

**TITLE 55. THE BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS,
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS
OF OKLAHOMA**

**CHAPTER 10. LICENSURE AND PRACTICE OF ARCHITECTS,
LANDSCAPE ARCHITECTS AND
REGISTRATION OF INTERIOR DESIGNERS**

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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55:10-1-1. Purpose

The Rules of this Chapter are set forth for the purpose of interpreting and implementing the Act, establishing the Board and conferring upon it responsibility for licensing Architects, Landscape Architects and registering Interior Designers. The Act and Rules also requires and regulating the practice of architecture and landscape architecture and enforcement of the Act. The Rules of this Chapter are known and cited as OAC 55:10.

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

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

55:10-1-3. Definitions

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

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

"**Applicant**" means an individual who has submitted an application for a License or Registration to the Board.

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

"**Architect(s) of Record**" means a Licensee currently licensed as an Architect or Landscape Architect and in good standing with this Board, that has met statutory and OAC 55:10 requirements, who is directly responsible to the Board for the firm practice, filings, paying all fees, penalties and submitting all documents.

"**Architectural Intern**" shall have the same meaning as "Intern Architect".

"**ARE**" means the current architect registration examination prepared by NCARB and adopted by the Board as the examination to be used in determining a Candidate's qualifications to practice architecture.

"Board" means the Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma.

"Broadly Experienced" means a person who can demonstrate that the Board's education standards have been met through a combination of education and comprehensive architectural, landscape architectural or interior design experience. This person is currently licensed or registered in one of these professions in another jurisdiction for (10) ten years and is in good standing. The person seeking licensure or registration may be required to have a personal interview by the Board and may, at the sole discretion of the Board, issue licensure or registration.

"Building types" means the types of buildings found in O.S. 59, Section 46.21b of the Act.

"Candidate" means an individual who has been approved to sit for the examinations given by the Board, or who has passed said examinations, but has not been issued a License or Certificate of Registration.

"CE" means continuing education.

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

"Certificate of Registration" means the authority granted by the Board to an individual Registrant to offer services as interior design and represent the individual as an Interior Designer in the state.

"Certificate of Title" means the authorization granted by the Board to an Entity to use the title Interior Designer or offer services as interior design.

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

"CIDA" means Council of Interior Design Accreditation or its successor.

"CLARB" means Council of Landscape Architectural Registration Boards or its successor.

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

"Direct supervision" means working conditions where a licensed Architect, Landscape Architect or Interior Designer is in each office and is a resident Licensee or Registrant regularly employed in that office, supervising the intern or employees and is directly responsible for all tactical and technical decisions on projects.

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

"Examination" means the current licensing and Registration examinations administered by this Board, or its designee, for Architects, Landscape Architects or Interior Designers.

"Fiscal Year" means July 1 through June 30.

"IDP" means Intern Development Program.

"IDEP" means the Interior Design Experience Program.

~~"Intern"~~ means an individual in the process of obtaining training credits acceptable to the Board in order to complete requirements to pursue licensing or Registration.

"Interior Designer" means an individual registered by the Board to use the title Interior Designer.

"Interior Designer Intern" shall have the same meaning as "Intern Interior Designer".

"Interior Designer of Record" means a registered Interior Designer in good standing with this Board, that has met statutory and OAC 55:10 requirements, and who is directly responsible to the Board for the activities, filings, paying all fees, penalties and submitting all documents for the Entity having been issued the Certificate of Title.

"Intern Architect" means an individual in the process of obtaining training acceptable to the Board in order to complete requirements and/or is currently testing to pursue licensing as an Architect.

"Intern Landscape Architect" means an individual in the process of obtaining credits acceptable to the Board in order to complete requirements and is currently testing to pursue licensing as a Landscape Architect.

"Intern Interior Designer" means an individual in the process of obtaining training acceptable to the Board in order to complete requirements and/or is currently testing to pursue Registration as an Interior Designer.

~~—"Interior Designer of Record" means a registered Interior Designer in good standing with this Board, that has met statutory and OAC 55:10 requirements, and who is directly responsible to the Board for the activities, filings, paying all fees, penalties and submitting all documents for the Entity having been issued the Certificate of Title.~~

"LAAB" means Landscape Architectural Accrediting Board or its successor.

"LARE" means the current Landscape Architect registration examination prepared by CLARB and adopted by the Board as the licensing examination to be used in determining a Candidate's qualifications to practice landscape architecture.

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

"Landscape Architectural Intern" shall have the same meaning as "Intern Landscape Architect".

"License" means a License to practice architecture or landscape architecture issued by the Board and permission to use the title Architect or Landscape Architect.

"Licensee" means a licensed Architect or Landscape Architect that practices architecture or landscape architecture.

"NAAB" means the National Architectural Accrediting Board or its successor.

"NASAD" means the National Association of the Schools of Art and Design or its successor.

"NCARB" means National Council of Architectural Registration Boards or its successor.

"NCIDQ" means National Council for Interior Designers Qualification, the organization administering examinations and setting model practice standards for the Registration of Interior Designers, or its successor.

"Reciprocal License" means a License granted by the Board to an individual to practice architecture or landscape architecture and granting use of the term Architect or Landscape Architect or any derivation of the word based on a current License in good standing in another jurisdiction meeting the requirements for licensing in this State.

"Reciprocal Registration" means a registration granted by the Board to an individual to use the title Interior Designer or any derivation of the word based on the License or Registration in good standing in another jurisdiction meeting the requirements for Registration in this state.

"Registrant" means an individual registered by the Board to use the title Interior Designer, as a designation of the individual's profession.

"Registration" means the authority granted by this Board to a qualified individual to use the term Interior Designer unless exempt by the Act from Registration.

"Resident State" means the state where the Applicant, Candidate, Licensee or Registrant legally resides.

"Responsible Control" shall have the meaning set forth in the Act.

"Rules" means this Oklahoma Administrative Code, Title 55, Chapter 10 Rules.

"Sole proprietorship" means the only owner of a firm, licensed or registered as an individual by the Board.

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

"Technical submissions" means designs, drawings, specifications, studies and other technical reports prepared in the course of the practice of architecture or landscape architecture.

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

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

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

55:10-1-5. Severability clause

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

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

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

55:10-1-7. Service of process

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

SUBCHAPTER 3. ADMINISTRATIVE OPERATIONS

Section

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

- (a) The Board may meet at such place within the State of Oklahoma as may be directed by the Chair or provided in the notice of call for any regular or special meeting and subject to the requirements of the Oklahoma Open Meeting Act, 25 O.S., Sections 301, et seq.
- (b) All meetings shall be conducted in accordance with the current edition of "Robert's Rules of Order".
- (c) Members of the Board may waive formal or written call or notice of meeting, and by the attendance at any meeting such members so attending shall be deemed to have waived all notice thereof.
- (d) A quorum shall consist of six (6) members but official action may not be taken upon any question unless five (5) members vote in accord.
- (e) In the absence of a quorum at any regular or special meeting those members of the Board in attendance shall recess such meeting to any later date.

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

- (a) The duties of the Chair and the Secretary-Treasurer are as defined in the Act.
- (b) The Vice Chair shall, in the absence of the Chair, fulfill all responsibilities of the Chair and, if necessary, succeed the Chair without election during the then current year, and shall perform such other duties as the Board may prescribe.

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

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

55:10-3-4. Reimbursement for travel

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

55:10-3-5. Official seal

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

55:10-3-6. Official records

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

- (1) Minutes of all meetings of the Board.
- (2) Records of Licensees and Registrants containing the name and License or Registration number of all individuals to whom Licenses or Certificates of Registration have been issued and the date of original issuance.
- (3) Files for each current Licensee, Registrant, Applicant or Candidate containing relevant verification and evaluation data, a record of examination grades and the last known address of all current Licensees and Registrants.
- (4) Certificate of Authority and Certificate of Title files containing the name of each current Entity holding a current certificate, the Architect(s) of Record or Interior Designer(s) of Record, and the last known address.
- (5) Financial records of funds budgeted, committed, spent, remaining and projections of appropriate request for consideration in budget development.

55:10-3-7. Inactive records

All inactive records of the Board over three (3) years old may be transferred to the Archives and Records Commission and disposed of according to that agency's current statutes and rules.

55:10-3-8. Public records

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

55:10-3-9. Confidential records

(a) The Act, at Section 46.24E, provides for certain records of the Board to be confidential and not open to the public for copying or viewing. They are:

- (1) Examination materials, before and after the examination is given;
- (2) File records of examination problem solutions;
- (3) Letters of inquiry and reference concerning Applicants;
- (4) Board inquiry forms concerning Applicants; and
- (5) Investigation files.

(b) Prior to presentment to the Board for formal or informal adjudication, any record, as defined in the Act pertaining to any alleged violation(s) of the Act or these Chapter 10 Rules shall be deemed part of the file of an investigation, confidential and not subject to disclosure.

(c) Upon request, the Board will examine its investigation files to determine the extent to which material contained in the said investigation file should be deemed not confidential and, therefore, may be disclosed. In all cases, the Board, upon inquiry, will confirm a complaint has or has not been received and that an investigation is pending or has been completed.

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

(a) Any individual may file a request for a declaratory ruling by the Board as to the application or enforcement of any Rules or statute to a given set of circumstances. Such requests shall be in writing, signed by the individual seeking the ruling, state the Rule or statute involved and contain a brief and concise statement of facts to which the ruling shall apply. Requests shall be submitted to the Board at its office, either in person or by mail and may be in any form that meets the requirements stated. The Board will consider the request at its next regular or special meeting unless the question has been resolved by prior ruling of the Board, in which event the petitioner shall be promptly notified of the prior ruling.

(b) The Board may defer action or hold such requests on its agenda pending any investigation or hearing which the Board might conduct. The Board shall issue the requested rulings promptly upon the determination thereof or send an explanation to the petitioner stating why a ruling will not be issued. Unless a ruling states otherwise, rulings contemplated herein shall constitute precedent for the purpose of the Board's application and enforcement of the Rule in this Chapter and statutes until revoked or overruled by the Board or the Courts. Such rulings shall be indexed by statute section or Rules and shall be available for inspection by members of the public at the Board office. With respect to indexed rulings, the Board may delete nonessential or repetitive information and may edit any ruling to protect proprietary or confidential information.

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

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

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

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

55:10-3-13. Fees and penalties

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

- (1) Initial and subsequent biennial License, Registration or renewal fee -- ~~\$225.00~~\$350.00
- (2) Reciprocal License or Registration application fee -- \$100.00
- (3) Examination & Retake application fee -- \$75.00

- (4) Examination -- Actual Cost
- (5) Late payment penalty -- \$25.00
- (6) Returned (insufficient funds) check fee -- \$25.00
- (7) Reinstatement penalty -- ~~\$100.00~~ \$200.00
- (8) Certificate of Authority and Certificate of Title application, revision or renewal fee -- ~~\$100.00~~ \$350.00
- (9) Duplicate certificate -- ~~\$20.00~~ \$25.00
- (10) Roster-- \$.25 per page or electronic copy \$25.00
- (11) Transcript of hearing-- Actual Cost plus \$25.00
- (12) Copy of public records-- \$.25 per page
- (13) Emeritus License -- All fees waived
- (14) CE reinstatement penalty-- \$1000.00 (per biennial renewal period of noncompliance)
- (15) Civil penalties -- Set by the Act
- (16) Manual processing fee-- \$25.00 per transaction
- (17) File Transfer fee-- \$75.00
- (18) Readmission Application fee-- \$100.00

(b) **Fee exemption based on temporary military deployment.** The Board shall waive all fees, penalties and continuing education, if applicable, during the time Licensees, Registrants or Candidates are called to active military duty in the armed forces of the United States and deployed to a temporary military assignment. In order to obtain this exemption, the Licensees, Registrants or Candidates are required to submit to the Board office military documentation of such deployment. Upon receipt, the staff shall make a note to the file and the Licensees, Registrants or Candidates shall be placed on active military status for the duration of the abovementioned deployment. At the end of the temporary deployment, the Licensees, Registrants or Candidates shall submit to the Board office within ninety (90) days, military documentation that the individual has returned from deployment. The individual will then be returned to regular active status. All fees, penalties and continuing education, if applicable, will be waived until the beginning of the next biennial License or Registration period. This exemption from fees and penalties shall also apply to the Certificate of Authority or the Certificate of Title if the Licensee is the only Architect of Record or the Registrant is the only Interior Designer of Record associated with the Entity.

(c) **Readmission Application fee.** This fee applies to individuals who are re-applying for their License or Registration to be reinstated for any reason, or changing from emeritus to active status. This fee does not apply to OAC 55:10-3-13 (b), Certificates of Authority or Certificates of Title.

SUBCHAPTER 5. APPLICATION AND ELIGIBILITY FOR LICENSING OR REGISTRATION

Section

- 55:10-5-1. Availability of forms and Board records
- 55:10-5-2. Documents required for a License or Registration by exam
- 55:10-5-3. Board action required
- 55:10-5-4. Evaluation criteria
- 55:10-5-5. Landscape Architect and Interior Designer application deadlines
- 55:10-5-6. Active and inactive applications
- 55:10-5-7. Qualifications for an Architect License
- 55:10-5-8. Qualifications for a Landscape Architect License
- 55:10-5-9. [REVOKED]
- 55:10-5-10. Qualifications for Registration as an Interior Designer
- 55:10-5-11. Changing resident state and applying for a Reciprocal License or Registration

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

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

55:10-5-2. Documents required for a License or Registration by exam

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

55:10-5-3. Board action required

All applications submitted for an initial License or Registration shall be approved or disapproved by the Secretary-Treasurer of the Board or Board action. Applications submitted for a License or Registration may be approved by the Secretary-Treasurer of the Board only if the application meets all requirements of the Act, these Rules and/or equivalent standards determined by the Board.

55:10-5-4. Evaluation criteria

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

- (1) for Architects, as established by this Board based upon the current "NCARB Handbook for Interns and Architects," "NCARB Education Standard" and "Intern Development Program Guidelines", the Act, these Rules and/or equivalent standards determined by the Board;
- (2) for Landscape Architects, as established by current CLARB standards, the Act, these Rules and/or equivalent standards determined by the Board;
- (3) for Interior Designers, as established by current NCIDQ standards, the Act, these Rules and/or equivalent standards determined by the Board.

- (b) Rejections of applications will include evaluation reports and instructions for completing requirements.
- (c) The order upon which a Candidate completes education and/or training may, at the sole discretion of the Board, be considered to have met or not met their requirements.

55:10-5-5. Landscape Architect and Interior Designer application deadlines

Applications for an initial License to practice landscape architecture may be made at any time. Landscape Architect applications received later than March 1st for the June exams or October 1st for the December exams will be continued to the next examination schedule. Interior Design applications for initial Registration as an Interior Designer received later than March 1st for the fall exams or October 1st for the spring exams will be continued to the next examination schedule. All applications, fees and notifications must reach this office by 4:30 p.m. on the due date and postmarks will not be accepted.

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

Applications for examination for current ~~Architect or~~ Landscape Architect Candidates testing on the six (6) year time period shall remain active for the six (6) years examination period only. At the end of the six (6) year period, these Candidates shall reapply as a new Candidate and begin testing under the five (5) year rolling clock. Candidates testing on the five (5) year rolling clock shall remain active for one (1) year ~~five (5) years~~ after the last examination section was passed. After one year from the last examination was taken, the Candidate must reapply. Interior Design Candidates shall remain active for one (1) year ~~five (5) years~~ after the last examination was taken and must reapply. Any Candidate experiencing physical disability, illness or other extenuating circumstances may request exemption or extension from the examination retention requirements. The individual shall provide supporting documentation for the Board's review. Such hardship cases will be considered by the Board on an individual basis. Incomplete applications are withdrawn after one (1) year and the Applicant will be required to reapply. Applicants and Candidates called to active military duty in the armed forces of the United States and deployed to a temporary military assignment, shall be exempt from the retention period for the duration of the temporary deployment under Section 55:10-7-1.

Beginning July 1, 2009, all Architect Candidates shall test under the current and changing provisions set out by NCARB or modified by this Board in it's sole discretion.

55:10-5-7. Qualifications for an Architect License

(a) An Applicant for an initial License to practice architecture in Oklahoma shall be an individual of good moral character and not less than 21 years of age. Further, the Applicant shall have a professional degree from an NAAB accredited program in a school of architecture or an equivalent degree and provide evidence of acceptable training in architecture as noted in Section 55:10-5-4. The Board requires ~~three (3) years of acceptable training and~~ completion of the IDP program prior to licensing. The Board may accept an Architect who is Broadly Experienced with ten (10) years of acceptable experience and licensing who has also passed the NCARB examinations or its equivalent, as determined by the Board in its sole discretion and the Board's Act and Rules examination.

(b) The Board may, in its discretion, accept applications for an initial License to practice architecture from Applicants who are not graduates as required in Section 55:10-5-4, who furnishes evidence acceptable to the Board of having completed an equivalent educational and training program.

(c) All Applicants shall take and pass an examination on the Act and these Chapter 10 Rules, as well as pass NCARB's examination prior to receiving a License in the State.

55:10-5-8. Qualifications for a Landscape Architect License

(a) **General requirements.** An Applicant for an initial License to practice landscape architecture shall be an individual of good moral character and not less than 21 years of age.

(b) **Education and training requirements.** Applicants shall have a professional degree from a LAAB accredited program in a school of landscape architecture or an equivalent educational program and

provide evidence of three (3) years of acceptable training credits as provided in Section 55:10-5-4 ~~prior to licensing~~ or as established by CLARB. The Board may accept a Landscape Architect who is Broadly Experienced with ten (10) years of acceptable experience and licensed in good standing who has passed the CLARB examinations or its equivalent, as determined by the Board in its sole discretion and the Board's Act and Rules examination.

(c) **Training credits.**

(1) Training credits may not be counted prior to completion of the third year of college or a pre-professional degree. Thirty-two (32) semester credit hours or forty-eight (48) quarter credit hours are considered to be one (1) year. Fractions of one-half or greater will be considered one-half year and smaller fractions will not be counted. To earn full training credits, an Applicant must work at least (32) to (35) hours per week for a minimum of two consecutive months. A Candidate may earn one-half the credit specified for work of at least fifteen (15) to twenty (20) hours per week for a minimum of four consecutive months. Training credits may also be earned by any person who works outside the U.S. or Canada if the person is under the Direct Supervision of a person credentialed to practice landscape architecture, architecture, engineering or planner and the supervising person is not registered in a U.S. or Canadian jurisdiction.

(2) Training credits are defined as follows:

(A) ~~Diversified landscape architectural experience under the Direct Supervision and Responsible Control~~ of a licensed Landscape Architect.

(i) 100% credit

(ii) No limit to credit

(iii) Practicing as a principal in good standing as a landscape architecture for six (6) years full time, shall be deemed to have satisfied the training requirement.

(B) ~~Diversified landscape architectural experience under the Direct Supervision and Responsible Control~~ of a licensed Architect, ~~or engineer or credentialed planner in good standing~~

(i) ~~75%~~100% credit

(ii) ~~No limit to credit~~ Two (2) years maximum credit

(C) Landscape architectural experience directly related to on site construction, maintenance, or installation operations.

(i) 50% credit

(ii) 1 year maximum credit

(D) Non-diversified experience in landscape architecture under the Direct Supervision of a licensed Landscape Architect, engineer, Architect or credentialed planner in good standing

(i) ~~75%~~50% credit

(ii) ~~No limit to credit~~ One (1) year maximum credit

~~(D)~~(E) All Applicants shall take and pass an examination on the Act and these Rules as well as an examination on Oklahoma plant materials and CLARB's examination prior to receiving a License in the State.

55:10-5-9. Reciprocal licensing and changing base or resident state registration [REVOKED]

55:10-5-10. Qualifications for Registration as an Interior Designer

(a) **General requirements.** All individuals applying for Registration as an Interior Designer shall:

(1) Obtain all required education and training prior to Registration.

(2) Hold an accredited professional degree in interior design accredited by the Council of Interior Design Accreditation or its successor, obtain two (2) years or 3,520 hours of acceptable training as defined by this Subsection and pass the examinations for Registration as an Interior Designer administered by NCIDQ or its successor; or

- (3) Obtain an equivalent education to an accredited professional degree in interior design, as determined by the Board, obtain two (2) years or 3,520 hours of acceptable training and experience hours as defined by this Subsection and pass the examinations for Registration as an Interior Designer administered by NCIDQ or its successor; or
- (4) Have been issued a valid Registration from another state, jurisdiction or foreign country provided the requirements for Registration are equivalent to the requirements of this state as determined by the Board; or
- (5) Have a degree from a program accredited by CIDA or its successor. An applicant, who has completed the program within two (2) years of the program acquiring this accreditation, shall be considered to have obtained an accredited education program in interior design.

(b) **Equivalent education and defining training requirements.** The following education, training and experience may be considered to be equivalent to the requirements of OAC 55:10-5-910(a) as determined by the Board in its sole discretion:

- (1) A baccalaureate degree in programs of no less than 120 semester or 180 quarter passing credit hours of which 60 semester or 90 quarter hours, respectively, are interior design-related; and a total of no less than 3,520 hours of interior design acceptable training as defined herein;
- (2) Certificate, degree or diploma with a minimum passing credit of 60 semester hours or 90 quarter passing credit hours respectively in interior design related coursework and obtain 5,280 hours of acceptable training; or
- (3) Meet the educational standards set forth by the National Association of the Schools of Art and Design and other similar institutions provided the educational program has a minimum of 40 semester passing credit hours or 60 passing quarter credit hours in Interior Design related coursework and 7,040 hours of acceptable training.
- (4) Thirty (30) passing semester hours from a Board approved program shall equal one (1) year of education towards the first accredited professional degree in interior design or its equivalent program.
- (5) One (1) year of education credit hours from a Board approved program earned in an interior design program or its equivalent degree program shall equal two (2) years of acceptable training and experience.
- (6) Four (4) years from a Board approved program shall be an equivalent standard for the first professional degree in interior design or its equivalent when computing the fifteen (15) years experience and training to equate towards the training and experience requirement in O.S. 59, Sections 46.39 through 46.40 of the Act.
- (7) A second accredited professional degree in interior design or its equivalent shall count as one year of education for two (2) years of training and experience.
- (8) The Board may accept an Interior Designer who is Broadly Experienced with ten (10) years of acceptable education and experience and registration who has passed the NCIDQ examinations or an equivalent examination as determined by the Board in its sole discretion and the Board's Act and Rules examination.
- ~~(8) Beginning July 1, 2007 through June 30, 2009, the Board may accept, in lieu of the requirement of any professional interior design degree, six (6) years of diversified and appropriate experience in interior design as defined by the Act and these Rules and has passed the examination of NCIDQ; or~~
- ~~(9) The Applicant is a licensed Architect. This exemption ends June 30, 2009.~~

(c) **Education content requirements.** Educational instruction shall include, but is not limited to, the following:

- (1) Building and Interior Systems
- (2) Business and Professional Practices, Management and Ethics
- (3) Codes and Ordinances
- (4) Basic and Creative Arts
- (5) Color Theory

- (6) Interior Design
- (7) Technical Knowledge
- (8) History and theory of Art, Architecture and Design
- (9) Human Factors
- (10) Lighting
- (11) Materials and Finishes
- (12) Communication Skills
- (13) Furnishings

(d) **Training and experience categories.** Training and experience credits shall be awarded for work performed in the following areas:

- (1) Programming
- (2) Schematic Design
- (3) Design Development
- (4) Contract Documents
- (5) Contract Administration
- (6) Professional Practice

(e) **Training and experience requirements.** The Board may accept as evidence of diversified training and experience in interior design as stated in this Subsection:

- (1) Applicants having obtained the first CIDA professional accredited degree in interior design or its equivalent shall have 2 years of acceptable training and experience hours, as determined by the Board in its sole discretion. One year shall equal 1760 hours of training and experience. ~~One (1) hour of full time work will equal one (1) hour of credit.~~
- (2) Applicants may earn one (1) year of training and experience hours after completing 96 semester passing credit hours toward the first professional degree in interior design.
- (3) On January 1, 2007, all individuals beginning their training and experience shall obtain credits after all educational requirements have been met for those individuals with equivalent education equating to the first accredited professional degree in interior design.
- (4) Applicants with acceptable education and experience may take the examination to become an Interior Designer, regardless of the order in which each was obtained when training and experience requirements are met and if training began prior to January 1, 2007.
- (5) Training and experience hours shall be awarded based on working full time for at least two (2) consecutive months with thirty-five (35)thirty-two (32) hours per week or more in interior design or architecture. Part time training and experience hours shall be calculated at the rate of fifty percent (50%) for less than thirty-five (35)thirty-two (32) hours per week and more than twenty (20)fifteen (15) hours per week working for at least (4) consecutive months. Working less than twenty (20)fifteen (15) hours per week will not qualify for training and experience hours. Two (2) years of full time acceptable training and experience under an Interior Designer or Architect offering services as interior design shall equal one (1) year of equivalent education in interior design.
- (6) Applicants beginning their training and experience after January 1, 2008, shall be under the Direct Supervision ~~and Responsible Control~~ of a registered or licensed Interior Designer or a licensed Architect offering service as interior design. If the Interior Designer is not registered or licensed in a jurisdiction, then all work shall be under the Direct Supervision of an NCIDQ certificate holder.
- (7) The Board, in its sole discretion, shall determine whether all education, training and experience for Applicants are acceptable or not and whether or not it satisfies the requirements for Registration.
- (8) ~~Applicants obtaining full time training and experience hours obtained in a related field with a registered or licensed Interior Designer or a Licensed Architect offering services as interior design, shall be calculated at the rate of fifty percent (50%) and shall be limited to six (6) months of the total training and experience hours required by the Board until December 31, 2007 at~~

~~midnight, when this category ceases.~~—If the Interior Designer is not registered or licensed in a jurisdiction, then all work shall be under the Direct Supervision of an NCIDQ certificate.

(9) Training and experience hours shall be submitted on the Board's forms or equivalent. It is the responsibility of the Applicant to obtain all required signatures. All Board forms are to be returned directly to the Board office by the employer, as they are confidential records.

(10) Training in a firm engaged in interior design outside the U.S. or Canada if you are under the Direct Supervision of a person credentialed in interior design or architecture, who is not registered in a U.S. or Canadian jurisdiction.

(f) **Grandfather requirements.** Any Applicant who submits a properly completed and acceptable application for Registration and pays all applicable fees ~~between July 1, 2007 and June 30, 2009~~ shall be issued a Certificate of Registration provided the requirements below have been met:

(1) An Applicant has submitted evidence of education and training the Board deems equivalent to an accredited professional degree in interior design, satisfied training requirements, if applicable and has passed the examinations administered by NCIDQ or its successor; or

~~(2) The Applicant has submitted evidence of six (6) years of diversified and acceptable training and experience hours prior to July 1, 2009, and the Board has determined and accepted such evidence as meeting these requirements and has passed the examinations administered by NCIDQ or its successor; or~~

~~(3) The Applicant is a licensed Architect.~~

~~(4)~~(2) Without limitation to application deadlines, an Applicant may apply who has obtained fifteen (15) years of diversified and acceptable training and experience in the practice of interior design as determined by the Board prior to July 1, 2007, and the Applicant is not registered under this Act and not exempt from the requirements for Registration in order to use the title "Interior Designer" and provide services as interior design. The Applicant shall be exempt from passing the NCIDQ examinations and fulfilling any additional education or training requirements as determined by the Board. The Applicant may use any combination of education, training and experience as acceptable and determined by the Board to equate to the fifteen (15) years experience. Thirty (30) passing education hours equals one (1) education credit year used toward obtaining the first accredited professional degree in interior design or an equivalent degree as determined by the Board or may equal two (2) years of diversified and appropriate experience when calculating the required fifteen (15) years experience. Additionally, the Applicant obtaining a second accredited professional degree in interior design or an equivalent degree as determined by the Board may use this education in addition to other education or training.

(g) **Exemption from Registration.** An individual holding a current Architect License is exempt from Registration to offer services as interior design, describe services and has the right to use the term interior design. ~~In order to be eligible to use the term Interior Designer, the Architect shall obtain Registration, but shall be exempt from education, training and testing requirements for Interior Designers through June 30, 2009.~~

55:10-5-11 Changing resident state and applying for a Reciprocal License or Registration

(a) All individuals applying for a reciprocal License or Registration shall satisfy the requirements contained in the Act and these Rules and submit an acceptable and complete application for the License or Registration requested and enclose the necessary fees payable by check, cashier's check, money order, credit card, if applicable or certified funds when submitted. Prior to being issued a License or Registration, all Applicants shall take and pass an examination on the Act and these Rules. The Secretary-Treasurer shall have the power at his/her discretion, to approve all reciprocal applications that meet the statutory requirements of the Act and Rules in this Chapter without full Board action. The License or Certificate of Registration will follow at a later date.

(b) A License certificate shall be issued and will authorize the individual to engage in the practice of architecture or landscape architecture and use the title Architect or Landscape Architect in this state until the 30th day of June of the biennial License period. A Certificate of Registration shall be issued and will

authorize the individual to use the title Interior Designer or offer services as interior design until the 30th day of June of the biennial Registration period. No License or Certificate of Registration shall be issued for longer than two (2) years.

(c) Any reciprocal License or Registration which is denied, suspended, revoked or refused to be renewed, by any state in which the Licensee or Registrant has obtained a License or Registration, or in which a certification is withdrawn by NCARB, CLARB or NCIDQ shall be cause to suspend, revoke or refuse to renew the License or Registration by this Board.

(d) The Licensee or Registrant may change the resident state to Oklahoma by qualifying and applying for a transfer of the individual's official records to this Board and paying all applicable fees in 55:10-3-13.

(e) Applications for an architectural License by reciprocity shall comply with (a) of this Section and be through NCARB or directly through the Board and only to those individuals whose states have similar requirements and equivalent standards and extend the same privilege to this state's Applicants. Upon approval, a letter confirming the individual's qualifications will be sent and the Board will assign a License number.

(f) Applications for a Landscape Architect License by reciprocity will be through submission of a CLARB record or directly through the Board, complying with (a) of this Section and showing licensure by the UNE or the LARE in any other state, country or territory whose requirements for licensing are at least equivalent to the requirements of this state and extend the same privilege of reciprocity to Landscape Architects licensed in this state. The Applicant shall be required to pass an examination on Oklahoma plant material. Upon approval, a letter confirming the individual's qualifications will be sent and the Board will assign a License number.

(g) Applications for an Interior Design Registration by reciprocity shall comply with (a) of this section through submission of an NCIDQ record or directly through the Board and only to those individuals whose states have similar requirements and equivalent standards and extend the same privilege to this state's Registrants. Upon approval, a letter confirming the individual's qualifications will be sent and the Board will assign a Registration number.

(h) Rejections of applications for a License or Registration by reciprocity will be by letter explaining the reasons, and outlining procedures under which reconsideration may be possible.

SUBCHAPTER 7. EXAMINATION

Section

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

55:10-7-1. Examination required for Candidates

(a) Approved Candidates for initial ~~Architect and~~ Landscape Architect licensing shall individually appear and pass the required examinations. Candidates may take any section of the examinations that has not been previously passed. After June 30, 1999, current Candidates shall have a six (6) year time frame to pass all sections of the examination. Any Candidate failing to obtain a passing score on all sections of the examinations within the six (6) year period, shall forfeit all credits for all section(s) of the examinations previously passed. These Candidates shall re-apply as a new Candidate after their six (6) year testing period ends and begin testing under the new five (5) year rolling clock.

(b) Beginning July 1, 2007, all new Candidates for licensing as ~~Architects and~~ Landscape Architects shall begin on a five (5) year rolling clock. The clock begins from the date the Candidate passes the first section. The passing grade for any section shall be valid for five (5) years only, after which time the section shall be retaken if the remaining sections have not been passed within the five (5) year period. If a Candidate fails to pass all remaining sections within the initial five (5) year period, the Candidate is given a new five (5) year period from the date of the second oldest passed section and so on. After passage of all sections of the examinations within five (5) years, and prior to licensing, all Candidates shall take and pass an examination on the Act and these Rules. In addition, Landscape Architect Candidates shall take and pass an examination on Oklahoma plant materials prior to licensing.

(c) Beginning July 1, 2009, all Architect Candidates shall individually appear and pass the required examinations and retain or forfeit grades according to the current policies and procedures adopted by NCARB and this Board.

~~(e)~~(d) Candidates for Registration as Interior Designers shall be required to take and pass the NCIDQ examination on interior design, unless exempt by the Act. Candidates shall submit a properly completed and acceptable application, documentation and applicable fees to the Board. Evaluation and determination of qualifications prior to beginning testing shall be determined by the Board in its discretion according to current NCIDQ standards, the Act and these Rules. Upon approval by the Secretary-Treasurer of the Board or by the Board, NCIDQ and the Candidate shall be notified of the Board's decision for entrance into the examination. Upon completing the examination, the Candidate shall contact NCIDQ and have them send a letter to the Board indicating the Candidate has passed the

entire examination. Prior to Registration, the Candidate shall take and pass an examination on the Act and these Rules. Upon payment of the Registration fee and properly completed and acceptable updating of the application, the Board may issue the Registration.

~~(d)~~(e) Any Candidate on active military duty deployed to a temporary military assignment, shall be exempt from the retention period for the duration of the temporary deployment. In order to qualify for this exemption, the Candidate shall submit military documentation of the deployment to the Board office and the staff shall place the Candidate on military active status. Upon return from the temporary military deployment, the Candidate shall submit to the Board office within ~~thirty~~ninety (90) days, military documentation that the individual has returned from deployment. The Candidate shall then be returned to regular active status for examination without losing any credits for sections passed.

55:10-7-2. Examination notifications

Examination information, formats, dates, times and places will be announced in notices mailed to Landscape Architect Candidates, at their last known address. NCARB or NCIDQ will notify all Candidates of all pertinent examination information at the Candidate's last known address.

55:10-7-3. Examination

Examinations offered may be developed by NCARB, CLARB or NCIDQ, developed and approved for administration on specified dates. Landscape Architect Candidates and reciprocal Applicants shall, in addition to other CLARB testing materials, be tested upon their knowledge of Oklahoma plant material. All Applicants shall, ~~after completing all other required examinations,~~ take and pass an examination on the Act and these Rules prior to being licensed or registered in the state.

55:10-7-4. Deadlines for submissions

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

55:10-7-5. Examination fee refunds

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

55:10-7-6. Grading

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

55:10-7-7. Reexamination

(a) ~~Prior to June 30, 1999, the Board shall allow unlimited opportunities to retake the architectural and landscape architectural examinations previously failed according to Section 55:10-7-1. After June 30, 1999, currently testing Architect and Landscape Candidates shall have six (6) years from the first sitting for the examination to pass all sections of the examination. Any Candidate failing to obtain a passing score on all sections of the examination within the six (6) year period shall forfeit all credits for any section(s) of the examination previously passed. Candidates failing to appear for reexamination within the six (6) year period shall forfeit all section(s) of the examinations previously passed and shall re-apply for admission to the examinations as a new Candidate, except for those Candidates on temporary military deployment, who are exempt under 55:10-7-1. Candidates shall reapply to continue testing if~~

their application was placed on inactive status except for those Candidates on temporary military deployment or the Board has granted an extension of their time to take the examinations due to a hardship. This consists of filing a new updated application and paying the fees which may be processed by the Board's staff without Board approval.

(b) Beginning July 1, 2007, all new Candidates for licensing as ~~Architects and~~ Landscape Architects shall begin on the five (5) year rolling clock, as described in 55:10-7-1 and shall continue to retest under those provisions until the entire sections of the examinations have been passed within the five (5) year period. If a Candidate fails to pass all remaining sections within the initial five (5) year period, the Candidate is given a new five (5) year period from the date of the second oldest passed section and so on. No passing score is valid for longer than five (5) years. New Candidates failing to appear for reexamination ~~for one year within the five (5) year rolling clock and allowing all grades to expire over five (5) years old, shall forfeit all credits for parts passed and~~ are required to reapply for admission to the examinations, except for those Candidates on temporary military deployment, who are exempt under 55:10-7-1 or those the Board has granted an extension of their time to take the examinations due to a hardship. Interior Design Candidates shall be permitted to retest according to the guidelines of NCIDQ.

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

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

(b) The Board will retain the final valid test scores on individual sections of the examinations taken and passed for Architect, Landscape Architect or Interior Design Candidates as determined by 55:10-7-1. Final passing scores will be placed in the Candidate's file and retained permanently.

(c) Candidates called to active military duty in the armed forces of the United States and deployed to a temporary military assignment, shall be exempt from the retention period for the duration of the temporary deployment as in Section 55:10-7-1.

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

(a) **Outgoing transfers.** The Board staff, upon written request by the Candidate and payment of the file transfer fee, will transfer final or valid examination grades given under the Board's jurisdiction to any other duly constituted Architect, Landscape Architect or Interior Design boards and to NCARB, CLARB or NCIDQ for use in evaluating such Applicant's eligibility for licensing or Registration as applicable. A transfer to another board shall immediately terminate the Applicant's application with this Board.

(b) **Incoming transfers.** The Board, in its sole discretion, may or may will not accept, toward obtaining an initial License or Registration, scores on separate test sections taken in other states by Candidates who did not meet Oklahoma requirements for admission to the exams at the time the exams were taken.

SUBCHAPTER 9. LICENSING AND REGISTRATION

Section

- 55:10-9-1. The License or Registration
- 55:10-9-2. Term of License or Registration
- 55:10-9-3. Required display of the License
- 55:10-9-4. Duplicate License or Registration
- 55:10-9-5. Suspension, revocation, or refused renewal of a License or Registration
- 55:10-9-6. Biennial License or Registration required
- 55:10-9-7. Emeritus status requirements
- 55:10-9-8. Failure to biennially renew
- 55:10-9-9. Reinstating License and Registration from emeritus status to active practice
- 55:10-9-10. Reinstatement of canceled License or Registration
- 55:10-9-11. Reinstatement of a License or Registration based on cause

55:10-9-1. The License or Registration

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

55:10-9-2. Term of License or Registration

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

55:10-9-3. Required display of the License

Each individual holding a License shall display it at his/her place of practice and be prepared to substantiate biennial renewals.

55:10-9-4. Duplicate License or Registration

A duplicate License or Registration may be issued to an individual provided:

- (1) the current License or Registration renewal is effective;
- (2) a written request for a replacement or duplicate License or Registration is received;
- and
- (3) the fee is paid as prescribed in 55:10-3-13.

55:10-9-5. Suspension, revocation, or refused renewal of a License or Registration

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

(b) **Cause defined.** Cause shall be defined as any violation of the Act and the Board's current Rules in this Chapter. Cause shall also be defined as another state refusing to renew the Architect's, Landscape

Architect's License or Interior Designer's Registration, not meeting continuing education requirements, if applicable, suspension or revocation of a License or Registration or NCARB, CLARB or NCIDQ withdrawing the certification of the individual Licensee or Registrant.

55:10-9-6. Biennial License or Registration required

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

(b) Licensees or Registrants called to active military duty in the armed forces of the United States and deployed to a temporary military deployment shall comply with OAC 55:10-3-13.

55:10-9-7. Emeritus status requirements

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

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

(a) Failure to biennially renew the License or Registration and satisfy all continuing education requirements, if applicable, remit renewal fees, submit properly completed and acceptable forms with pertinent information and pay penalties where applicable in 55:10-3-13, as prescribed by the Act and the Board's current Rules in this Chapter, will result in automatic suspension and revocation of the License, Registration, Certificate of Authority and/or Certificate of Title on July 1st of the renewal year.

(b) Notices of automatic suspension and/or revocation will be sent to the last known address of the Licensee, Registrant or Entity. If a License, Registration, Certificate of Authority or Certificate of Title is not renewed for any reason, the Licensee or Registrant must immediately cease the practice of architecture, landscape architecture or offering services as interior design. An Architect, Landscape Architect or Interior Designer shall cease using these professional titles or other titles restricted by the Act or the Rules. Individuals who continue to practice architecture, landscape architecture or offering services as interior design during the time of suspension and/or revocation are subject to the fines, penalties and civil remedies contained in the Act and these Rules.

55:10-9-9. Reinstating License and Registration from emeritus status to active practice

An individual desiring to reinstate a License or Registration to an active status may do so by re-applying and paying a readmission application fee. The Board has full discretion as to how to reinstate the License or Registration or determine not to reinstate the License or Registration. If the Board, in its sole discretion reinstates the License or Registration, the individual shall pay the current License or Registration fee in 55:10-3-13. The individual shall also complete the continuing education requirements, if applicable, for the current License or Registration period and comply with all other Board requirements.

55:10-9-10. Reinstatement of canceled License or Registration

(a) Reinstatement of any License or Registration within three (3) years. Licenses or Registrations canceled for nonpayment of fees and/or failure to comply with continuing education requirements if applicable, may be renewed at any time within three (3) years, from the date of the cancellation, upon compliance with the Act and the Board's current Rules and upon paying the Board all fees which shall have been accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the License or Registration been suspended and revoked, together with the amount of penalties prescribed in 55:10-3-13. Additionally, no License or Registration shall be reinstated unless the individual has completed all past continuing education requirements, where applicable for the three (3) years and paid to the Board the penalties for reinstatement set forth in OAC 55:10-3-13. These Licenses and Registrations may be reinstated by the Board's staff upon compliance with the Act and Rules of the Board without Board action.

(b) Reinstatement of initial License or Registration after three (3) years. For those Architects, Landscape Architects or Interior Designers licensed or registered initially in Oklahoma that allow their License or Registration to remain cancelled for a period exceeding three (3) consecutive years, such former Licensee or Registrant may have the License or Registration reinstated in a manner as determined by the Board consistent with the Act and these Rules, after reapplying and paying a readmission application fee. Additionally, the Licensee or Registrant shall meet all continuing education requirements where applicable, that would have been otherwise required, and pay all back fees and penalties.

(c) Reinstatement of Reciprocal Licenses or Registrations after three (3) years. Any Architect or Landscape Architect licensed to practice in Oklahoma by reciprocity must, after his/her reciprocal License has been canceled for more than three (3) years, re-apply through the means of which the initial License was granted or demonstrate a current License in another jurisdiction, meet all continuing education where applicable that would have been required, and pay a readmission application fee and all back fees and penalties. Interior Designers must re-apply and prove a current Registration in another jurisdiction or through NCIDQ, pay a readmission application fee and pay all back fees and penalties.

(d) Returning from temporary military deployment. Licensees or Registrants returning from temporary military deployment shall notify the Board office consistent with OAC 55:10-3-13(b).

55:10-9-11. Reinstatement of a License or Registration based on cause

A License or Registration suspended, refused to be renewed, penalties levied, orders issued or revoked for cause, may be reinstated only by Board action and only then in the manner determined by the Board. Request for reinstatement may be filed by re-applying, paying a readmission application fee after all appeals have been exhausted and the further passage of six (6) months. The request shall show the Board that the public interest will not suffer by reason of the reinstatement and should be addressed to the Secretary-Treasurer at the Board office. The Board has the sole discretion as to whether to reinstate the License or Registration, deny the reinstatement and require the payment of all back fees, penalties and meet continuing education requirements if applicable.

SUBCHAPTER 11. RULES OF PROFESSIONAL CONDUCT

Section

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

55:10-11-1. General requirements

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

55:10-11-2. Good moral character

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

- (1) Practicing architecture or landscape architecture without a License in violation of any jurisdiction regulation.
- (2) Conviction of a felony.
- (3) Misrepresentations or falsifications of fact in an application for licensing or any other document filed with the Board.
- (4) Individual cases may require consideration of other items that define the lack of good moral character.

55:10-11-3. Competence

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

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

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

(d) No individual shall be permitted to engage in the practice of architecture or landscape architecture if, after a hearing, in the Board's judgment, such individual's professional competence is found to be

substantially impaired by mental disabilities. An individual may apply for reinstatement through the procedures established by the Rules in this Chapter.

55:10-11-4. Conflict of interest

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

55:10-11-5. Full disclosure

- (a) A Licensee or Entity making public statements on architectural or landscape architectural questions, shall disclose when he/she or it is being compensated for making such statements.
- (b) A Licensee or Entity shall accurately represent to a prospective or existing client or employer his/her/its qualifications and the scope of responsibility in connection with work for which he/she/it is claiming credit. An individual leaving employment shall obtain written permission from the employer to take or copy plans and specifications when they leave the Entity.
- (c) If, in the course of his/her/its work on a project, the Licensee or Entity becomes aware of a decision taken by his/her/its employer or client, against such Licensee's or Entity's advice, which violates applicable state or municipal building laws, codes or regulations, and which will, in the Licensee's or Entity's judgment, materially and adversely affect the health, welfare and safety to the public of the finished project, the Licensee or Entity shall:
 - (1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws, codes or regulations;
 - (2) refuse to consent to the decision;
 - (3) in circumstances where the Licensee or Entity reasonably believes that other such decisions will be taken, notwithstanding her/his/its objection, terminate services with respect to the project. In the case of a termination in accordance with (c) of this Section, the Architect, Landscape Architect or Entity shall have no liability to his/her/its client or employer on account of such termination.
- (d) A Licensee or Entity shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with an application for a License, Registration, renewal or contract with a client/owner.
- (e) A Licensee or Entity shall not assist the application for an individual or Entity known by the Registrant or Entity to be unqualified in respect to education, training, experience or character.
- (f) A Licensee or Entity, shall report such knowledge to the Board.
- (g) The Architect, Landscape Architect or Entity contracting to provide professional services shall disclose whether or not they carry liability insurance or are bonded for the project. If insurance or a bond is canceled during the term of a contract, or any extension thereof, the client/owner shall be notified in writing of the cancellation.

55:10-11-6. Compliance with laws

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

55:10-11-7. Professional conduct

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

- (1) Each office in Oklahoma maintained for the preparation of drawings, specification, reports or other professional work shall have a Licensee in that office having Direct Supervision ~~and being in Responsible Control~~ of such the work.
- (2) A Licensee shall not sign or seal drawings, specifications, reports or other professional work for which he/she does not have Direct Supervision ~~and is in Responsible Control~~. Provided, however, that in the case of the portions of such professional work prepared by the Licensee's licensed consultants, licensed under this or another professional license in Oklahoma, the Licensee may dually sign and seal that portion of the professional work if the licensed Architect or Landscape Architect has additionally coordinated its preparation and intends to be responsible for its adequacy.
- (3) A Licensee or Entity shall neither offer nor make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Licensee or Entity is interested. Intent of influence means influence, direct or indirect, which induces or tends to induce consideration or action with respect to any prospective work on any basis other than the merits of the matter.
- (4) A Licensee or Entity shall not engage directly or indirectly an agent or representative to solicit work on his/her/its behalf whose compensation is contingent, in whole or in part, upon obtaining professional work for the Entity, Architect or Landscape Architect.
- (5) A Licensee or Entity shall not make false statements about the professional work, or maliciously injure or attempt to injure the prospects, practice or employment position of others.
- (6) A Licensee or Entity shall not furnish limited services in such a manner as to enable owners, draftsmen, or others to evade public health and safety requirements.
- (7) A Licensee or Entity provides a service to the client, as well as a product and as such is only responsible for the design of the facility represented by the drawings he or she signed, sealed and dated for a specific client and location. Should the client or any other individual modify or change locations of the facility or make changes to the design without the authorization of the Licensee, the Licensee is only responsible and liable for the project as he/she signed, sealed and dated it and the site at the original location. Nothing contained herein shall apply to prototype plans, where the Licensee is allowed to review and adapt a plan already sealed by the original Licensee and the current Licensee is making changes to adapt in whole or in part to a different location and bring the plan up to the current code requirements. In this case, the Licensee is required to sign, seal and date only the changes to the original documents and shall only be responsible for his/her new changes.

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

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

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

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

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

(a) **Seal declares authorship.** The seal appearing on any technical submission shall be a prima facie evidence in 55:10-15-1 that said technical submission was prepared by or under the individual named on said seal. Changes made to a signed, sealed and dated end of point product or service that are not designed by the original Licensee and that are not authorized or indicated by the seal of another Licensee on the changes, exempts the original Licensee from any authorship or liability concerning any changes made, including making site changes without the knowledge of the Licensee.

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

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

(d) **Use or attempted use of seal by unauthorized individuals.** No individual, other than the Licensee represented, shall use or attempt to use the prescribed seal, and no unregistered individual or Entity shall be authorized to use the prescribed seal, except as described in (c) above. Use, reproduction, distribution or attempted use of the seal shall include using a set of construction documents to construct a structure on another site without the permission of the original Licensee or making unauthorized copies, changes or incorporating any portion of the specifications into another work without the use of a Licensee's seal, signature and date authorizing such changes. Prototype building plans shall carry the seal, signature and date of the original Licensee, but may be used at other locations, ~~as an intended use~~ complying with OAC 55:10-11-9 (e) (f).

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

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

- (1) the seal of the original Architect or Landscape Architect appears on the submissions to authenticate authorship.
- (2) the succeeding Architect or Landscape Architect clearly identifies all modifications to the submissions.
- (3) the succeeding Architect or Landscape Architect assumes responsibility and liability for the adequacy of the design on the modifications.

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

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

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

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

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

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

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

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

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

- (1) such documents were developed and prepared under ~~the~~ a Licensee's Direct Supervision ~~and~~ or Responsible Control;
- (2) the Licensee had full authority to determine their development; and
- (3) the Licensee has reviewed and adopted, in whole or in part, architectural or landscape architectural portions and has either coordinated their preparation and integrated them into the work.

SUBCHAPTER 13. ORGANIZATIONAL PRACTICE

Section

- 55:10-13-1. Individual and group practice
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- 55:10-13-8. Reinstatement of canceled Certificate of Authority or Certificate of Title
- 55:10-13-9. Compliance with laws, Rules, regulations and orders
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- 55:10-13-11. Surrender of Certificate of Authority or Certificate of Title
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- 55:10-13-13. Authority to use professional titles
- 55:10-13-14. Certificate of Authority or Certificate of Title index maintained; restriction on similar names
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- 55:10-13-18. Use of full name in title of firm name
- 55:10-13-19. Use of departed surname in title of firm name
- 55:10-13-20. Use of fictitious name in title of firm name
- 55:10-13-21. Use of single surname in title of firm name

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

Individual Licensees or Registrants holding current Licenses or Registration may organize or engage in individual or group practice of architecture, landscape architecture or organize in an Entity for the purposes of representing themselves as an Interior Designer or offering services as interior design allowed by statutes of this state and which are in compliance with the Act and the Board's current Rules in this Chapter. The Secretary-Treasurer of the Board may approve these applications without full Board action.

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

Each Entity in the state where architectural or landscape architectural services are offered or performed for execution in Oklahoma shall have a current Oklahoma licensed Architect or Landscape Architect in Direct Supervision ~~and being in Responsible Control~~ who is listed on the Certificate of Authority as an Architect of Record.

55:10-13-3. Licensees accountable

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

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

Excluding sole proprietorships practicing or using a title of profession under the name of the Architect, Landscape Architect or Interior Designer only, all entities, including entities using a fictitious name, practicing, offering to practice or contracting to provide architectural or landscape architectural services or using the title of Interior Designer or offering services as interior design in the State of Oklahoma shall file an application with the Board, pay applicable fees and penalties in OAC 55:10-3-13 and, if qualified, be issued a Certificate of Authority or Certificate of Title by the Board. Certificates of Authority or Certificates of Title may be granted by the Board to any Entity which meets the criteria of the Act and is these Rules and approved by the Secretary-Treasurer of the Board.

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

The Board may grant a Certificate of Authority to practice architecture or landscape architecture through individual Licensees or a Certificate of Title to represent the person as an Interior Designer or to offer services as interior design through Registrants to those firms meeting the following criteria:

- (1) An application is filed and approved by the Secretary-Treasurer of the Board or the Board.
- (2) At least one general partner, or director, officer, shareholder, manager, member or principal is a licensed Architect or Landscape Architect and designated as being responsible for the practice of the profession in the State of Oklahoma or is registered as an Interior Designer offering services of interior design and responsible for the Entity. If a firm is offering multiple professions, the firm shall have at least one general partner, director, officer, shareholder, principal or for a limited liability company, a manager or member who is licensed or registered in each profession and is designated as being responsible for the activities of each profession.
- (3) The firm's practice of architecture or landscape architecture in any office (e.g. branch office) is under the Direct Supervision ~~and Responsible Control~~ of a licensed Architect or Landscape Architect and such individual supervises its activities and is listed in the Certificate of Authority as an Architect of Record.
- (4) All technical submissions, original working drawings, original cover sheet and the page identifying all specification pages covered, all addenda and field changes shall be signed, sealed and dated by an Architect of Record defined in 55:10-1-3.
- (5) The Certificate of Authority or the Certificate of Title shall identify the individual(s) Oklahoma licensed Architect(s) or Landscape Architect(s) or registered Interior Designer(s), who shall be an Architect of Record or an Interior Designer of Record and in responsible charge of the professional activities of the Entity; and
- (6) Compliance with the Board's Rules in this Chapter and the Act shall not alleviate other members, officers, shareholders, managers, principals, directors, partners or employees from direct responsibility and liability by reason of employment or relationship with the Entity to the Board.
- (7) The Certificate of Authority or Certificate of Title issued by the Board is subject to powers of renewal, suspension, revocation, denial, refusal to renew, levying criminal or civil penalties, vested in the Board by the Act and does not preclude the Board from using any other legal procedures necessary to carry out its powers and duties.
- (8) A duplicate Certificate of Authority or Certificate of Title may be issued to an Entity provided:
 - (A) the current License or Registration renewal of the Architect(s) of Record or the Interior Designer(s) of Record is current and active in good standing and the Certificate of Authority or Certificate of Title is current and active in good standing;
 - (B) a written request for a replacement or duplicate Certificate of Authority or Certificate of Title is received; and
 - (C) the fee is paid as prescribed in 55:10-3-13.

55:10-13-6. Biennial renewals required for Certificate of Authority or Certificate of Title

(a) **Biennial renewal requirements.** An Entity desiring to practice Architecture, Landscape Architecture or use the title Architect or Landscape Architect through a Certificate of Authority or an Entity desiring to represent themselves as an Interior Designer or offer services as interior design through a Certificate of Title, must submit the proper fees and applicable penalties in 55:10-3-13 and forms for application and renewal biennially. No Certificate of Authority or Certificate of Title shall be issued for longer than a two (2) year period. The renewal forms, required information and fees shall be due with the Licensee's or Registrant's individual renewal which are due by 4:30 p.m. on or before June 30 of the renewal year to avoid penalties. Postmarks will not be accepted.

(b) **Late payment and reinstatement penalties.** Failure to biennially renew and remit payment of the renewal fee for the Certificate of Authority or Certificate of Title on June 30 of the renewal year will result in a late payment and reinstatement penalties in 55:10-3-13 and cancellation of the certificate.

(c) **Renewal exemption based on temporary military deployment.** The exemption from fees and penalties shall apply to the Certificate of Authority or the Certificate of Title if a Licensee is the only Architect of Record or a Registrant is the only Interior Designer of Record associated with the Entity. Licensees or Registrants who are called to active military duty in the armed forces of the United States and deployed to a temporary military assignment are exempt from paying all renewal fees and penalties in OAC 55:10-3-13.

55:10-13-7. Failure to biennially renew a Certificate of Authority or Certificate of Title

(a) Failure to biennially renew the Entity and remit payment of the renewal fee and applicable penalties, submit an acceptable and complete application and other required documents or information for the Certificate of Authority or Certificate of Title on June 30 of the renewal year will result in automatic cancellation and revocation of the certificate.

(b) Automatic cancellation and revocation of the Certificate of Authority or Certificate of Title will result in the Entity paying late payment and reinstatement penalties in addition to all other fee requirements in OAC 55:10-3-13.

(c) Notices of suspension or revocation will be sent to the last known address of the Entity failing to biennially License or Register and remit renewal fees and penalties.

55:10-13-8. Reinstatement of canceled Certificate of Authority or Certificate of Title

(a) **Reinstatement for nonpayment of fees.** A Certificate of Authority or Certificate of Title canceled for nonpayment of fees may be renewed upon submission of an updated, acceptable and complete application form, provided the Entity currently meets all statutory requirements, the Rules this Chapter and payment to the Board of the fees and penalties in OAC 55:10-3-13 have been paid, which have been accrued by the Entity at the time of reinstatement.

(b) **Reinstatement of Certificate of Authority or Certificate of Title for cause.** A Certificate of Authority or Certificate of Title suspended, denied, refused to be renewed, penalties levied, orders issued or revoked for cause may be reinstated only by Board action and only then in the manner determined by such Board action. Request for reinstatement may be filed by re-applying after all appeals have been exhausted and the further passage of six (6) months of suspension, refusal to renew, penalties levied, orders issued or revoked for cause. The request shall show the Board that the public interest will not suffer by reason of the reinstatement and should be addressed to the Secretary-Treasurer at the Board office. The Board has the sole discretion as to whether to reinstate the Certificate of Authority or Certificate of Title, deny the reinstatement and require the payment of all back fees and penalties.

(c) **Reinstatement based on temporary military deployment.** Entities given an exemption from paying fees and penalties because the only Architect of Record or Interior Designer of Record was deployed on a temporary military deployment in the armed forces of the United States, shall notify the Board office consistent with OAC 55:10-3-13.

55:10-13-9. Compliance with laws, Rules, regulations and orders

All entities shall comply with all laws, Rules, regulations and orders issued, which apply to an individual Architect, Landscape Architect or Interior Designer.

55:10-13-10. Investigations, hearings and penalties

The Board shall investigate complaints, hold hearings, issue orders and determine penalties against entities in the same manner, procedure and with the same rights and offenses as an individual Architect, Landscape Architect or Interior Designer as designated in the Rules of this Chapter.

55:10-13-11. Surrender of Certificate of Authority or Certificate of Title

Upon notice of the Board, Certificates of Authority or Certificates of Title suspended, refused to renew or revoked for cause by Board action shall be surrendered immediately in the manner prescribed by that notice.

55:10-13-12. Notification of changes in firm practice required

Entities shall notify the Board office within thirty (30) days of any or all changes that affect the Certificate of Authority or Certificate of Title. Notification shall be on the Board's form, signed by an Architect or Landscape Architect of Record, Interior Designer of Record, or another partner, director, officer, shareholder, principal or for a limited liability company, a manager or member of the Entity, notarized and accompanied by the fees in 55:10-3-13. Failure to properly and promptly notify the Board of these changes shall be cause for penalties, orders issued, revocation, refuse to renew or suspend the Certificate of Authority or Certificate of Title, as designated in the Rules of this Chapter.

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

- (a) Only individuals holding current Licenses or Registrations in Oklahoma and entities holding a current Certificate of Authority or Certificate of Title issued by the Board are authorized to employ the titles Architect, Landscape Architect or Interior Designer or use any various construction of these words in describing or identifying services, contracting or executing work.
- (b) No unlicensed individuals or entities have authority to contract or execute architectural or landscape architectural services or offer services as interior design in this state unless they comply with the Act and these Rules.

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

- (a) The Board office shall maintain a suitable index of each current Certificate of Authority or Certificate of Title issued, setting forth the pertinent facts.
- (b) The name of the Entity shall not be the same or deceptively similar to the name of any other Entity then existing or which has existed within the preceding three (3) years, without the written consent of the previously existing Entity.

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

- (a) Limited partnerships, limited liability companies, limited liability partnerships, foreign and domestic corporations are required by law to file for a certificate of incorporation or domestication and maintain same with the Secretary of State.
- (b) Failure of an Entity to properly file or register with the Oklahoma Secretary of State and maintain said Entity in good standing with the Oklahoma Secretary of State may result in revocation of the Certificate of Authority or Certificate of Title and disciplinary action pursuant to the Act and Rules in this Chapter.

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

Use of the names of deceased or retired licensed or registered partners or directors in a firm name is permissible. Stationary, advertisements, business cards and similar items circulated to the public, shall

indicate the status and year the individual retired or died. Retired individuals may also be listed as consulting Architects, Landscape Architects or Interior Designers. Example:

Doe, Smith & Jones
Architects and Interior Designers

John Doe	Fred Jones
Deceased, Architect	Interior Designer
1988-2016	1987-2017

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

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

Doe, Smith & Jones
Architects & Engineers

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

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

John C. Doe Company
Architects
John C. Doe (1988-2040)

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

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

Doe & Smith	
Architects & Engineers	
John Doe, Architect	David Williams
Inactive 2020	Engineer

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

Fictitious names of firms are permissible so long as at least one Architect of Record or Interior Designer of Record as defined in 55:10-1-3, has Direct Supervision ~~and is in Responsible Control~~ for the activities of the firm and the individual's name appears on all stationary, business cards and similar items. Example:

The Gold Star Group
Architects & Engineers
John Brown, Architect

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

Use of a single surname is permissible so long as that surname is a licensed Architect, Landscape Architect, registered Interior Designer, or related professional (e.g., engineer, structural, mechanical,

electrical, or civil, or land surveyor). The entity shall also list the name of the licensed Architect, Landscape Architect, or registered Interior Designer responsible for the activities of the firm and the individual's name appears on all stationary, business cards and similar items. Example (where Jones is a licensed related professional):

The Jones Group
Architects & Engineers & Land Surveyors
John Doe, Architect

SUBCHAPTER 15. VIOLATIONS

Section

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

55:10-15-1. Prima facie evidence

Prima facie evidence shall be construed or attempting to construe to practice, perform or offer architecture, landscape architecture or services as interior design within the meaning and intent of the Act by display or verbal claim, sign, advertisement, contract, card or other printed, engraved, or written instrument or device, or by electronic means bearing an individual's or entities name or in any other way represent to be licensed or registered under the Act. Prima facie evidence is also defined as an individual or Entity representing as able to contract, offer, perform services or use the restricted titles defined under the Act as requiring a License, Registration, Certificate of Authority or a Certificate of Title. Any such action noted by this Section shall be sufficient to justify an injunction or any other order or a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures and penalties are necessary and shall have the power to proceed with any and all legal procedures in addition to the injunction or other such orders issued.

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

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

- (1) Fraud, deception or misrepresentation in applying for a License, Registration, Certificate of Authority, Certificate of Title or in taking the examinations (see 55:10-15-4);

- (2) Noncompliance with statutory requirements or Rules in this Chapter for qualifying for a License or Registration;
- (3) Violating the Act or any Rule in this Chapter, regulation or order issued by the Board;
- (4) Conviction of a felony;
- (5) Violating any other jurisdiction's registration or licensing laws, requirements or rules and regulations;
- (6) Mental impairment;
- (7) Gross incompetence (see 55:10-15-5);
- (8) Recklessness on the part of the Licensee in designing, planning or observing the construction or alteration of a project or building (see 55:10-15-6);
- (9) Dishonest practice (see 55:10-15-7);
- (10) Failure to maintain a License or Registration in good standing in one additional jurisdiction for reciprocal Licensees or Registrants;
- (11) Loss of NCARB, CLARB or NCIDQ certification for reciprocal Licensees or Registrants based on cause;
- (12) Nonpayment of fees, penalties, failure to complete continuing education requirements, when applicable, or failure to file acceptable and properly completed required documents with the Board will result in automatic revocation;
- (13) Unauthorized or misuse of seal which shall include sealing, dating and signing any or all documents not prepared under ~~the a Licensee Licensee's Direct Supervision and Responsible Control.~~ Prototype plans are an exception to this Rule as noted in OAC 55:10-11-9 (e) (f).
- (14) Aiding and/or abetting unlicensed practice of architecture or landscape architecture.
- (15) Sealing, signing and/or dating plans and/or specifications not prepared in accordance with the Act and/or these Rules.
- (16) Giving false or forged evidence or documents submitted to the Board or generated in the practice of architecture or landscape architecture.
- (17) Presenting the License or Registration of another as the individual's or Entity's own.
- (18) Concealing information relative to any violation of the Act or the Board's Rules.

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

Civil penalties and legal costs incurred by the Board including reasonable attorney fees to prosecute the case may be levied by the Board separately or in addition to any other penalties determined by the Board. The Board may seek criminal and injunctive relief through the courts for any violation of the Act, Rules in this Chapter, regulation, or to enforce any order issued by the Board.

55:10-15-4. Fraud or misrepresentation

Any Architect, Landscape Architect, Interior Designer, Entity or any other party who shall make oral or written fraudulent, false or misleading statements on any document, report, statement, examination, investigation, plans or specifications shall, upon conviction, be deemed guilty of fraud or misrepresentation. Fraud shall include copying any documents from an employer without specific written authorization.

55:10-15-5. Gross incompetence

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

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

- (2) Failure to engage other licensed design professionals, competent and authorized through this or other Oklahoma statutes to practice in related planning disciplines, when the Architect or Landscape Architect is otherwise responsible for obvious technical or tactical error jeopardizing the success or safety of the project, the public, the client and/or contractor.
- (3) Failure to clearly, accurately and completely develop plans, drawings, specifications and other instruments of service in practice that properly qualify the requirements intended and insure against misunderstandings jeopardizing the client and/or contractor.
- (4) Failure to use diligence and available counsel in preparing documents for the protection of a client in construction agreements involving the Licensee's responsibility.
- (5) Practicing architecture or landscape architecture while mentally impaired.

55:10-15-6. Recklessness

- (a) The Architect or Landscape Architect is responsible for many technical and tactical judgments relating to construction materials, techniques and systems processes. His/her education, training and experience should enable him/her to make such determinations with confidence in a successful result.
- (b) The Board expects of its Licensees, Entities or individuals representing same, prudent and deliberate consideration in such decisions, made only after responsible and thorough investigation, research and when necessary, expert advice and assistance.
- (c) When the result anticipated in such decisions is not reasonably predictable, each Licensee, Entity or individual representing same, is expected to so advise the client, fully disclosing the implications involved.
- (d) When such decisions promote procedures, techniques, materials, systems, etc., unfamiliar to the planning and/or building team involved, the Licensee, Entity or individual representing same, is expected to exercise extraordinary care and attention to the process, insuring as best he/she can the result sought.
- (e) If, in the judgment of the Board, a Licensee, Entity or individual representing same, does not demonstrate concern, attention and involvement stated in this Section, and failure to do so brings jeopardy to the project, public or client, the Board may deem such neglect to be recklessness.
- (f) A Licensee or Entity shall not aid or abet any unlicensed party in practicing architecture or landscape architecture. Aiding and abetting shall include furnishing limited services in such a manner as to enable owners or unlicensed parties to evade the requirements of the Act or Rules in this Chapter. Incomplete plans shall be clearly marked as incomplete and not for construction if services are terminated during the contract.

55:10-15-7. Dishonest practice

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

- (1) Acts which evidence violation, or attempts to violate, any laws or Rules of this or any other state relating to licensing or the practice of architecture or landscape architecture.
- (2) Acts which evidence disregard or neglect in complying with regulations, codes, ordinances and recognized standards regulating construction at the place of building.
- (3) Acts which evidence attempts through commission or omission, to mislead or defraud any party.
- (4) Acts which evidence attempts or success in efforts violating Rules in this Chapter regarding the use of an Architect's or Landscape Architect's seal, signature and date.
- (5) Acts which evidence attempts or success in efforts to bribe any party, who may influence the selection of any Architect, Landscape Architect or Entity. Kickbacks, donations, or forgiveness offered or paid to gain improper advantage in selection will be considered bribes.
- (6) Acts which evidence attempts or success to conceal a Licensee's or Entity's interests in conflict with responsibilities of service to a client.

- (7) Acts which evidence improper partiality as arbiter or interpreter in matters relating to client/contractor agreements resulting in or from unauthorized waivers, deviations, or disregard of provisions in such agreements.
- (8) Acts evidenced by exaggerated, misleading, deceptive or false statements or claims about professional qualifications.
- (9) Falsifying any documents submitted to the Board or required to be kept by the Licensee, Registrant, Entity or generated in the practice of architecture or landscape architecture.
- (10) It shall be illegal to copy any documents or programs from the employer's files without expressed written consent by the employer.
- (11) Submitting forged documents or evidence to the Board.

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

When information comes to the Board or its employees concerning alleged violations of the Act or these Rules, whether through formal or informal channels or by reason of other information, it shall be the duty of such body or individual to refer such information to the Secretary-Treasurer.

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

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

- (1) Terminate the investigation when it appears no violation has occurred or there is insufficient evidence to support any violation; or
- (2) Refer the matter to the investigative committee; or
- (3) Appoint an individual investigator; or
- (4) Attempt informal resolution of the matter; or
- (5) Refer directly to Board.

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

55:10-15-10. Informal resolution

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

55:10-15-11. Investigation committee

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

(b) **Duties.**

- (1) It shall be the duty of the investigation committee, upon request from the Secretary-Treasurer of the Board, to investigate to determine whether there exists probable cause to believe a violation has occurred as to justify the institution of formal or civil proceedings. The investigation shall be conducted with reasonable dispatch. The investigative committee shall report to the Executive Director of the Board the result of any investigation promptly upon its conclusion. Such report shall include a summary of evidence considered by the committee including any materials provided to the committee, their conclusions of fact and law, and recommendation with respect to

institution of civil or formal proceedings. The committee may or may not, in its sole discretion, afford the accused party involved an opportunity to be heard in the course of preliminary investigation.

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

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

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

55:10-15-13. Investigator

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

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

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

55:10-15-15. Hearings

(a) General provisions.

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

(2) Such notice shall include a copy of the charge, a statement of the time, place and nature of the hearing, a statement of the legal authority and jurisdiction under which the hearing is held; of the matters asserted or issues involved. At any hearing interested parties shall be afforded the opportunity to respond, present evidence, and argue on all issues involved.

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

(4) At any hearing the party charged with misconduct or violation of the Act or Rules shall enjoy the following rights:

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

- (B) of confidential communication with his spouse, attorney, clergyman, priest and/or physician; and
- (C) of withholding such other records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States, are made confidential or privileged; and
- (D) of cross examination; and
- (E) of counsel.

(b) Hearing record.

(1) The hearing record shall include:

- (A) All pleadings, motions and intermediate rulings;
- (B) Evidence received or considered;
- (C) Questions and offers of proof, objections, and rulings thereon;
- (D) Proposed findings and exceptions;
- (E) Any decision, opinion, or report by the officer presiding at the hearing;
- (F) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case. This does not include staff memoranda or data submitted or communicated to Counsel for the Board, unless used in the hearing.

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

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

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

- (1) By the Board;
- (2) By any member of the Board or its designee acting as hearing examiner;
- (3) By any attorney licensed to practice before the Supreme Court of the State of Oklahoma acting as hearing examiner.

55:10-15-16. Hearing disqualification procedures

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

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

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

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

(a) The Board may find:

- (1) The charges are dismissed for insufficient evidence;
- (2) The charges are dismissed without prejudice;
- (3) The charges are dismissed with prejudice;
- (4) The defendant is found not guilty;
- (5) The defendant is found guilty;

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

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

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

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

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

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

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

(c) All disciplinary actions where the party has been convicted, pled guilty or nolo contendere to a violation of the Act or Rules, shall be publicized to the public and profession with their name, License or Registration number and/or the Certificate of Authority or Certificate of Title number and the city and state on the Board's records, if applicable.

55:10-15-19. Proposed hearing orders

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

55:10-15-20. Issuing of orders

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

55:10-15-21. Final orders

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

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

Exceptions shall be filed with the Executive Director within ten (10) days of mailing the proposed order to the party. If exceptions are filed, the Executive Director shall set the time and place for the

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

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

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

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

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

(c) The Board will consider past violations taken against any party found guilty in any present proceeding. Such past violation shall not be evidence of guilt in the present proceeding but will be considered only in determining appropriate sanctions or penalties to be imposed by the Board in the present proceeding.

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

55:10-15-24. Other hearings

When it comes to the Board's attention that a party residing in or out of the State of Oklahoma may be engaged in any illegal activity that might be determined as a violation of the Act, these Rules, penalties or orders issued by the Board, the Board may take any necessary legal action permitted pursuant to the provisions of 59 O.S., Sections 46.1 et seq. and may, in addition, bar the individual or Entity and/or their employers from obtaining a License, Registration, Certificate of Authority and/or Certificate of Title.

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

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

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

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

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

Section

- 55:10-17-1. Purpose
- 55:10-17-2. Board responsibilities
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55:10-17-1. Purpose

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

55:10-17-2. Board responsibilities

(a) The Board shall:

- (1) Perform continuing education audits of Architects and Landscape Architects.
- (2) Determine if courses address the health, safety and welfare of the public through an audit.
- (3) Discipline Architects and Landscape Architects, as may be appropriate.

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

55:10-17-3. Noncompliance and sanctions

The continuing education requirements contained in this Section will apply to every Architect and Landscape Architect, as a condition for renewing of his/her and/or the Certificate of Authority. Failure to fulfill the continuing education requirements, or file the required biennial report and affidavit, properly completed and signed, or to pay all required fees by June 30th of the renewal year, shall result in non-renewal of an Architect's or Landscape Architect's License and/or Certificate of Authority.

55:10-17-4. Continuing education CEU-requirements

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

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

55:10-17-5. Exemptions

An Architect or Landscape Architect may be exempt from participating in the continuing education program required by these Rules for one of the following reasons:

- (1) A first-time License issued by examination or reciprocity shall be exempt for his/her first renewal period if the first renewal period is less than two years from the original date of licensure. A Reciprocal Licensee will be exempt from these requirements if the Licensee is licensed in another jurisdiction and has met continuing education requirements equal to or exceeding the requirements of this Subchapter. The Licensee shall certify to the Board that the requirements of this Subchapter have been met and substantiate same when audited.
- (2) An Architect or Landscape Architect who has taken emeritus status must certify to the Board that they are not currently practicing architecture or landscape architecture. In the event the emeritus individual elects to return to active practice, the individual shall earn the continuing education required for the current licensing period, not to exceed two (2) years.
- (3) An Architect or Landscape Architect called to active military duty in the armed forces of the United States shall be exempt from obtaining the continuing education required for the duration of the temporary deployment and all penalties, if applicable and shall comply with OAC 55:10-3-13.
- (4) An Architect or Landscape Architect experiencing physical disability, illness or other extenuating circumstances may request exemption from the continuing education requirements. The individual shall provide supporting documentation for the Board's review. Such hardship cases will be considered by the Board on an individual basis.

55:10-17-6. Computation of credits

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

- (1) successfully completing one Contact Hour in course work, seminars or making professional or technical presentations at meetings, conventions or conferences shall be the equivalent of one CEU;
- (2) teaching or instructing a qualified presentation, approved by the Board, shall constitute two CEUs for each hour spent in the classroom. Teaching credit shall be valid for teaching a course or seminar in its initial presentation only. Teaching credit may be claimed by full-time faculty at a college, university or other educational institution for the initial presentation only and shall be related to health safety, welfare issues only;
- (3) authoring a published paper, article, writing a continuing education course or a book shall be the equivalent of 24 CEUs (No CEU's will be approved for newspaper or similar news articles);
- (4) successfully completing one university semester hour of credit shall be the equivalent of 12 CEUs;
- (5) mentoring other individuals in the Licensee's profession in extra curricular settings and activities. Credit shall be two (2) Contact Hours equals one CEU.

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

- (a) All programs and courses are subject to auditing and the Board may disapprove any course not meeting the intended continuing education criteria set forth in this Subchapter.
- (b) All courses sponsored by NCARB, CLARB, The American Institute of Architects and the American Society of Landscape Architects will count for the required continuing education requirements if they meet the requirements of this Subchapter and the intent of the Board.
- (c) Continuing education courses must be at least one Contact Hour in length and meet the topic area guidelines described in this Subchapter.

- (d) Continuing education courses will be approved or disapproved by the Board based upon the information presented at the time of audit.
- (e) To qualify for continuing education, the course must:
- (1) include technical and practical applications which impact public health, safety and welfare and,
 - (A) maintain, improve, expand or enhance the quality of the existing technical knowledge;
 - (B) fill voids that may exist in the professional education and internship training; or
 - (C) develop new and relevant technical profession skills and knowledge.
 - (2) have clear purposes and objectives;
 - (3) be well organized, presented in a sequential manner, and provide evidence of pre-planning;
 - (4) be presented by individuals who are well-qualified by education or experience in the field being taught; and
 - (5) provide individual participant documentation for record keeping and reporting.
- (f) Architects and Landscape Architects may secure continuing education credit through the following types of programs and courses:
- (1) attending professional or technical presentations at meetings, conventions or conferences;
 - (2) attending in-house programs sponsored by corporations or other organizations;
 - (3) successfully completing seminars, tutorials, short courses, correspondence courses, televised courses or video-taped courses;
 - (4) making professional or technical presentations at meetings, conventions or conferences;
 - (5) teaching or instructing, complying with OAC 55:10-17-6;
 - (6) authoring published papers, articles or books;
 - (7) successfully completing college or university sponsored courses; and
 - (8) mentoring other individuals in the Licensee's profession in extra curricular settings and activities. Credit shall be two (2) Contact Hours equals one CEU.
- (g) Subject content acceptable for purposes of architecture continuing education shall be limited to:
- (1) Study of Codes including safety codes, and laws and regulations governing the practice of architecture.
 - (2) Environmental Issues.
 - (3) Design proficiency.
 - (4) Study within planning, engineering, interior design, construction contracting and related disciplines.
 - (5) Legal aspects of contracts, documents, insurance, bonds, project administration, etc.
 - (6) Specialization, preservation, adaptive reuse, building types) etc.
 - (7) Construction Documents and Services.
 - (8) Materials and Methods.
 - (9) Mechanical, Plumbing, Electrical and Life Safety.
 - (10) Structural technology.
 - (11) Energy efficiency.
 - (12) Project administration.
 - (13) Professional ethics.
 - (14) Americans with Disabilities Act guidelines.
- (h) Subject content acceptable for purposes of landscape architecture continuing education shall be limited to:
- (1) Study of Codes including safety codes, and laws and regulations governing the practice of landscape architecture;
 - (2) Environmental issues;
 - (3) Design proficiency;
 - (4) Study within planning, engineering, horticulture, construction contracting and related disciplines;

- (5) Legal aspects of contracts, documents, insurance, bonds, project administration, etc.
- (6) Specialization in areas of concentration;
- (7) Construction documents and sources;
- (8) Project administration;
- (9) Professional ethics;
- (10) Safety guidelines (Playgrounds, trails, etc.);
- (11) Herbicide and pesticide use;
- (12) American Disability Act Guidelines;
- (13) Irrigation system design;
- (14) Grading and drainage.

55:10-17-8. Instructional guidelines

Methods of instruction used for course delivery include personal presentation, correspondence and video courses or other learning techniques. Instructional guidelines for the presentation of such course include the following:

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

55:10-17-9. Disallowance

- (a) The Board has final authority with respect to approval of courses, credits, and continuing education hours.
- (b) If the Board determines through an audit, that continuing education hours are to be disallowed, an Architect or Landscape Architect shall have 30 calendar days after notification to substantiate the original claim or earn other continuing education hours to meet minimum requirements and submit documentation to the Board office.
- (c) Fraud or misrepresentation in certification of course attendance or any other aspect of fulfilling continuing education requirements will be disciplined in accordance with the Act, including revocation or denial of the renewal of a License and/or Certificate of Authority, if applicable.

55:10-17-10. Licensee responsibilities

- (a) The Architect or Landscape Architect is responsible for retaining proof of participation in continuing education activities. Such verification includes, the following as applicable:
 - (1) A log showing activity claimed, sponsoring organization, location, duration, etc.; or
 - (2) Attendance certificates; or
 - (3) Signed attendance receipts; or
 - (4) Sponsor's list of attendees (signed by an individual in responsible charge of the activity).
- (b) These records must be retained until January 1st following the filing of an application for License renewal. Copies shall be furnished to the Board for audit purposes if requested.

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

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

(a) Each Architect or Landscape Architect, at License renewal, shall submit an affidavit attesting to the individual's fulfillment of continuing education requirements during the two years preceding the renewal. Affidavits, with an accompanying report concerning the courses taken by the individual to fulfill continuing education requirements, shall be submitted either on the back of the Licensee's renewal provided by the Board or attached separately to the renewal form.

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

55:10-17-12. Requirements and responsibilities

(a) The Board has set forth the following criteria that will be reviewed in approving continuing education hours:

(1) Subject matter meeting the intent and purpose of requiring continuing education for Architects and Landscape Architects that complies with the requirements of the Act and these Rules.

(b) Courses shall be related to health, safety or welfare only as defined by NCARB and adopted by this Board. Welfare is also defined as the Licensee participating in an architecture or landscape architecture mentoring program for the benefit of students.

(c) Architects and Landscape Architects are encouraged to take programs of intermediate and advanced levels.

(d) Courses that are issuing reporting certificates should contain the following: participant's name, sponsor name, course title, number of contact hours, date course given, sponsor or monitor signature.

(e) Licensees shall maintain a record of all reporting certificates or other documentation issued for verification of attendance until January 1st after submitting the License renewal. Duplication or falsification, as-well-as misuse, of reporting certificates or other documentation may be grounds for disciplinary action against the Licensee.

(f) Courses should issue to attendees seeking continuing education credit, a "Course Evaluation Summary Form."

(g) Sponsors should verify the identity of course participants.

(h) Sponsors are encouraged to publicize their courses. A list of licensed Architects and/or Landscape Architects may be secured for a nominal fee from the Board. Applicable fees must be submitted with the request. The Board shall have thirty (30) days from receipt of the request to process and provide the requested listing.

(i) Architects and Landscape Architects cannot obtain partial credit for portions of courses taken.

(j) Brief absences or tardiness during a course are discouraged, however, if necessary the total of the absence of the attendee from the course should not exceed 10% of the course Contact Hours.

(k) Administrative procedures and introductions should be limited to no more than 10% of the course's Contact Hour credits. Specific course content should utilize no less than 80% of the course Contact Hours.

