upon receipt of the applicant's NCARB council record, the Board shall review or authorize the Executive Director to review the application and authorize approval of registration as an architect. Should the application or record reflect disciplinary history or unsatisfactory responses to questions on the application, the Board will conduct a further review of the application and render a decision regarding eligibility for registration. The application fee shall be waived for a spouse of an active duty reserve, or transitioning member of the United States Armed Forces, including the National Guard, or a surviving spouse of a service member who, at the time of his or her death, was serving on active duty, who is relocated to and stationed in the State of Alabama under official military orders. For the purposes of this section, a transitioning service member is a member of the United States Armed Forces, including the National Guard, on active duty status or on separation leave who is within 24 months of retirement.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010. **Amended:** July 19, 2010. **Amended:** Filed August 13, 2018; effective September 27, 2018.

100-X-2-.06 Registration by Reinstatement. An architect who has allowed his or her registration to lapse for whatever reason must complete a new application, submit the application fee, renewal fee and late penalty, proof of continuing education (as provided by regulation), and a sworn affidavit stating he or she has not performed any service included in the definition of the practice of architecture while not registered in the state of Alabama. The Board shall review or authorize the Executive Director to review the application and authorize approval of the application for reinstatement. Should the application or record reflect disciplinary history or unsatisfactory responses to questions

on the application, the Board will conduct a further review of the application and render a decision regarding eligibility for registration. If approved, the same registration number will be reissued. A new certificate for framing will not be issued unless a written request is received and the replacement fee is paid.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39.

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.07 Certificates of Registration. A certificate bearing the registrant's name, registration number and date registered with the Board shall be issued to each newly registered architect. The certificate shall be signed by the six board members, the Board Executive Director and the Secretary of State. Upon reasonable written request and payment of the fee provided by regulation, a duplicate or corrected certificate may be issued. Certificates of registration are issued to individuals only.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.08 Reconsideration of a Denied Application. A denied application may be reconsidered by the Board if written notice of appeal is received by the Executive Director within thirty days of notification of denial of registration.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-2-.09 Emeritus Status Architects.

(1) An architect may apply for emeritus status if he or she meets the following criteria:

(a) The applicant is 65 years of age or older; and

(b) The applicant has been registered in this state for ten (10) consecutive years or longer;

(c) The applicant is retired from the active practice of architecture. “Retired” means the architect no longer seals documents or practices architecture as defined by §34-2-30 (3) and (4), Code of Ala. 1975.

(2) If all requirements are met, the architect shall be granted emeritus status. An individual granted emeritus status may use the title “Emeritus Architect” on any letter, title, sign, card or device. If an emeritus architect wishes to return to the active practice of architecture, he or she may do so by submitting the renewal fee, current renewal application form, and current year’s continuing education hours required by regulation.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33

History: New Rule: February 19, 2010. **Amended:** January 22, 2021. **Effective:** April 12, 2021.

100-X-2-.10 Renewal of Registration. The Board shall have the power to set renewal fees and fees for late payment. The Board shall issue renewal notices to each registered architect from the previous year to the last known address. Registration term is for the calendar year which begins January 1 and ends December 31. Renewals postmarked January 1 through March 31 will be considered late, and those renewals must include the late penalty established by regulation. All renewals must reflect completion of the current continuing education requirements established by the Board unless otherwise exempted. No provision is made for partial payment for a partial year. Renewal fees are due on December 31 of each year. If the registrant elects to renew his license electronically, the registrant may be charged a convenience fee or surcharge. If renewal is not completed on or before March 31, the architect’s registration will lapse and must be reinstated, as required by regulation.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-33.

History: New Rule: February 19, 2010. **Amended: Filed:** August 6, 2015 **Effective:** September 10, 2015.

BOARD FOR REGISTRATION OF ARCHITECTS

CHAPTER 100-X-3 CONTINUING EDUCATION

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100-X-3-.01 Purpose. These rules provide for a post-licensure continuing education program that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety, and welfare.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: Filed October 17, 2011; Effective November 21, 2011.

100-X-3-.02 Scope and Exemptions.

(1) Scope. These rules shall apply to every Alabama registered architect as a condition for renewal of registration on an annual basis.

(2) Exemptions. A registrant may be exempt from participating in the continuing education program required by these rules for one of the following reasons:

(a) A first-time registrant by examination or NCARB certificate is exempt for his or her first renewal. This provision does not apply to an architect who regains registration through reinstatement.

(b) Registrant is an emeritus status architect.

(c) Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual report period.

(d) Hardship cases will be considered by the Board on an individual basis and must be received by the Board by December 1. A registrant experiencing physical disability, illness, or other extenuating circumstances beyond his or her control may request exemption from the continuing education requirements. The registrant shall provide supporting documentation for the Board's review. The Board will consider such hardship cases on an individual basis.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: Filed October 17, 2011; Effective November 21, 2011.

Amended: Filed: August 6, 2015; Effective September 10, 2015.

100-X-3-.03 Requirements. Each Alabama registered architect shall complete a minimum of twelve (12) structured continuing education hours each calendar year. One continuing education hour (CEH) shall represent a minimum of 50 minutes of actual contact time. At least 75 percent of the content of each CEH must be devoted to health, safety, and welfare subjects related to the practice of architecture, including those enumerated below, and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

(1) Topics for the twelve (12) structured continuing education hours shall include the study of technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

(a) Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and the Public

(b) Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

(c) Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

- (d) Occupant Comfort: Air Quality, Lighting, Acoustics, Ergonomics
- (e) Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment
- (f) Preservation: Historic, Reuse, Adaptation
- (g) Pre-design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying
- (h) Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures
- (i) Construction Documents: Drawings, Specifications, Delivery Methods
- (j) Construction Contract Administration: Contracts, Bidding, Contract Negotiations

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: Filed October 17, 2011; Effective November 21, 2011.

100-X-3-.04 Reporting. The continuing education section of the Board's renewal application must be completed in full in order to process the registration renewal.

(1) Unless exempted as provided in 100-X-3-.02, each registrant shall submit the required continuing education information, which shall include an affidavit attesting to the registrant's fulfillment of continuing education requirements during the current calendar year. No carry-over of continuing education hours is permitted. Failure to comply with these requirements shall result in non-renewal of the architect's registration.

(2) Each affidavit shall be reviewed by the Board staff and may be subject to audit for verification of compliance with requirements.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: Filed October 17, 2011; Effective November 21, 2011.

Amended: Filed: August 6, 2015; Effective September 10, 2015.

100-X-3-.05

Recordkeeping.

(1) The registrant is responsible for retaining documentation of continuing education activities.

(2) These records must be retained for a period of one year from the date the hours are reported as part of the applicant's renewal application. Copies must be furnished to the Board for audit purposes if requested.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: Filed October 17, 2011; Effective November 21, 2011.

Amended: Filed: August 6, 2015. Effective September 10, 2015.

100-X-3-.06

Audit.

(1) The Board will conduct an audit of renewals submitted to ensure compliance with continuing education requirements. Registrants selected for audit will be notified and required to provide documentation in support of hours claimed.

(2) The Board may disallow claimed credit for continuing education hours if the CEHs do not comply with the above requirements. If continuing education hours are disallowed, the registrant shall have thirty (30) calendar days after notification to provide documentation that substantiates the original claim or provide documentation of other continuing education hours to meet the minimum requirements. Continuing education hours submitted to remedy a disallowance shall not be used for registration renewal purposes.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: Filed October 17, 2011; Effective November 21, 2011.

Amended: Filed: August 6, 2015; Effective September 10, 2015

100-X-3-.07

Non-compliance and Sanctions. Failure to fulfill the continuing education requirements or file the properly completed and signed annual report shall result in non-renewal of the architect's certificate of registration.

100-X-5-.08 Design Competitions. No person shall be permitted to participate in an architectural design competition unless he or she is properly licensed in this state.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-31

History: New Rule: February 19, 2010.

100-X-5-.09 Prototypical Documents. Prototypical plans consist of drawings or specifications not intended as final and complete construction documents for a building project, but rather as a sample or model to provide general guidance for a building or buildings to be constructed in more than one location with substantially few design changes or additions, except those required to adapt to each particular site. Prototypical documents may or may not be premised upon laws, rules and regulations, or adopted building code of a particular state, county, or municipality, but shall be adaptable to the regulations or codes of each applicable construction location. Prototypical documents are generally not designed for a specific climate, weather, topography, soil, or other site-specific conditions or requirements, but are intended to be adapted to those and other site-specific conditions. Prototypical documents may or may not originate from a registered design professional (architect or professional engineer).

(a) Nothing in these rules precludes the use of prototypical documents, provided the architect ensures that all of the following conditions are met:

(1) Obtains written permission from the design professional who prepared or sealed the prototypical documents, or from the legal owner of the prototypical documents, to use, revise, amend and otherwise adapt the prototypical documents; and

(2) Thoroughly reviews the prototypical documents, makes necessary revisions, and adds all required elements and design information (including the design services of engineering consultants if warranted), so that the prototypical documents become suitable construction documents, in full compliance with applicable codes, regulations, and site-specific requirements; and

100-X-6-.03 Investigation. The Board shall employ an investigator who will pursue the facts in complaints filed with the Board. The Executive Director or the Probable Cause Committee will provide guidance regarding evidence to be collected, as appropriate. A written summary of the investigator's findings will be presented to the Probable Cause Committee for determination of violation of the Board's statutes and regulations.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

100-X-6-.04 Disciplinary Procedures. If the Probable Cause Committee determines that charges should be filed, the respondent is notified of the specific nature of the charges and the Board's proposed settlement of the issues. Said notice shall be sent by certified mail, return receipt requested, to the respondent's last known address. If a hearing is to be scheduled, the notice shall be sent by certified mail, return receipt requested, to the respondent's last known address not less than ten (10) days before the date of the scheduled hearing. The Board will conduct the hearing with the assistance of a hearing officer, who will hear all competent and relevant evidence in support of the charges. The hearing will be conducted in accordance with the Alabama Administrative Procedures Act, Section 41-22-13, Code of Ala. 1975. Upon conclusion of the hearing, the members of the Board (excluding the Probable Cause Committee Board member) will determine the appropriate action to be taken, and shall notify, or cause to be notified, the respondent of such action. If the Board suspends or revokes a registration, or issues a reprimand or fine against the respondent, he or she may appeal to the Circuit Court of Montgomery County, Alabama.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-34.

History: New Rule: February 19, 2010. **Amended:** Filed August 13, 2018; effective September 27, 2018.

100-X-6-.05 Public Notice of Actions. Settlement agreements, consent agreements, and orders resulting from disciplinary hearings are public records. The Board will report disciplinary actions on its web site, in its newsletter and to the NCARB

(3) 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 and adversely affect the safety to the public of the finished project, the architect shall:

(a) 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,

(b) refuse to consent to the decision, and

(c) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his or her objection, terminate his or her services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

1. In the case of a termination in accordance with (c) above, the architect shall have no liability to his or her client or employer on account of such termination.

(4) An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for registration or renewal or otherwise lawfully requested by the Board.

(5) 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. An architect possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant, the Board, and/or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or training units earned by an intern-architect under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not withhold such verification as a punitive act against a current or former employee. An architect shall not knowingly sign any verification document that contains false or misleading information.

others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation.

(4) Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under clauses (c) or (d) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his or her own technical submissions, and that such review and integration met the required professional standard of care.

(5) An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

(6) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(7) An architect shall not make misleading, deceptive, or false statements or claims.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-39

History: New Rule: February 19, 2010. **Amended:** July 19, 2010.

(4) The Board shall maintain a public roster of firm entities that have been issued a COA.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-37

History: New Rule: July 19, 2010.

100-X-8-.02 Application Procedures.

(1) All applications for a Certificate of Authorization to Practice Architecture (COA) shall be made in the format provided by the Board. The firm entity will be required to furnish all applicable information indicated on the form along with the required fee. Application fees will not be refunded.

(2) An entity required to be qualified by the Alabama Secretary of State's Office to do business in Alabama may file such qualification documents with that office concurrently with application for a Certificate of Authorization to Practice Architecture. The firm entity name on the Application for Certificate of Authorization must be the same as the firm entity name on documents filed with the Alabama Secretary of State's Office.

(3) Withholding information, providing statements which are untrue, or misrepresenting pertinent facts may be cause for denial of an application or revocation of the COA.

(4) When the Board, after due consideration of the application, finds that the firm entity is not eligible for a certificate of authorization, the application will be denied. In this event, the firm may not offer, solicit, or perform architectural services as a firm entity.

(5) If the firm entity is dissolved or reorganized, or if there is a change in the registered architect(s) in responsible control of the practice of architecture in Alabama, the entity must notify the board in writing within thirty (30) days.

Author: Board for Registration of Architects

Statutory Authority: Code of Ala. 1975, §34-2-37

History: New Rule: July 19, 2010.

Amended: Filed August 20, 2013; effective September 24, 2013.

