

Alabama

Disciplinary guidelines are in the statute (Section 34-2-34) and in regard to fines states, "to levy administrative fines for serious violations of this chapter or the rules and regulations of the Board of not more than \$5,000 for each day the violation continues, but in no event shall an administrative fine exceed \$25,000 total per violation."

In the last ten years, the Board has fined anywhere from \$250 - \$3500. The fine amount is not specifically set up in rules for the type of violation. It is handled on a case by case basis depending on the level of proven violation, cooperation, and compliance.

We have an internal guideline for CE Violations of \$100 for each hour of CE they are short.

Tennessee

Penalty starts at \$750 per violation, then depending on mitigating or aggravating factors, it can be \$500 to \$1,000 per violation. We are consistent with this schedule. Thanks.

Rule 5.9 Disciplinary Penalties

Mississippi

Mississippi's fines are detailed in Rule 5.9 (attached). Miss. Code Ann. Section 73-1-29(4) gives the Board authority to assess penalties ranging from \$100 to \$5,000 for each violation. Fines range from \$500 to \$5,000 in the rules.

Set forth below are guidelines from which disciplinary penalties will be imposed by the Board upon practitioners found guilty of violating the law and/or rules of the Board. One purpose of the guidelines is to give notice to licensees and others under the Board's jurisdiction of the range of penalties the Board may impose for violations of particular provisions of the law and/or rules. The guidelines are not meant to be all encompassing, are not meant to address every disciplinary circumstance that might occur and there may be other causes for the imposition of discipline not mentioned below upon which the Board may act.

The guidelines are based upon a single count violation of each provision listed and are a guideline only. Multiple counts of violations of the same provision of the law or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint, will be grounds for enhancement of penalties. The Board shall be able to add to or deviate from the guidelines upon showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of a final decision. The maximum penalty for any violation is revocation and a \$5,000 fine per violation.

In determining the penalty to be imposed, the Board shall consider the following factors:

- A. Whether the penalty imposed will be a substantial deterrent to the violation
- B. The circumstances leading to the violation
- C. The severity of the violation and the risk of harm to the public
- D. The economic benefits gained by the violator as a result of non-compliance
- E. The interest of the public
- F. Consistency of the penalty with past penalties for similar offenses, or justification for the penalty imposed
- G. Prior disciplinary action in any jurisdiction or repeated violations
- H. Self-reporting of the offense, cooperation with the Board's investigation, and any corrective action taken

The guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees, applicants, intern architects, licensure candidates and examination candidates for violation of the above-mentioned statutes and rules. The Board shall have the right to collect any legal, investigative, and/or administrative charges incurred by the Board during the course of the investigation. In addition to the above sanctions, the Board may also require the individual to take and successfully pass a state jurisprudence examination as a condition precedent to final resolution of the disciplinary action.

Disciplinary Penalties:

- A. Failure to stamp plans (4.5.5; 3.2.4):
Minimum Penalty-Letter of reprimand and \$500 fine
- B. Failure to sign over stamp (73-1-35; 3.2.4; 4.5.7):
Minimum Penalty-Same as (A) above
- C. Providing work not competent to perform (4.1.1; 4.1.3):

- Minimum Penalty-Reprimand and \$2,500 fine
- D. "Plan Stamping" (73-1-35; 3.2.4; 4.5.2; 4.5.5; 4.5.9):
Minimum Penalty-Suspension and \$2,500 fine
- E. Attempting to procure a license by providing false, deceptive or misleading information (73-1-13(d)(iii); 73-1-29(b); 4.4.5):
Minimum Penalty-Revocation and \$2,500 fine if licensed (denial of license if application in process)
- F. Licensee disciplined by another jurisdiction (4.3.1; 4.3.4):
Minimum Penalty-Board discretion
- G. Criminal conviction relating to architecture (73-1-29(g); 4.3.1):
Minimum Penalty-Misdemeanor: reprimand and \$2,500 fine
Minimum Penalty-Felony: One (1) year suspension, one (1) year probation and \$2,500 fine
- H. Practice on suspended license resulting from disciplinary action by Board (73-1-29(e)):
Minimum Penalty-Revocation and \$5,000 fine
- I. Practice on inactive license (73-1-27; 73-1-29(e); 2.3):
Minimum Penalty-Fine based on length of time in practice while inactive; \$1,000 per month (penalty will require licensee to renew license or cease practice)
- J. Practice on revoked license based on non-payment of renewal fee (73-1-27; 73-1-29(e); 2.3):
Minimum Penalty-Fine based on length of time in practice while revoked; \$1,000 per month
- K. Fraudulent, false, deceptive or misleading advertising (73-1-1; 3.2.2; 3.2.3; 3.2.9; 3.2.11):
Minimum Penalty-Cease and desist letter and public reprimand
- L. Negligence (73-1-29(c); 4.1.1; 4.1.3):
Minimum Penalty-Reprimand, one (1) year probation and \$2,500 fine
- M. Fraud or Deceit (73-1-29(h); 4.5.4):
Minimum Penalty-Reprimand, one (1) year suspension, one (1) year probation and \$2,500 fine
- N. Incompetence (mental or physical impairment) (4.1.4):
Minimum Penalty-Suspension until ability to practice proved, followed by probation
- O. Bribery to obtain clients or commissions (4.3.3; 4.5.3):
Minimum Penalty-Revocation and \$5,000 fine
- P. Undisclosed conflict of interest (73-1-29(i); 4.2.1):
Minimum Penalty-Reprimand, \$2,500 fine and one (1) year probation
- Q. Aiding unlicensed practice (3.2.6(c); 4.3.2; 4.4.7; 4.4.8):
Minimum Penalty-Probation and \$2,500 fine
- R. Practicing architecture without a license (73-1-1; 73-1-13(d)(v); 73-1-29(a); 2.2):
Minimum Penalty-Reprimand and \$2,500 fine (denial of license if application in process)
- S. Practicing architecture through a business corporation or through a business entity that is not provided on the architect's record with the Board (73-1-19; 3.2.12):
Minimum Penalty-\$2,500 fine and test on Board laws and rules
- T. Violating the provisions of the construction administration rule (3.2.16):
Minimum Penalty-\$1,500 fine

Source: *Miss. Code Ann. §73-1-29(4)*

NC General Statute Chapter 83A.

Architects and Registered Interior Designers.

§ 83A-14. Disciplinary action and procedure.

Any person may file with the Board a charge of unprofessional conduct, negligence, incompetence, dishonest practice, or other misconduct or of any violation of this Chapter or of a Board rule adopted and published by the Board. Upon receipt of such charge, or upon its own initiative, the Board may give notice of an administrative hearing under the Administrative Procedure Act, or may dismiss the charge as unfounded or trivial, upon a statement of the reasons therefor which shall be mailed to the architect or registered interior designer and the person who filed the charge by registered or certified mail. (1979, c. 871, s. 1; 2021-81, s. 1.)

§ 83A-15. Denial, suspension or revocation of license.

(a) The Board shall have the power to suspend or revoke a license or certificate of registration of an architect or a registration of an interior designer, to deny a license or certificate of registration of an architect or a registration of an interior designer, or to reprimand or levy a civil penalty not in excess of five hundred dollars (\$500.00) per violation against any registrant who is found guilty of:

- (1) Dishonest conduct, including but not limited to:
 - a. The commission of any fraud, deceit or misrepresentation in any professional relationship with clients or other persons; or with reference to obtaining or maintaining license, or with reference to qualifications, experience and past or present service.
 - b. Using or permitting an individual professional seal to be used by or for others, or otherwise representing registrant as the author of drawings or specifications other than those prepared personally by or under direct supervision of registrant.
 - c. Using a professional license or registration from the Board that had been suspended or revoked.
 - d. Conduct of the registrant resulting in the imposition of other disciplinary action by a regulatory body of another state for any cause other than failure to pay applicable fees.
 - e. Surrendered or did not renew a professional license or registration after the initiation of any investigation or proceeding by such body.
- (2) Incompetence, including but not limited to:
 - a. Gross negligence, recklessness, or excessive errors or omissions or building failures in registrant's record of professional practice; or
 - b. Mental or physical disability or addiction to alcohol or drugs so as to endanger health, safety and interest of the public by impairing skill and care in professional services.
 - c. The registrant has been adjudged mentally incapable by a court of competent jurisdiction.
- (3) Unprofessional conduct, including but not limited to:
 - a. Practicing or offering to practice architecture or interior design without a current license or registration from this Board.
 - b. Knowingly aiding or abetting others to evade or violate the provisions of this Chapter, or the health and safety laws of this or other states;
 - c. Knowingly undertaking any activity or having any significant financial or other interest, or accepting any compensation or reward except from registrant's clients, any of which would reasonably appear to compromise registrant's professional judgment in serving the best interest of clients or public.
 - d. Willfully violating this Chapter or any rule or standard of conduct published by the Board, or pleading guilty or nolo contendere to a felony or any crime involving moral turpitude.
 - e. Falsely impersonating a practitioner or former practitioner of a like or different name or practicing under an assumed or fictitious name.
 - f. Grossly unprofessional conduct.

(b) Actions to recover civil penalties against any registrant may be commenced by the Board pursuant to Chapter 150B of the General Statutes. In determining the amount of any civil penalty, the Board shall consider the

degree and extent of harm caused by the violation. The clear proceeds of any civil penalty collected hereunder shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1915, c. 270, s. 5; 1919, c. 336, s. 3; C.S., s. 4993; 1953, c. 1041, s. 1; 1957, c. 794, s. 8; 1973, c. 1331, s. 3; 1979, c. 871, s. 1; 1989, c. 81; 1998-215, s. 128; 2021-81, s. 1.)

§ 83A-16. Violations of Chapter; penalties.

(a) Any individual or firm not registered under this Chapter, who shall wrongfully use the title "Architect" or represent himself or herself to the public as an architect, practice architecture as herein defined, present as his or her own the license of another, give false or forged evidence to the Board or any member thereof in obtaining a license, falsely impersonate any other practitioner of like or different name, use or attempt to use a license that has been revoked, or seek to avoid the provisions of this Chapter by the use of any other designation than "Architect": (i) shall be guilty of a Class 2 misdemeanor; and (ii) be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per day of such violation. Each day of such unlawful practice shall constitute a distinct and separate violation. The clear proceeds of any civil penalty collected hereunder shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(a1) Any individual or firm not registered under this Chapter, who shall wrongfully use the title "registered interior designer," represent himself or herself to the public as a "registered interior designer," seek to avoid the provisions of this Chapter by the use of any other designation than "registered interior designer," present as his or her own the registration of another, give false or forged evidence to the Board or any member thereof in obtaining a registration, falsely impersonate any other practitioner of like or different name, use or attempt to use a registration that has been revoked, or otherwise violate any of the provisions in this Chapter shall be guilty of a Class 2 misdemeanor and be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per day of such violation. Each day of such unlawful practice shall constitute a distinct and separate violation. The clear proceeds of any civil penalty collected hereunder shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(a2) Before imposing and assessing a civil penalty, the Board shall consider the following factors:

- (1) The nature, gravity, and persistence of the particular violation.
- (2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
- (3) Whether the violation was willful and malicious.
- (4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(b) Actions and prosecutions under this section shall be commenced in the county in which the defendant resides, or has his principal place of business, or in the case of an out-of-state corporation, is conducting business.

(c) Actions to recover civil penalties shall be initiated by the Attorney General, or any private counsel retained under G.S. 114-2.3.

(d) The Board shall establish a schedule of civil penalties for violations of this Chapter and rules adopted by the Board.

(e) The Board may in a disciplinary proceeding charge costs, including reasonable attorneys' fees, to the licensee or registered interior designer against whom the proceedings were brought. (1915, c. 270, s. 4; C.S., s. 4996; 1941, c. 369, ss. 1, 2; 1951, c. 1130, s. 3; 1957, c. 794, s. 11; 1965, c. 1100; 1969, c. 718, s. 21; 1973, c. 1414, s. 1; 1979, c. 871, s. 1; 1993, c. 539, s. 595; 1994, Ex. Sess., c. 24, s. 14(c); 1998-215, s. 129; 2021-81, s. 1.)

§ 83A-17. Power of Board to seek injunction.

The Board may appear in its own name and apply to courts having jurisdiction for injunctions to prevent violations of this Chapter or of rules issued pursuant thereto, and such courts are empowered to grant such injunctions regardless of whether criminal prosecution or other action has been or may be instituted as a result of such violation. A single act of unauthorized or illegal practice shall be sufficient, if shown, to invoke the injunctive relief of this section or criminal penalties under G.S. 83A-16. (1979, c. 871, s. 1.)

RULES
CHAPTER 02 - BOARD OF ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES

21 NCAC 02 .0601 PROFESSIONAL STANDARDS COMMITTEE

- (a) The Professional Standards Committee ("Committee") shall be appointed by the President of the Board. Complaints regarding violations of the law or board rules shall be referred to the Committee.
- (b) The Committee shall determine whether a complaint warrants further investigation or, if proven, constitutes probable cause and justifies contested case proceedings.
- (c) If probable cause is found by the Committee, the staff and board counsel shall serve a Notice of Hearing for a contested case proceeding. However, a Consent Agreement resolving the complaint may be negotiated and recommended to the Board by the Committee, either before or after service of the Notice of Hearing.
- (d) If probable cause is not found, the Committee may dismiss such a matter with or without prejudice.

21 NCAC 02 .0603 REQUEST FOR HEARING

- (a) Any time an individual believes he is a person aggrieved by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual may file a formal request for a hearing.
- (b) Before an individual may file a request, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.
- (c) Subsequent to such informal action, if still dissatisfied, the individual shall submit a request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information:
 - (1) name and address of the petitioner;
 - (2) a concise statement of the action taken by the Board which is challenged;
 - (3) a concise statement of the way in which the petitioner has been aggrieved; and
 - (4) a clear and specific statement of request for a hearing.
- (d) The request shall be acknowledged promptly and, if deemed appropriate by the Board in accordance with Rule .0604 of this Section, a hearing will be scheduled.

21 NCAC 02 .0604 GRANTING OR DENYING HEARING REQUESTS

- (a) The Board shall grant a request for a hearing if it determines that the party requesting the hearing is a "person aggrieved" within the meaning of G.S. 150B-2(6).
- (b) The denial of request for a hearing shall be issued no later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons for the denial of the request.
- (c) Approval of a request for a hearing will be signified by the issuing of a notice as required by General Statutes 150B-38(b) and explained in Rule .0605 of this Section.

21 NCAC 02 .0605 NOTICE OF HEARING

- (a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):
 - (1) the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion;
 - (2) the date, time, and place for a pre-hearing conference, if any; and
 - (3) any other information deemed relevant to informing the parties as to the procedure of the hearing.
- (b) The Board shall give notice to all parties with a notice of hearing either personally or by certified mail or, if those methods are unavailable, in accordance with G.S. 1A-1, Rule 4(j1). In the event that notice is accomplished by certified mail, the delivery date on the return receipt shall be the date of the service of notice.
- (c) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license or registration. Upon service of the order, the licensee or registrant to whom the order is directed shall immediately cease the practice of architecture in North Carolina. The Board shall promptly give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

21 NCAC 02 .0606 WHO SHALL HEAR CONTESTED CASES

All contested case hearings will be conducted by the full Board or by a panel consisting of at least a majority of the members of the Board. When required by Chapter 150B of the North Carolina Statutes, the Board shall apply to the Office of Administrative Hearings for the designation of an administrative law judge to hear the case pursuant to G.S. 150B-40(e).

21 NCAC 02 .0607 PETITION FOR INTERVENTION

(a) A person desiring to intervene in a contested case must file a written petition with the Board. The request must bear the notation: PETITION TO INTERVENE IN THE CASE OF (name of case).

(b) The petition must include the following information:

- (1) the name and address of petitioner;
- (2) the business or occupation of petitioner, where relevant;
- (3) a full identification of the hearing in which petitioner is seeking to intervene;
- (4) the statutory or non-statutory grounds for intervention;
- (5) any claim or defense in respect of which intervention is sought;
- (6) a summary of the arguments or evidence petitioner seeks to present.

(c) If the Board determines to allow intervention, notice of that decision will be issued promptly to all parties and to the petitioner. In cases of discretionary intervention, such notification will include a statement of any limitations of time, subject matter, evidence, or whatever else is deemed necessary that are imposed on the intervenor.

(d) If the Board's decision is to deny intervention, the petitioner shall be notified promptly. Such notice shall be in writing, identifying the reasons for the denial, and shall be issued to the petitioner and all parties.

21 NCAC 02 .0608 TYPES OF INTERVENTION

(a) Intervention of Right. A petition to intervene of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that Rule and his petition is timely.

(b) Permissive Intervention. A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, will be granted if the petitioner meets the criteria of that Rule and the Board determines that:

- (1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges, or duties and those of the parties to the hearings; and
- (2) Permitting intervention by the petitioner as a party would aid the purpose of the hearing.

(c) Discretionary Intervention. The Board may allow discretionary intervention, with whatever limits and restrictions are deemed appropriate.

21 NCAC 02 .0609 INFORMAL PROCEDURES

(a) The Board and the party or parties may agree in advance to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

(b) Informal disposition may be made of any contested case or any issue therein by stipulation, agreement, or consent order at any time after Notice of Hearing or during the proceedings.

21 NCAC 02 .0610 DISQUALIFICATION OF BOARD MEMBERS

(a) Self-disqualification. If for any reason a Board member determines that personal bias or other factors render that member unable to conduct the hearing and perform all duties in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.

(b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (name of case).

(c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.

(d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed ten days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.

(e) Procedure for Determining Disqualification:

- (1) The Board will appoint a Board member to investigate the allegations of the affidavit.
- (2) The investigator will report to the Board the findings of the investigation.
- (3) The Board shall decide whether to disqualify the challenged individual.
- (4) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the other members of the Board.
- (5) A record of proceedings and the reasons for any decision reached will be maintained as part of the contested case record.
- (6) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.
- (7) If disqualification of a Board member leaves less than a majority of the Board, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).
- (8) Where a petition for disqualification is filed less than ten days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

21 NCAC 02 .0701 CONTINUANCES FAILURE TO APPEAR

- (a) The presiding officer may grant continuances and adjournments only in compelling circumstances.
- (b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance adjournment, the hearing shall be conducted in the party's absence.

21 NCAC 02 .0702 WITNESSES

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded or transcribed. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

21 NCAC 02 .0703 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be made in writing to the Board, shall identify any document sought with sufficient particularity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and location in which the witness is commanded to appear. The Board shall issue the requested subpoenas within five days of receipt of the request.

(b) Subpoenas shall contain:

- (1) the caption of the case;
- (2) the name and address of the person subpoenaed;
- (3) the date, hour, and location of the hearing in which the witness is commanded to appear;
- (4) a particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any;
- (5) the identity of the party on whose application the subpoena was issued;

- (6) the date of issue;
- (7) the signature of one of the members of the Board or the Board's Secretary; and
- (8) a "return of service." The "return of service" form, as filled out pursuant to Paragraph (c) of this rule shall include:
 - (A) the name and capacity of the person serving the subpoena,
 - (B) the date on which service was made,
 - (C) the person on whom service was made,
 - (D) the manner in which service was made, and
 - (E) the signature of the person making service.

(c) The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person serving the subpoena shall fill out the "return of service" form, as required in Subparagraph (b)(8) of this Rule for each copy and return one copy of the subpoena, with the attached "return of service" form completed, to the Board.

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

(e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or other undue hardship.

(f) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(g) The party who requested the subpoena, in such time as may be granted by the presiding officer, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(h) After receipt of the objection and response thereto, if any, the presiding officer shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties, of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(i) After the close of such hearing, a majority of the Board members hearing the contested case shall rule on the challenge and issue a written decision. A copy of the decision shall be issued to all parties and made a part of the record.

21 NCAC 02 .0704 FINAL AGENCY DECISION

In all cases heard by the Board of Architecture and Registered Interior Designers, the Board will issue its decision within 60 days after its next regularly scheduled meeting following the close of the hearing. This decision will be the prerequisite "final agency decision" for the right to judicial review.

21 NCAC 02 .0705 PROPOSALS FOR DECISIONS

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings. The parties may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be received within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.

(b) Any exceptions to the procedure during the hearing, the handling of the administrative law judge, rulings on evidence, or any other matter must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision. The written exceptions must bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (name of case).

(c) Any party may present oral argument to the Board upon request. The requests must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, notice will be issued promptly to all parties designating the time and place for such oral argument.

(e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered will be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the

next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

POLICY

PSC Commonly Used Terms/Definitions

Complaint – A complaint is any matter that comes to the Board that may involve rule violations or disciplinary action. A complaint may be generated by anyone via an Official Complaint Form or by Board staff. A complaint can be generated for any reasonable purpose or as a result of an inquiry, a letter, email or other method, whether it is anonymous or not.

Letter of Caution - issued to an architect when the alleged violation does not rise to the level of formal discipline. It should be used as an educational tool rather than being punitive.

Letter of Warning – issued to a non-licensed individual who has used the title architect or architecture but has not actually offered architectural services. Examples - a residential designer using ‘architecture’ to describe their work or someone who might use the title ‘interior architect’.

Consent Order – Consent orders are used when formal discipline is necessary. The CO outlines the violation and the discipline. The board and the licensee agrees on the violation and certain disciplinary sanctions, such as reprimand or the suspension or revocation of his or her license as well payment of civil penalties and reimbursement of administrative costs. The use of a consent order allows the licensing agency and the parties involved to resolve a disciplinary proceeding initiated by the agency without the time and expense required by a formal administrative hearing.

PSC Standard Consent Minimum Civil Penalty Guidelines for Individuals and Firms practicing without a License In North Carolina.

Standard Corporate Consent

Firm applied for license but did not complete process:

- Minimum of \$2,500 per project Civil Penalty if offered/rendered services prior to obtaining license. Maximum total penalty of \$20,000.

Firm offered/rendered services after license had expired

- Minimum of \$2,500 Civil Penalty if offered/rendered services after license expired.
- Back renewal/late fees.

Standard Individual Consent

Individual submitted an application for licensure by reciprocity but has not completed the process:

- Minimum \$2,500 per project Civil Penalty if offered/rendered services prior to obtaining license. Maximum total penalty of \$20,000.

Individual offered services with an expired license:

- Minimum of \$2,500 Civil Penalty if offered/rendered services after the license expired.
- Back renewal/late fees

Costs associated with administration of the case will be recouped. In addition to the minimum actions listed above, the Board reserves the right to propose a Consent Order that includes additional relevant disciplinary actions such as community service, notification of clients or code officials of the non-licensed practice or other actions as allowable by law.

Individuals and firms that have failed to renew and continued to practice more than once will be required to appear before the Board for a formal interview.

It is important to know that the Board does not keep the Civil Penalties that it collects. Per the North Carolina Laws, all Civil Penalties collected by occupational licensing boards go the school system within the county of the infraction.

REVISED October 13, 2017

South Carolina

Per our statute the board may impose a civil fine of up to \$2,000 for each violation of a provision of the chapter or regulation; however total fines may not exceed \$10,000.

PARAMETERS FOR INITIAL APPLICATIONS AND REINSTATEMENTS FOR THE BOARD OF ARCHITECTS

CATEGORIES OFFENSE	SANCTION 1ST OFFENSE	SANCTION 2ND
Unlicensed practice prior to 3/12/18	Cease & Desist	Hearing/ALC for violation of C&D
Unlicensed practice after 3/12/18	Consent Agreement and fine payable based on spreadsheet and payable within 30 days	Hearing
Firm sanctioned but employee was not part of the sanction	Letter of Caution	Consent Agreement, Public Reprimand and \$1000 fine payable within 30 days
Firm sanctioned but employee was part of the sanction	Letter of Caution	Consent Agreement, Public Reprimand and \$1000 fine to firm and \$1000 fine to the individual payable within 30 days
Consent Agreement or Order issued by another state	Letter of Caution	Consent Agreement, Public Reprimand and \$2000 fine payable within 30 days
License "suspended" by another state for noncompliance with CE requirement	Letter of Caution	Consent Agreement, Public Reprimand, and \$2000 fine payable within 30 days and proof of CE for SC or add name to audit list
License "suspended" by another state, not CE related	Hearing	
Misrepresenting information on application	Consent Agreement, Public Reprimand and \$1000 fine payable within 30 days	Hearing
Failure to report criminal background, convictions, and disciplines	Consent Agreement, Public Reprimand, and \$1000 fine payable within 30 days	Hearing

Approved November 13, 2007 – Adopted
 Reviewed May 7, 2009 – no changes
 Reviewed September 13, 2011 – no changes
 Revised May 22, 2012 – added DUI Offenses
 Revised November 18, 2014 – changed ULP sanction*
 Revised May 29, 2019 – multiple changes

STATUTE OF LIMITATIONS ON DUI OFFENSES REPORTED BY LICENSEE

Licensees with misdemeanors that are five years old or older are not required to appear before the Board for approval of the application. Licensees with felony or misdemeanor convictions within the last five years must come before the Board for a decision on the application.

****Initial ULP Applications require an Application Hearing***

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PARAMETERS FOR RENEWALS FOR THE BOARD OF ARCHITECTS

CATEGORIES OFFENSE	SANCTION 1ST OFFENSE	SANCTION 2ND
Lapsed license in another state which was unintentional but was disciplined in another state	Letter of Caution	Consent Agreement, Public Reprimand and \$500 fine payable within 30 days
Firm sanctioned but SC licensee was not part of the sanction	Letter of Caution	Consent Agreement, Public Reprimand and \$500 fine payable within 30 days
Firm sanctioned but SC licensee was part of the sanction	Letter of Caution	Consent Agreement, Public Reprimand and \$1000 fine to the firm and \$1000 fine to the individual payable within 30 days
Consent Agreement or Order issued by another state	Letter of Caution	Consent Agreement, Public Reprimand and \$2000 fine payable within 30 days
License "suspended" by another state for noncompliance with CE requirements	Letter of Caution	Consent Agreement, Public Reprimand and \$2000 fine payable within 30 days proof of CE for SC or add name to audit list
License suspended by another state, not CE related	Hearing	
Misrepresenting information on renewal form regarding CE	Consent Agreement, Public Reprimand and \$500 fine payable within 30 days	Hearing
Misrepresenting information on renewal form not regarding CE	Consent Agreement, Public Reprimand and \$1000 fine payable within 30 days	Hearing
Unlicensed Practice – due to lapsed license (individuals)	Consent Agreement, Public Reprimand and fine based on spreadsheet and payable within 30 days	Hearing
Unlicensed Practice – due to lapsed license (firms)	Consent Agreement, Public Reprimand and fine based on spreadsheet and payable within 30 days	Hearing

Failure to report criminal background, convictions, and disciplines	Consent Agreement, Public Reprimand, and \$1000 fine payable within 30 days	Hearing
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Approved May 24, 2007

Revised May 7, 2009

Reviewed May 11, 2011 – no changes

Reviewed May 22, 2012 – no changes

Reviewed November 18, 2014 – no changes

Revised May 29, 2019 – multiple changes

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Texas

Texas Administrative Code
TITLE 22 EXAMINING BOARDS
PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 1 ARCHITECTS
SUBCHAPTER I DISCIPLINARY ACTION
RULE §1.177 Administrative Penalty Schedule

If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board's assessment of an appropriate administrative penalty:

(1) In determining whether a minor, moderate, or major penalty is imposed under paragraph (2) of this rule, the following classifications shall apply:

Attached Graphic

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

(A) Minor violations--an administrative penalty of not more than \$1,000 shall be imposed.

(B) Moderate violations--an administrative penalty of not more than \$3,000 shall be imposed.

(C) Major violations--an administrative penalty of not more than \$5,000 shall be imposed.

(3) In determining the specific amount of an administrative penalty within the minor, moderate, or major range, the Board shall consider the factors outlined in Board Rules 1.141(c) and/or 1.165(f).

(4) If a violation of the Board's laws or rules is not specifically defined in paragraph (1) as a minor, moderate, or major violation, the Board shall consider the factors outlined in Board Rules 1.141(c) and/or 1.165(f) in determining an appropriate administrative penalty.

(5) Previous Disciplinary History - If the respondent was previously found to have violated the Board's laws or rules in a warning or Order of the Board, then any subsequent disciplinary action may be considered at the next higher level of severity.

(6) Multiple Violations

(A) The administrative penalty ranges discussed in paragraph (2) are to be applied to each individual violation of the Board's laws and rules. If a respondent has violated multiple laws and/or rules, or has committed multiple violations of a single law or rule, the Respondent shall be subject to a separate administrative penalty for each violation.

(B) Each sheet of architectural plans and specifications created or issued in violation of the Board's laws and rules shall be considered a separate violation for purposes of calculating the total administrative penalty under paragraph (6)(A).

(C) In the case of a continuing violation, each day a violation continues or occurs shall be considered a separate violation for purposes of calculating the total administrative penalty under paragraph (6)(A).

(7) The administrative penalties set out in this section may be considered in addition to any other disciplinary actions, such as revocation, suspension, or refusal to renew a registration.

(8) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

(9) An Architect, Candidate, or Applicant who fails, without good cause, to provide information to the Board under provision of §1.171 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. A violation of §1.171 of this subchapter shall be considered a minor violation if a complete response is not received within 30 days after receipt of the Board's written inquiry. An additional 15 day delay constitutes a

moderate violation, and each 15 day delay thereafter shall be considered a separate major violation of these rules.

Texas Administrative Code
TITLE 22 EXAMINING BOARDS
PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 1 ARCHITECTS
SUBCHAPTER H PROFESSIONAL CONDUCT
RULE §1.141 General

(a) These rules of professional conduct are promulgated pursuant to the Architects' Registration Law (the Act), Chapter 1051, Texas Occupations Code, which directs the Board to make all rules consistent with the laws and constitution of Texas which are reasonably necessary for the regulation of the practice of architecture and the enforcement of the Act. Except as otherwise noted, these rules of professional conduct apply only to situations which are directly or indirectly related to the practice of architecture.

(b) The Board may revoke, suspend, or refuse to renew an Architect's certificate of registration, place on probation an Architect whose certificate of registration has been suspended, reprimand an Architect, or assess an administrative penalty against an Architect for a violation of any provision of these rules of professional conduct or other provisions of the Rules and Regulations of the Board or the Act. The Board also may take action against an Applicant pursuant to section 1.151. A single instance of misconduct may be grounds for disciplinary action by the Board.

(c) Upon a finding of professional misconduct, the Board shall consider the following factors in determining an appropriate sanction or sanctions:

(1) the seriousness of the conduct, including the hazard or potential hazard to the health or safety of the public;

(2) the economic damage or potential damage to property caused by the misconduct;

(3) the respondent's history concerning previous grounds for sanction;

(4) the sanction necessary to deter future misconduct;

(5) efforts to correct the misconduct; and

(6) any other matter justice may require.

(d) These rules of professional conduct are not intended to suggest or define standards of care in civil actions against Architects involving their professional conduct.

(e) An Architect may donate his/her services to charitable causes but must adhere to all provisions of the Act and the Rules and Regulations of the Board in the provision of all architectural services rendered regardless of whether the Architect is paid for the services.

Texas Administrative Code

TITLE 22 EXAMINING BOARDS

PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 1 ARCHITECTS

SUBCHAPTER I DISCIPLINARY ACTION

RULE §1.165 Informal Disposition of a Contested Case

(a) A Contested Case may be resolved informally at any time.

(b) If the respondent agrees in writing to a settlement agreement and the Executive Director executes the written settlement agreement, the settlement agreement shall be presented to the Board for approval or rejection. The settlement agreement must include written findings of fact and conclusions of law and may be in the form of a consent order, letter of reprimand, or other format approved by the Executive Director.

(c) If the Board rejects a settlement agreement, the respondent shall have the opportunity to agree to alternative settlement terms approved by the Board. If the respondent does not agree to alternative settlement terms approved by the Board, the case shall be referred to the State Office of Administrative Hearings for a formal hearing.

(d) If the respondent and the Executive Director do not agree in writing to a settlement agreement, the case shall be referred to the State Office of Administrative Hearings for a formal hearing.

(e) An informal disposition may be made of a Contested Case by default. Default occurs whenever a respondent neither answers nor makes other written response to the filing of a Complaint or Petition at the State Office of Administrative Hearings alleging a violation of any law or Rule over which TBAE possesses jurisdiction. Default also occurs if the respondent fails to appear at a scheduled and properly noticed hearing to be conducted by the State Office of Administrative Hearings.

(f) The Board and the Executive Director shall take into account the following factors when considering a proposed settlement agreement:

(1) the nature, circumstances, extent, and gravity of any relevant act or omission;

(2) the hazard or potential hazard to the health, safety or welfare of the public;

(3) the economic harm resulting from the conduct;

(4) the respondent's history concerning any previous ground for sanction;

(5) the severity of penalty necessary to effectuate specific and general deterrence;

(6) any effort by the respondent to take prompt remedial action;

(7) the economic benefit gained by the respondent as a result of the conduct;

(8) any other matter justice may require; and

(9) When considering a referral from the Texas Department of Licensing and Regulation, in addition to the factors described in this subsection, the Board shall consider the actual number of days that the submission was late.

Texas Administrative Code

TITLE 22 EXAMINING BOARDS

PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 1 ARCHITECTS

SUBCHAPTER L HEARINGS--CONTESTED CASES

RULE §1.232 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) If a party submits proposed findings of fact or conclusions of law, the proposal for decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board. The oral presentation shall be confined to matters contained within the administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

Attached Graphic

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §1.177 of this chapter (relating to Administrative Penalty Schedule) shall be applied to determine the amount of the administrative penalty.

Figure: 22 TAC §1.177(1)

Minor Violations

	Citation
Unauthorized duplication of registration certificate or failure to display registration certificate as required.	§1.62
Failure to respond to a Board inquiry.	§1.171
Failure to provide statement of jurisdiction.	§1.106
Failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Code Chap. 469 (Elimination of Architectural Barriers).	Tex. Occ. Code Sec. 1051.752(2) and §1.170
Use of a non-compliant seal by registrant.	§1.102
Failure to register or annually renew the registration of a business.	§1.124

Moderate Violations

	Citation
Unlawful practice by emeritus architect or practice of architecture while registration is inactive.	§1.67 §1.68
Practice of architecture while registration is expired.	§1.82(b)
Aiding or abetting an unregistered person in violating the Board's laws and rules.	Tex. Occ. Code Sec. 1051.752(8)
Unauthorized use of term "architect" or "architectural."	Tex. Occ. Code Sec. 1051.606 and §1.123(c)
Failure to maintain a sealed document for ten years.	§1.103(c)
Failure to seal documents	§1.103 §1.105 §1.122(c),(e)
Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required	§1.103(b)
Violation of prototypical design requirements	§1.105
Failure to take reasonable steps to notify sealing Architect of intent to modify that architect's sealed documents and/or failure to clearly indicate extent of modifications to sealed plans	§1.104(d)
Failure to comply with requirements relating to preparation of only a portion of a document	§1.104(b)
Removal of seal after issuance of documents	§1.104(e)
Failure to enter into a written agreement of association when required	§1.122
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture	§1.124(c)

Major Violations

	Citation
Submission or solicitation of a competitive bid or direct or indirect disclosure of fee information in violation of the Board's Rule implementing the Professional Services Procurement Act	Tex. Occ. Code Sec. 1051.203 and §1.147
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work.	§1.144(c)
Giving false or forged evidence to the board or a board member in obtaining or assisting another person to obtain a certificate of registration.	Tex. Occ. Code Sec. 1051.752(7)
Dishonest practice in the practice of architecture by the holder of a certificate of registration.	Tex. Occ. Code Sec. 1051.752(6) and §1.144
Using or attempting to use as the person's own the certificate of registration of another person.	Tex. Occ. Code Sec. 1051.752(9)
Affixation of seal by an architect on a document not prepared by or under the supervision and control of the architect	§1.104(a)
Failure to exercise Supervision and Control or Responsible Charge over the preparation of a document, as required	§1.122(c) or (e)
Use of an architect's seal, or a copy or replica of an architect's seal without the architect's consent.	§1.104(c)
Engaging in the practice of architecture as defined by Sec. 1051.001(7)(A), (B), or (C) without a registration and not exempted by Sec. 1051.606.	Tex. Occ. Code Sec. 1051.701(a)
Recklessness in the practice of architecture, including recklessness in the construction or alteration of a building by an architect designing, planning, or observing the construction or alteration.	Tex. Occ. Code Sec. 1051.752(5) and §1.143
Failure to report a course of action taken against an Architect's advice which may have a materially adverse effect on the safe use of a completed building	§1.216
Gross incompetency in the practice of architecture	Tex. Occ. Code Section 1051.752(4) and §1.142

Figure: 22 TAC §1.232(j)

Violation	Rule or Statutory Citation	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§1.62	Administrative penalty
Unlawful practice of architecture while registration is on emeritus status	§1.67(b)	Administrative penalty
Practice of architecture while registration is inactive	§1.68 or §1.82(b)	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§1.69	Administrative penalty
Failure to timely complete required continuing education program hours	§1.69	Administrative penalty
Falsely reporting compliance with mandatory continuing education requirements	§1.69	Administrative penalty
Failure to maintain a detailed record of continuing education activities	§1.69	Administrative penalty
Use of non-compliant seal by registrant	§1.102	Administrative penalty
Failure to seal or sign documents	§1.103 §1.105 §1.122(c),(e)	Administrative penalty
Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required	§1.103(b)	Administrative penalty
Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – “plan stamping”	§1.104(a) §1.122(c) or (e)	Administrative penalty and either suspension or revocation
Failure to take reasonable steps to notify sealing Architect of intent to modify that architect’s sealed documents	§1.104(d)	Administrative penalty

Failure to indicate modifications or additions to a document prepared by another Architect	§1.104(b) and (d)	Administrative penalty, suspension, or both
Removal of seal after issuance of documents	§1.104(e)	Administrative penalty
Failure to maintain a document for 10 years as required	§1.103(g) §1.105(b) §1.122(d)	Administrative penalty
Unauthorized use of a seal or a copy or replica of a seal	§1.104(c)	Administrative penalty, suspension, or both
Failure to comply with requirements relating to preparation of only a portion of a document	§1.104(b)	Administrative penalty, suspension, or both
Violation of requirements regarding prototypical design	§1.105	Administrative penalty, suspension, or both
Failure to provide Statement of Jurisdiction	§1.106	Administrative penalty
Failure to enter into a written agreement of association when required	§1.122	Administrative penalty
Failure to exercise Supervision and Control over the preparation of a document as required	§1.122(c)	Administrative penalty, and either suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§1.122(e)	Administrative penalty, and either suspension or revocation
Failure of a firm, business entity, or association to register	§1.124(a) and (b)	Administrative penalty
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture	§1.124(c)	Administrative penalty, suspension, or both
Offering or rendering the Practice of Architecture by and through a firm, business entity or association that is not duly registered	§1.124 §1.146(a)(2)(B)	Administrative penalty
Gross incompetency	Tex. Occ. Code §1051.752(4), §1.142	Administrative penalty, and either suspension or revocation

Recklessness	Tex. Occ. Code §1051.752(5) §1.143	Administrative penalty, and either suspension or revocation
Dishonest practice	Tex. Occ. Code §1051.752(6) §1.144(a) or (b)	Administrative penalty, and either suspension or revocation
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work	§1.144(c)	Administrative penalty and either suspension or revocation, and payment of restitution
Conflict of interest	§1.145	Administrative penalty and either suspension or revocation
Participating in a plan, scheme or arrangement to violate the Act or rules of the Board	§1.146(a)	Administrative penalty, suspension, and/or revocation
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused architectural seal	§1.146(b), (c)	Administrative penalty
Submission or solicitation of a competitive bid or direct or indirect disclosure of fee information in violation of the Board's Rule implementing the Professional Services Procurement Act	§1.147	Administrative penalty and either suspension or revocation
Unauthorized practice or use of title "architect"	§1.123 §1.148	Administrative penalty, denial of registration, or refusal to renew, reinstate, or reactivate registration
Criminal conviction	§1.149	Suspension or revocation
Gross incompetence caused by substance abuse	§1.150	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate
Violation by Applicant regarding unlawful use title "architect", unlawful practice, or criminal convictions	§1.148 §1.149 §1.151	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration

Failure to submit a document as required by the Architectural Barriers Act	Tex. Occ. Code §1051.752(2), §1.170	Administrative penalty
Failure to respond to a Board inquiry	§1.171	Administrative penalty
Giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration	Tex. Occ. Code §1051.752(7)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Aiding or abetting an unregistered person in violating Occupations Code Chapters 1051, 1052, or 1053	Tex. Occ. Code §1051.752(8)	Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation
Using or attempting to use as the person's own the certificate of registration of another person.	Tex. Occ. Code §1051.752(9)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Unregistered individual engaging in construction observation for a nonexempt building	§1.217	Administrative penalty, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Failure to report course of action likely to have material adverse effect on safe use of building or failure to refuse to consent to the course of action	§1.216	Administrative penalty and either suspension or revocation

PROFESSIONAL AND OCCUPATIONAL STANDARDS

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

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

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

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

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

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

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

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

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003), amended LR 30:2469 (November 2004).

§1905. Aggravating and Mitigating Circumstances

A. The board is authorized to discipline architects and architectural firms in accordance with the provisions of the licensing law and its rules. In considering the appropriate discipline to be imposed, the board may consider any aggravating or mitigating circumstances proven by clear and convincing evidence.

B. Aggravating circumstances which may increase the discipline to be imposed include, but are not limited to:

1. conduct giving rise to serious reservations about the capability of the licensee or certificate holder to effectively and safely practice;
2. prior disciplinary actions in any jurisdiction;
3. dishonest or selfish motive;
4. a pattern of misconduct;
5. multiple offenses;
6. lack of cooperation with the board's investigation;
7. submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
8. refusal to acknowledge wrongful nature of conduct;
9. vulnerability of victim;
10. substantial experience in the practice of architecture;
11. indifference to making restitution; and
12. illegal conduct, including that involving the use of controlled substances.

C. Mitigating circumstances which may reduce the discipline to be imposed include, but are not limited to:

1. a long term of distinctive service to the profession;
2. self reporting of the offense or of additional projects of which the board was unaware;
3. absence of a prior disciplinary record;
4. absence of dishonest or selfish motive;
5. personal or emotional problems;
6. timely good faith effort to make restitution or to rectify consequences of misconduct;
7. full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
8. inexperience in the practice of architecture;
9. character or reputation;
10. physical disability;
11. mental disability or chemical dependency including alcoholism or drug abuse when:

a. there is medical evidence that the licensee or certificate holder is affected by a chemical dependency or mental disability;

b. the chemical dependency or mental disability caused the misconduct;

c. the licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and

d. the recovery arrested the misconduct and recurrences of that misconduct is unlikely;

12. delay in disciplinary proceedings;
13. imposition of other penalties or sanctions;
14. remorse;
15. remoteness of prior offenses.

D. The following factors should not be considered as either aggravating or mitigating:

1. forced or compelled restitution;
2. agreeing to the client's demand for certain result;
3. withdrawal of complaint against the architect;
4. resignation prior to completion of disciplinary proceedings;
5. complainant's recommendation as to sanction; and
6. failure of injured client to complain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:483 (March 2013).

§1907. General Disciplinary Guidelines

A. The board sets forth below the normal discipline which will be imposed upon a licensee or certificate holder

found to have violated the licensing law or its rules. The purpose of these general disciplinary guidelines is to give notice to architects and architectural firms of the discipline which will be imposed for violations of particular provisions of the law or rules. In a particular case, the discipline imposed may be increased or decreased depending upon aggravating or mitigating factors.

B. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of the law or the rules, or other violations of the law or rules will be grounds for enhancement of penalties.

C. The maximum fine that may be imposed under R.S. 37:153.A is \$5,000 per violation. Each day that a violation occurs shall be considered a separate violation under R.S. 37:143.A. The board may also revoke, rescind, or suspend the certificate of, place on probation, reprimand, or admonish any registrant or certificate holder found to have violated its provisions.

D. The maximum fine that may be imposed under R.S. 37:154.A is \$1,500 per violation in the case of an individual, or \$5,000 per violation in the case of a person other than an individual. Each day the violation occurs shall constitute a separate offense.

E. Absent aggravating or mitigating circumstances, the following discipline shall be imposed for the following violations. The maximum penalty for any violation is a \$5,000 fine per violation, revocation, and public reprimand.

Violation	Provision	Discipline
Failure to stamp or seal plans	R.S. 37:152.A provides that all contract drawings and specifications issued by the architect for use in this state shall be stamped or sealed.	\$500 fine and private reprimand.
Fraud, deceit, dishonesty, misrepresentation, misconduct	R.S. 37:153.A.1 authorizes the board to discipline any registrant or certificate holder found to have committed an act of fraud, deceit, gross incompetence, dishonesty, misrepresentation, misconduct or gross negligence in the practice of architecture. R.S. 37:153.A.5 authorizes the board to discipline any registrant or certificate holder found to have committed an act of willfully misleading or defrauding any person employing him as an architect. R.S. 37:153.A.7 authorizes the board to discipline any registrant or certificate holder found to have committed any fraud, deceit, material misstatement, or perjury in applying for a certificate of licensure or registration or in taking any examination or in applying for any renewal certificate.	\$3,000 fine, revocation, and public reprimand for fraud, deceit, dishonesty or intentional misrepresentation; \$1,500 fine, suspension, and public reprimand for negligent misrepresentation and misconduct.
Gross incompetence, gross negligence	R.S. 37:153.A.1 is discussed <i>supra</i> .	\$3,000 fine, suspension for no less than one year, and public reprimand.
Incompetence as defined in Rule § 1901.A	Rule §1901.A provides that, in practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects in good standing, practicing in the same locality.	\$1,500 fine, probation for one (1) year, and public reprimand.
"Plan stamping"	R.S. 37:152.B provides that no architect shall affix his seal or stamp or permit it to be affixed to any specification, drawing, or other related document which was not prepared either by him or under his responsible supervision. R.S. 37:153.A.2 authorizes the board to discipline any registrant or certificate holder found to have committed an act of affixing his seal or stamp or name to any specification, drawing, or other related document which was not prepared by him or under his responsible supervision and control, or permitting his seal, stamp, or name to be affixed to any such document. Rule	\$3,000 fine, probation and/or suspension for one (1) year, and public reprimand.

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Violation	Provision	Discipline
	§1305 interprets R.S. 37:152.B.	
Removal of an architect's seal or stamp	R.S. 37:152.A prohibits the removal of an architect's seal or stamp.	\$3,000 fine, suspension for one (1) year, and public reprimand.
Using the certificate or seal of another	R.S. 37:154.A prohibits any person from presenting or attempting to use as his own the certificate of registration or the seal of another.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Use of another architect's plans without written approval	R.S. 37:152.A prohibits the use of an architect's plans, unless otherwise provided by law or by written approval of the architect.	\$1,500 fine and public reprimand.
Impersonating another registrant	R.S. 37:154.A prohibits any person from falsely impersonating any other registrant or certificate holder of like or different name.	\$1,000 fine for individual/\$3,000 fine for firm, suspension for one (1) year, and public reprimand.
Practice on suspended license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 authorizes the board to discipline any registrant or certificate holder found to have used his seal or stamp or engaged in any other act constituting the practice of architecture at a time when his certificate of registration is suspended.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:152.B	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$3,000 fine, revocation, and public reprimand.
Practice on revoked license in violation of R.S. 37:154.A	R.S. 37:154.A prohibits the use of an expired or revoked certificate of registration.	\$1,000 fine for individual/\$3,000 fine for firm, revocation, and public reprimand.
Individual practice without obtaining proper licensure	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered.	\$1,500 fine and public reprimand.
Firm practice without obtaining proper licensure	R.S. 37:154.A prohibits any person (corporation, company, partnership, firm, business entity, or individual) from practicing or offering to practice architecture in this state without being certified in accordance with the provisions of the licensing law.	\$1,500 fine and public reprimand.
Individual or firm practice with an expired license	R.S. 37:152.B provides that no architect shall use his seal or stamp or do any other act as an architect unless he is at the time duly registered. R.S. 37:153.A.3 prohibits practicing architecture at a time when current renewal has not been obtained in accordance with the law.	Fine is based on length of time of such practice: three (3) months to six (6) months - \$500 fine; six (6) months to twelve (12) months or fraction thereof- \$1,000 fine; after one (1) year or fraction thereof, \$1,000 fine per year. Public reprimand.
Felony conviction, conviction of crime or pleading guilty or <i>nolo contendere</i>	R.S. 37:153.A.4 authorizes the board to discipline any registrant or certificate holder convicted of a felony. R.S. 37:153.A.8 authorizes the board to discipline any registrant or certificate holder convicted of any crime or entering a plea of guilty or <i>nolo contendere</i> to any criminal charge an element of which is fraud or which arises out of such individual's practice of architecture.	\$3,000 fine, revocation, and public reprimand.
Licensee disciplined or refused certification or renewal by another jurisdiction	R.S. 37:153.A.9 authorizes the board to discipline any registrant or certificate holder upon refusal of the licensing authority of another state, territory, or district to issue or renew a license, permit, or certificate to practice architecture, or the revocation or suspension or other restriction imposed on a license, permit, or certificate issued by such licensing authority on grounds other than non-payment of a registration fee.	Compliance with discipline imposed by other jurisdiction.
Providing false testimony before board	R.S. 37:153.A.10 authorizes the board to discipline any registrant or certificate holder who provides false testimony before the board.	\$3,000 fine, revocation, and public reprimand.
Giving false or forged evidence to the board in obtaining a certificate of registration	R.S. 37:154.A prohibits the giving of false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.	\$3,000 fine, revocation, and public reprimand.
Failing to provide requested information	R.S. 37:153.A.11 authorizes the board to discipline any registrant or certificate holder who fails to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of the licensing law.	\$1,000 fine and suspension until requested information is provided. Public reprimand.
False or misleading advertising or solicitation	R.S. 37:153.A.12 authorizes the board to discipline any registrant or certificate holder found to have used any advertising or solicitation which is false or misleading.	\$500 fine per violation and public reprimand.
Use of misleading or confusing name	Rule §1501 prohibits the use of an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading, or confusing.	For failing to respond within thirty (30) days after formal notice, \$500 fine.
Knowingly designing a project in violation of laws or regulations	Rule §1901.A.2 prohibits an architect from knowingly designing a project in violation of applicable state and municipal building laws and regulations.	\$3,000 fine, revocation, and public reprimand.
Providing services when not qualified to do so	Rule §1901.A.3 provides that an architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.	\$2,000 fine and public reprimand.
Providing services when competence is impaired by physical or mental disabilities	Rule §1901.A.4 provides that no person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.	Suspension until competence proved, followed by probation.
Accepting compensation	Rule §1901.B.1 provides that an architect shall not accept compensation for services	\$1,500 fine and public reprimand.

Violation	Provision	Discipline
from more than one party without full disclosure and agreement, or from suppliers	from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties. Rule §1901.B.3 provides that an architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their projects.	
Failing to render decisions impartially	Rule §1901.B.4 provides that, when acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract. R.S. 37:153.A.6 authorizes the board to discipline any registrant or certificate holder found to have violated any lawful rule.	\$500 fine and public reprimand.
Practicing without full disclosure as defined in Rules § 1901.B.2 or § 1901.C	Rule §1901.B.2 provides that, if an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. Rule §1901.C requires full disclosure by the architect under various circumstances.	\$1,500 fine and public reprimand.
Knowingly violating any state or federal criminal law	Rule §1901.D prohibits an architect from knowingly violating any state or federal criminal law.	\$3,000 fine, revocation, and public reprimand.
Making improper payment or gift	Rule §1901.D.2 provides that an architect shall neither offer nor make any payment or gift to a government official with the intent of influencing the official's judgment in connection with a perspective or existing project in which the architect is interested.	\$500 fine and private reprimand.
Aiding unlicensed practice	Rule §1901.C.6 provides that an architect shall not assist the application or registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.	\$1,500 fine and public reprimand.
Failing to report	Rule §1901.C.7 provides that an architect possessing knowledge of a violation of the rules by another architect shall report such knowledge to the board.	\$500 fine and private reprimand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners LR 39:484 (March 2013).

Chapter 21. Architects Selection Board

§2101. Districts

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2103. Nominations

A. For terms commencing September 15 of each year, the board will accept nominations for election to the Architects Selection Board on the following basis: any resident architect holding a current Louisiana license desiring nomination must deliver a written nomination on a current form and/or reproduction obtained from board office to the board office in Baton Rouge, signed by not less than 10 resident architects other than the nominee holding a current Louisiana license, between May 1 and May 31 at 5 p.m. preceding the election. The nomination shall state the parish in which the nominee resides and the district for which election is sought. Nominations received on or before such deadline shall be considered timely delivered.

Confirmation of receipt is the sole responsibility of the nominee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2105. Waiver of Election

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:575 (April 2003).

§2107. Ballots

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 481, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 481, F.S. The brief description of each violation is provided for quick reference and is not meant to convey all elements of any given statutory provision; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 481, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty. Pursuant to Section 481.219(12), F.S., all businesses holding a certificate of authorization are subject to these guidelines.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Failure to date plans (Section 481.221, F.S.)		
First Offense	Reprimand	\$250 fine
Second Offense	\$500 fine	Probation and \$500 fine
Third Offense	Probation and \$1,000 fine	Suspension and \$5,000 fine
(b) Signing, sealing or accepting responsibilities for work not competent to perform in violation of (Sections 481.221(2), (3), and 481.2251(1)(j), F.S.)		
First Offense	Reprimand and \$1,000 fine	\$1,000 fine and one (1) year suspension followed by two (2) years probation
Second Offense	\$2,000 fine and (2) two years probation	\$3,000 fine and two (2) years suspension followed by two (2) years probation
Third Offense	\$5000 fine and one (1) year suspension followed by two (2) years probation	\$5,000 fine and revocation
(c) "Plan stamping" (Sections 481.221(4), (5), F.S.)		
First Offense	Reprimand and \$2,000 fine	\$5,000 fine and one (1) year suspension followed by two

(k)	Knowingly making or filing false report (Sections 455.227(1)(l), 481.225(1)(e), and 481.2251(1)(h), F.S.) First Offense	One (1) year suspension, followed by two (2) years probation and \$1,000 fine	Revocation and \$1,000 fine
	Second Offense	Two (2) years suspension and two (2) years probation and \$3000 fine	\$3,000 fine and revocation
	Third Offense	\$3,000 fine and revocation	\$5,000 fine and revocation
(l)	Fraudulent, false, deceptive, or misleading advertising (Sections 455.227(1)(m), 481.225(1)(f), and 481.2251(1)(d), F.S.) First Offense	Reprimand	One (1) year probation and \$1,000 fine
	Second Offense	One (1) year probation and \$1,000 fine	One (1) year suspension and two (2) years probation and \$3,000 fine
	Third Offense	One (1) year suspension and two (2) years probation and \$3,000 fine	Two (2) years suspension and two (2) years probation and \$5,000 fine
(m)	Negligence (Sections 481.225(1)(g) and 481.2251(1)(k), F.S.) First Offense	Reprimand, two (2) years probation and \$1,000 fine	\$1000 fine and revocation
	Second Offense	One (1) year suspension followed by two (2) years probation and \$3,000 fine	\$3,000 fine and revocation

	Second Offense	\$5,000 fine, 1 year suspension	(2) years probation \$5,000 fine and revocation
	Third Offense	followed by two (2) years probation \$5,000 fine and revocation	
(d)	Plans not sufficiently detailed (Sections 481.221(6), (7), F.S.) First Offense	Reprimand, two (2) years probation and \$1,000 fine	\$1,000 fine and one (1) year suspension followed by two (2) years probation
	Second Offense	\$2000 fine and one (1) year suspension followed by two (2) years probation	\$5,000 fine, two (2) years suspension followed by two (2) years probation
	Third Offense	\$5,000 fine and two (2) years suspension followed by two (2) years probation	\$5,000 fine and revocation
(e)	Attempting to procure license by bribery or fraudulent misrepresentation (Sections 455.227(1)(h), 481.225(1)(b) and 481.2251(1)(a), F.S.)	Revocation and \$1,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	Revocation and \$5,000 fine
(f)	License disciplined by another jurisdiction (Sections 455.227(1)(f), 481.225(1)(c), and 481.2251(1)(b), F.S.)	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	
(g)	Criminal conviction relating to architecture (Sections 455.227(1)(c), 481.225(1)(d), and 481.2251(1)(c), F.S.) First Offense	Misdemeanor: reprimand	\$1,000 fine, and one (1) year suspension followed by two (2) years probation
		Felony: One (1)	Revocation and

		year suspension, followed by two (2) years probation and \$1,000 fine	\$1,000 fine
	Second Offense	Misdemeanor: \$1,000 fine	\$3,000 fine and two (2) years suspension followed by two (2) years probation
	Third Offense	Felony: Revocation and \$1,000 fine Misdemeanor: \$3,000 fine and two (2) years suspension followed by two (2) years probation	Revocation and \$5,000 fine \$5,000 fine and revocation
(h)	Practice on suspended license (Section 481.225(1)(h), F.S.)	Revocation and \$1,000 fine	Revocation and \$1,000 fine
(i)	Practice on inactive or delinquent license. (Sections 481.225(1)(f) & (d), F.S.)		
	First Offense	Fine based on length of time in practice while inactive; or delinquent \$100/month to \$1,000 maximum (penalty will require license to renew or cease practice)	One (1) year suspension followed by one (1) year probation and \$1,000 fine
	Second Offense	One (1) year suspension followed by one (1) year probation and \$2000 fine	Two (2) years suspension followed by two (2) years probation and \$3,000 fine
	Third Offense	Two (2) years suspension followed by two (2) years probation and \$5,000 fine	\$5,000 fine and revocation
(j)	Practice on revoked license (Section 481.225(1)(k), F.S.)	Refer to State Attorney for criminal prosecution	

	Third Offense	\$5,000 fine and five (5) years suspension followed by ten (10) years probation	\$5,000 fine and revocation
(n)	Fraud or deceit (Sections 455.227(1)(a), 481.225(1)(g), and 481.2251(1)(i), F.S.) First Offense	One (1) year suspension, followed by two (2) years probation and \$1,000 fine	\$1,000 fine and revocation
	Second Offense	Two (2) years suspension followed by four (4) years probation and \$3,000 fine	\$3,000 fine and revocation
	Third Offense	\$5,000 fine five (5) years suspension followed by ten (10) years probation	\$5,000 fine and revocation
(o)	Misconduct (Section 481.225(1)(i), F.S.) 1. Paragraph 61G1-12.001(6)(d), F.A.C. Soliciting or accepting gratuities without client knowledge First Offense	Reprimand and \$1,000 fine	One (1) year suspension, followed by two (2) years probation and \$1,000 fine
	Second Offense	One (1) year suspension, followed by two (2) years probation and \$1,000 fine	Two (2) years suspension, followed by four (4) years probation and \$3,000 fine
	Third Offense	Two (2) years suspension, followed by	Revocation and \$3,000 fine

	four (4) years probation and \$3,000 fine	
2. Paragraph 61G1-12.001(6)(h), F.A.C. failure to preserve client's confidence		
First Offense	Reprimand and \$1,000 fine	One (1) year suspension followed by two (2) years probation (if pecuniary benefit accrues to architect) and \$1,000 fine
Second Offense	One (1) year suspension, followed by two (2) years probation and \$1,000 fine	Two (2) years suspension, followed by four (4) years probation and \$3,000 fine
Third Offense	Two (2) years suspension, followed by four (4) years probation and \$3,000 fine	Revocation and \$3,000 fine
3. Paragraph 61G1-12.001(6)(j), F.A.C. Professional judgment is overruled by unqualified person		
First Offense	Reprimand and \$1,000 fine	One (1) year suspension, followed by two (2) years probation and \$1,000 fine
Second Offense	One (1) year suspension, followed by two (2) years probation and \$1,000 fine	Two (2) years suspension, followed by four (4) years probation and \$3,000 fine
Third Offense	Two (2) years suspension, followed by four (4) years probation and \$3,000 fine	Revocation and \$3,000 fine

4. Paragraph 61G1-12.001(6)(k), F.A.C.

use of name/firm in
fraudulent venture

First Offense

Reprimand and
\$1,000 fine

\$1,000 fine, and
one (1) year
suspension
followed by
two (2) years
probation

Second Offense

One (1) year
suspension,
followed by
two (2) years
probation and
\$1,000 fine

Two (2) years
suspension,
followed by
four (4) years
probation and
\$3,000 fine

Third Offense

Two (2) years
suspension,
followed by
four (4) years
probation and
\$3,000 fine

Revocation
and \$3,000 fine

(p) Incompetence (mental
or physical impairment)
(Section 481.225(1)(g), F.S.)

Suspension until
ability to practice
proved followed
by probation

(q) Bribery to obtain
clients or commissions.
(paragraph 61G1-12.001(5)(b), F.A.C.)

Revocation
and \$1,000 fine

Revocation
and \$5,000 fine

(r) Undisclosed conflict
of interest
(paragraph 61G1-12.001(5)(c), F.A.C.)
First Offense

Reprimand,
\$1,000 fine,
and two (2)
years probation

Revocation
and \$1,000
fine

Second Offense

\$3000 fine,
one (1) year
suspension
followed by
two (2)
years probation

Revocation
and \$3000
fine

Third Offense

\$5,000 fine
two (2) years
suspension
followed by
five (5) years
probation

Revocation
and \$5,000
fine

(s) Aiding unlicensed
practice

(Sections 455.227(1)(j),
481.225(1)(i), and
481.2251(1)(f), F.S.)
First Offense

Reprimand and
\$1,000 fine

\$1,000 fine
and one (1)
year suspension
followed by
two (2) years
probation

Second Offense

\$1,000 fine
and one (1)
year suspension
followed by
two (2) years
probation

\$3,000 fine
and two (2)
years suspension
followed by
two (2) years
probation

Third Offense

\$3,000 fine
and two (2)
years suspension
followed by
two (2) years
probation

\$3,000 fine
revocation

(t) Firm practicing
without certificate
of authorization
(Section 481.219, F.S.)
First Offense

Reprimand
If firm applies for
certificate, Board
will impose a fine
of \$100/month or a
\$1,000 maximum
per month of
uncertified practice

Second Offense

\$1,000 fine

\$5,000 fine
followed by
one (1) year
probation
\$5,000 fine
and revocation
and \$5,000
fine

Third Offense

One (1) year
suspension

(u) Failure by interior designer
to obtain continuing education
hours
(Section 481.215(3), F.S.)
First Offense
NUMBER OF HOURS LACKING
1 to 4 hours

PENALTY
\$250 fine, makeup missing hours plus
5 additional in 90 days of final order

5 to 9 hours	\$500 fine, makeup missing hours plus 10 additional in 120 days of final order
10 to 14 hours	\$750 fine, makeup missing hours plus 15 additional in 150 days of final order
15 to 19 hours	\$1000 fine, makeup missing hours plus 20 additional in 180 days of final order
20 hours	\$1000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed

Second Offense

NUMBER OF HOURS LACKING

PENALTY

1 to 4 hours	\$500 fine, makeup missing hours plus 5 additional in 90 days of final order
5 to 9 hours	\$1,000 fine, makeup missing hours plus 10 additional in 120 days of final order
10 to 14 hours	\$2,000 fine, makeup missing hours plus 15 additional in 150 days of final order
15 to 19 hours	\$3,000 fine, makeup missing hours plus 20 additional in 180 days of final order
20 hours	\$5,000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed

Third Offense

NUMBER OF HOURS LACKING

PENALTY

1 to 4 hours	\$2000 fine, makeup missing hours plus 5 additional in 90 days of final order
5 to 9 hours	\$3,000 fine, makeup missing hours plus 10 additional in 120 days of final order
10 to 14 hours	\$5,000 fine, makeup missing hours plus 15 additional in 150 days of final order
15 to 19 hours	\$5,000 fine, makeup missing hours plus 20 additional in 180 days of final order
20 hours	\$5,000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed

(v) Failure by architect to obtain
continuing education
hours

(Section 481.215(3), F.S.)

First Offense

NUMBER OF HOURS LACKING

PENALTY

1 to 5 hours	\$250 fine, makeup missing hours plus 6 additional in 90 days of final order
6 to 11 hours	\$500 fine, makeup missing hours plus 12 additional in 120 days of final order
12 to 17 hours	\$750 fine, makeup missing hours plus 18 additional in 150 days of final order
18 to 23hours	\$1,000 fine, makeup missing hours plus 24 additional in 180 days of final order

24 hours	\$1000 fine, makeup missing hours plus 24 additional, suspension until all hours are completed
Second Offense	
NUMBER OF HOURS LACKING	PENALTY
1 to 5 hours	\$500 fine, makeup missing hours plus 6 additional in 90 days of final order
6 to 11 hours	\$1,000 fine, makeup missing hours plus 12 additional in 120 days of final order
12 to 17 hours	\$2,000 fine, makeup missing hours plus 18 additional in 150 days of final order
18 to 23 hours	\$3000 fine, makeup missing hours plus 24 additional in 180 days of final order
24 hours	\$5,000 fine, makeup missing hours plus 24 additional, suspension until all hours are completed

Third Offense	
NUMBER OF HOURS LACKING	PENALTY
6 to 11 hours	\$2,000 fine, makeup missing hours plus 6 additional in 90 days of final order
12 to 17 hours	\$3,000 fine, makeup missing hours plus 12 additional in 120 days of final order
18 to 23 hours	\$5000 fine, makeup missing hours plus 18 additional in 150 days of final order
24 hours	\$5,000 fine, makeup missing hours plus 24 additional in 180 days of final order
	\$5,000 fine, makeup missing hours plus 24 additional, suspension until all hours are completed

(w) Failure to perform statutory or legal obligation
(Sections 481.225(1)(j), 481.2251(1)(g), or 455.227(1)(k), F.S.)

First Offense	Reprimand and \$2,000 fine	\$5,000 fine and one (1) year suspension followed by two (2) years probation
Second Offense	\$5000 fine, one (1) year suspension followed by two (2) years probation	\$5,000 fine and revocation
Third Offense	\$5000 fine and revocation	

(x) Improper use of seal
(paragraph 61G1-16.003, F.A.C.)

First Offense	Reprimand	\$250 fine
Second Offense	\$500 fine	Probation and \$500 fine
Third Offense	Probation and \$1,000 fine	Suspension and \$5,000 fine

(y) Improper title block
(paragraph 61G1-16.004, F.A.C.)

	First Offense	Reprimand	\$250 fine
	Second Offense	\$500 fine	Probation and \$500 fine
	Third Offense	Probation and \$1,000 fine	Suspension and \$5,000 fine
(z)	Failure to exercise responsible supervisory control (paragraph 61G1-23.010 and 61G1-23.040, F.A.C.)		
	First Offense	Reprimand and \$2,000 fine	\$5,000 fine and one (1) year suspension followed by two (2) years probation
	Second Offense	\$5,000 fine, one (1) year suspension followed by two (2) years probation	\$5,000 fine and revocation
	Third Offense	\$5,000 fine and revocation	
(aa)	Failure to notify Board of qualifier change (Section 481.219(10), F.S.)		
	Certificate of Authorization		
	First Offense	Reprimand	\$5,000 fine
	Second Offense	\$5,000 fine	Revocation of the certificate
	Third Offense	Revocation of the certificate	
	Individual Architect or Interior Design License		
	First Offense	Reprimand	\$5,000 fine
	Second Offense	\$5,000 fine	Suspension
	Third Offense	Suspension	Revocation
(bb)	Failure to comply with Final Order (Sections 481.225(1)(j), 481.2251(1)(k), 455.227(1)(q), F.S.)		
	First Offense	Suspension	Revocation
	Second Offense	Revocation	
(cc)	Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (more than 30 days late) (Sections 455.277(1)(t), F.S.)	Reprimand	Suspension to \$5,000 fine

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligence; of the magnitude and scope of the project and the damage inflicted upon the general public by the licensee's misfeasance.
3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.
4. Violation of the provision of the practice act wherein a letter of guidance as provided in Section 455.225(3), F.S., has

previously been issued to the licensee.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the project in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.

2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.

3. Restitution of any damages suffered by the licensee's client.

4. The licensee's professional standing among his peers including continuing education.

5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.

6. The degree of financial hardship incurred by a licensee as a result of the imposition of fines or the suspension of his practice.

Rulemaking Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History—New 12-11-86, Formerly 21B-12.004, Amended 5-16-94, 10-20-96, 10-7-99, 6-8-00, 9-10-03, 12-12-04, 7-22-10, 8-26-12.