

## ARTICLE 8-01

### GENERAL ADMINISTRATION

Chapter 8-01-01 Organization of Board

#### CHAPTER 8-01-01 ORGANIZATION OF BOARD

Section 8-01-01-01 Organization of Board of Architects and Landscape Architects

##### **8-01-01-01. Organization of board of architects and landscape architects.**

1. **History.** The 1917 legislative assembly passed architectural practice Legislation which is codified as North Dakota Century Code chapter 43-03. This chapter requires the governor to appoint a state board of Architecture.
  - a. To adopt rules to govern its proceedings.
  - b. For the examination of candidates for registration.
  - c. For the regulation of the practice of architecture and landscape architecture. The board's purpose is to protect the public health, safety, and welfare against incompetent and unscrupulous practice.
  - d. ~~The 2003 legislative assembly enacted landscape architectural registration laws codified in North Dakota Century Code chapter 43-03. This chapter requires the state board of architecture to appoint a landscape architect advisory committee and architect advisory committee to assist in the implementation and coordination of landscape architects' regulation. The committee must consist of three landscape architects and three architects.~~
2. **Board membership.** The board consists of three members appointed by the governor. A member must be an architect registered in North Dakota who has been a resident of, and in active practice as a principal in, this state for at least ~~three~~ five years prior to appointment.
3. **Terms of office.** Each member is appointed for a term of six years, with terms arranged so that one term expires on March fourteenth of each odd-numbered year.
4. **Qualifications and removal.** Each member qualifies by taking the oath of office required of civil officers. The governor may remove a member for inefficiency or neglect of duty.

5. **Officers.** The board elects a president and secretary, who shall also be treasurer, at a regular meeting each year.
6. **Secretary-treasurer's duties.** The secretary-treasurer:
  - a. Records all business of the board at its meetings and keeps all records.
  - b. Collects all fees, deposits all moneys to the board account, and makes all disbursements for board expenses.
  - c. Receives all applications for registration and examinations, receives and answers all correspondence, and maintains files of all communications received and sent, including copies of those by other members.
  - ~~d. Maintains a roster of current registrants and annually publishes and distributes the roster to all registrants and to other persons and agencies as the board determines.~~
  - d. Maintain a list of architects and landscape architects certified under this chapter. This list of certificate holders must contain each certificate holder's name, current business address, certification number, and the expiration date of the certificate.
7. **Board records - Seal.**
  - a. Records. Records are open to the public when information is of a general nature. Records and correspondence of a personal nature concerning an individual or firm, such as examination documents, correspondence, financial disclosures, and the like, are confidential and are available only to the board, its counsel, and to the individual or firm itself.
  - b. Seal. The board has adopted a seal for its use. The seal is affixed to certificates of registration, renewal cards, and legal documents, over signatures of the members.
8. **Meetings.** The board holds regular meetings ~~on the first Monday of April and October~~ at least once each year, with the date and location set by the board. The board may meet as designated by a majority of the board. ~~Special meetings may be held as necessary. Postponement, when necessary, is agreed to by at least two members, and is to a date certain.~~

- a. Notice. The ~~secretary~~ Executive Director shall notify each member in writing at least five days in advance of any special meeting. Should an applicant or other person wish to be present at a special meeting, a request shall be made in writing to the ~~secretary~~ Executive Director or other member, in time for the ~~secretary~~ Executive Director to give at least ten days' notice to the applicant or other person.
- b. Quorum. A quorum shall consist of two members.
- c. Presiding officer. The president shall preside at all meetings. In the president's absence, the senior board member present shall preside.
- d. Open meetings. All meetings shall be open to the public.
- e. When meetings not required. Routine business, such as review of applications for registration, may be conducted by mail or electronically , when it is in the applicant's and the public's interest. Copies of all correspondence relating to any business conducted outside meetings shall be filed with the secretary.

**9. Compensation of members and Expenses of board.**

- a. Limit. The expenditures of the board shall at no time exceed the amount of moneys on deposit to the credit of the board.
- b. Audit. The board accounts shall be audited annually by an Independent auditing firm whose members are authorized by law to perform auditing services in North Dakota, and a report of the audit shall be furnished to all members of the board and filed in accordance with state law.
- c. ~~Separate fund – vouchers~~ Bank Account. All fees and other income collected by the board shall be deposited ~~by the secretary-treasurer~~ in a ~~separate~~ bank account in a bank authorized to do business in North Dakota. The account shall be drawn against only for expenses of the board., ~~upon properly drawn vouchers signed by the secretary-treasurer.~~
- d. Reserve Accounts. At the discretion of the board reserve accounts may be established.

~~Secretary's salary – members' per diem. The secretary's salary shall be fixed by board resolution at a regular meeting. The other members shall receive twenty five dollars per day, or portion thereof, spent in discharge of their duties when away from their practices.~~

- e. Executive Director. If the board appoints or contracts an executive director, the executive director is entitled to receive such fee as fixed by a resolution of the board adopted at a regular meeting, and is entitled to receive reimbursement for travel, lodging, and other expenses as are incurred in the performance of the executive director's official duties.
  
  - ~~e. Travel and other expenses. Each member shall receive such travel and other actual expenses as are legitimately incurred in the performance of official duties. Official duties shall include board meetings, attendance as delegates to regional and national meetings of the national council of architectural registration boards, meetings with other professional boards, meetings at which candidates for registration are examined, and whenever attendance of board members is required by a court or other higher authority. Actual expenses incurred by board members for telephone, postage, and the like, in their official duties, shall be reimbursed as provided in subdivision c.~~
  
  - f. Members. Each member of the board is entitled to receive a per diem of seventy-five dollars for each day or portion of a day spent in the discharge of the members, such mileage as is provided for by section 54-06-09, and is entitled to reimbursement for the member's actual and necessary expenses incurred in the discharge of the member's official duties.
  
  - g. Other expenses. The ~~secretary-treasurer~~ board or its designee shall pay office rental, ~~stenographic~~, clerical, legal, auditing, printing, and all other legitimate expenses of the board from board funds.
10. **Counsel.** The board may, at its expense, employ as legal counsel an attorney who has been admitted to practice in North Dakota. When approved and appointed by the attorney general as "special assistant attorney general", the board attorney shall represent that office in all matters relating to the regulation of the practice of architecture and landscape architecture within the scope of North Dakota Century Code chapter 43-03.
11. **Inquiries.** Inquiries regarding the board, registration, examinations, or practice shall be addressed to the ~~secretary~~ executive director at the following address: in care of the North Dakota State Board of Architecture and Landscape Architecture  
P.O. Box 7370  
Bismarck, ND ~~58507-7370~~

**History:** Amended effective October 1, 1989; February 1, 2005.

**General Authority:** NDCC 28-32-02.1

**Law Implemented:** NDCC 28-32-02.1

**ARTICLE 8-02**  
**PRACTICE OF ARCHITECTURE AND LANDSCAPE ARCHITECTURE**

Chapter	
8-02-01	Purpose of Practice
8-02-02	Exemptions
8-02-03	Illegal Practice
8-02-04	Practice in the Public Interest

**CHAPTER 8-02-01**  
**PURPOSE OF PRACTICE**

Section	
8-02-01-01	Practice
8-02-01-02	Definitions

**8-02-01-01. Practice.** The practice of architecture and landscape architecture exists for the performance of personal services to the public by architects and landscape architects. It has as its premise the duty of the architect and landscape architect to employ the architect's and landscape architects' training, experience, and skill in the design and execution of buildings and their environments in order to ~~safeguard life, health, and property~~ safeguard the public health, safety and welfare. ~~and to promote the public welfare.~~ The later includes the application of aesthetic principles to the technology of building.

**History:** Amended effective-February 1, 2005

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-01-02. Definitions.** The terms used throughout this article have the same meaning as in North Dakota Century Code chapter 43-03, ~~except~~ and as further provided herein:

1. "Architect" means, in general, a person who has qualified by skill, training, experience, and professional attitude to practice architecture, and is registered as an architect. Specifically, architect means an architect registered, and thereby entitled to practice architecture, in North Dakota. an individual who is registered as an architect under this chapter.
2. "Architectural commission" means the employment of an architect to perform architectural services.
3. "Board" means the state board of architecture and landscape architecture.
4. "Landscape Architect" means an individual who is registered as a landscape architect under this chapter.
5. "Architectural project" means a building, or group of buildings, or

a portion thereof, together with the site, the design, planning, or improvement of which requires the services of an architect.

6. "Architectural services" means those services normally and customarily performed by an architect including, but not limited to:
  - a. Offering or solicitation of, and contracting for, architectural services.
  - b. Consultation, investigation, analysis, studies, reports, programming, designing, and planning of buildings and their environments.
  - c. Sketches, drawings, specifications, and other graphic instruments of service in connection with architectural projects.
  - d. Observation of construction of architectural projects, together with other duties of the architect normally associated with administration of contracts for construction.
  - e. Architectural services include the structural and environmental systems and equipment which are essential to the proper functioning of an architectural project.
7. "Business corporation" means a corporation which is chartered under statutes other than North Dakota Century Code chapter 10-3
8. "CLARB" means the council of landscape architectural registration boards, of which the board is a member.
9. "CLARB certificate" means certification by CLARB that a landscape architect has met the minimum standards of education, examination, experience, and professional conduct established by the council and is thereby recommended for licensure in all member jurisdictions.
10. "CLARB council record" means verified documentation of an individual's education, experience, examination, licensure, and professional conduct compiled by CLARB.
11. "CLARB standards of eligibility" means standards for education, experience, examination, and professional conduct that are approved by CLARB's member boards and recommended to all member boards as the minimum standards for licensure.
12. "CLARB written examination" means the licensure examination for landscape architects prepared by CLARB.
13. "Exemptions" means persons to whom the provisions of this title and

North Dakota Century Code chapter 43-03 do not apply.

14. "Landscape architect" means, in general, a person who has qualified by skill, training, experience, and professional attitude to practice landscape architecture and is registered as a landscape architect. Specifically, landscape architect means a landscape architect registered and thereby entitled to practice landscape architecture in North Dakota.
15. "Landscape architectural project" means the site, the design, planning, or improvement of which requires the services of a landscape architect.
16. "Landscape architecture" means a service in which landscape architectural education, training, and experience and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. The term includes performing any professional service in connection with the development of land areas where the dominant purpose of the service is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches, or environment for structures or other improvements, and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight, and hazards. This practice includes the location and arrangement of tangible objects and features incidental and necessary to the purposes outlined but does not include the design of structures or facilities with separate and self-contained purposes, as ordinarily included in the practice of engineering or architecture, or the preparation of boundary surveys or final land plats, as ordinarily included in the practice of land surveying.
17. "NCARB" means the national council of architectural registration boards, of which the board is a member.
16. ~~"Nonarchitect principal" means a professional registered in North Dakota who is either a general partner in a partnership or a director in a professional corporation which is engaged in the practice of architecture.~~
17. ~~"Practice" means the performance of, or offer to perform, architectural services, or landscape architectural services for the public.~~
18. "Principal" means an architect or landscape architect who is either a sole proprietor, general partner in a partnership, or a director in a professional service

corporation, and such firm is engaged in the practice of architecture or landscape architecture.

"Principal" also means an architect or landscape architect who shares in the losses as well as the profits of the firm, and controls, alone or in concert with other architects who are principals, the architectural practice of the firm.

19. "Professional corporation, professional limited liability company, or professional limited liability partnership" means an entity chartered under North Dakota Century Code chapter 10-31 to engage in the practice of architecture or landscape architecture.
  
20. "Reciprocity" means the process by which the board grants registration without further examination to a person who is registered to practice architecture or landscape architecture in another state or jurisdiction, and who holds national council of architectural registration board certification, or to a person who is registered to practice landscape architecture in another state or jurisdiction and who holds council of landscape architectural registration board certification.
  
21. "Registration" means a license issued by the board to a person who has qualified as an architect or landscape architect and is thereby entitled to practice.
  
22. "Stamp" means architectural or landscape architectural stamp may also be referred to as a seal, emboss, electronic generated seal or indicia.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

## CHAPTER 8-02-02 EXEMPTIONS

Section	
8-02-02-01	Own Use
8-02-02-02	Public Buildings
8-02-02-03	Employee of an Architect
8-02-02-04	Shop Drawings
8-02-02-05	Federal Projects
8-02-02-06	Exemptions

~~**8-02-02-01. Own use.** A person constructing a building for one's own use is exempt from North Dakota Century Code chapter 43-03 under subsections 1 and 2 of North Dakota Century Code section 43-03-02. This exemption shall not be construed to permit the offering or performance of architectural services by unregistered persons or entities to the public, nor to permit design-build firms or entities to practice architecture.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-02~~

~~**8-02-02-02. Public buildings.** A person preparing plans, drawings, and specifications for public buildings costing less than twenty five thousand dollars, or buildings for the use of the North Dakota agricultural experiment station, is exempt from North Dakota Century Code chapter 43-03 under the provisions of North Dakota Century Code section 48-02-02.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-02~~

**8-02-02-03. Employee of an architect or landscape architect.** An employee of an architect or landscape architect is exempt from North Dakota Century Code chapter 43-03 under subsection 5 of North Dakota Century Code section 43-03-02. This exemption shall not be construed to permit an employee to perform services which, because of their importance to the client's and the public's interest, require the presence of the principal such as solicitation of and contracting for architectural or landscape architectural services, negotiations or discussions involving substantial design or cost impacts, and other services of similar responsibility which are normally performed by the architect or landscape architect.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-02

**8-02-02-04. Shop drawings.** A person preparing shop drawings or other graphic instruments, the purpose of which is to carry out the architect's or landscape architect's design intent, and which are subject to the architect's or landscape architect's approval, is exempt from North Dakota Century Code chapter 43-03.

**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-08

**8-02-02-05. Federal projects.** A person in the employ of, or commissioned by, a United States government agency, who performs architectural or landscape architectural services for a project to be owned and used by the federal government, and to be built with federally appropriated funds is exempt from North Dakota Century Code chapter 43-03. This exemption shall not be construed to permit non registered persons to perform architectural services for a project for which the federal government is merely the lender or guarantor.

**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-08

**8-02-02-06. Exemptions.** Nothing in this chapter shall be construed to prevent:

1. Preparation of plans, drawings, and specifications for public buildings costing less than the amount stipulated in North Dakota Century Code section 48-01.1-04 or buildings for the use of the North Dakota agricultural experiment station under the provisions of North Dakota Century Code section 48-01.1-04.
2. The preparation of submissions to architects or landscape architect by the manufacturer, supplier, or installer of materials, assemblies, components, or equipment incidental to the design of the entire project that describe or illustrate the use of such items.
3. The preparation of any details or shop drawings required of the contractor by the terms of the construction documents.
4. The management of construction contracts by persons customarily engaged in contracting work.
5. The preparation of technical submissions or the administration of construction contracts by persons acting under the responsible control of a registered architect or landscape architect.
- ~~6. Officers and employees of the United States of America from engaging in the practice of architecture or landscape architecture as employees of the United States of America.~~
7. A partnership, limited liability company, or professional corporation from performing or holding itself out as able to perform any of the services involved in the practice of architecture or landscape architecture; provided that any agreement to perform such services shall be executed on behalf of the partnership, limited liability company, or professional corporation by the general partner or

partners, or by the manager or managers, or by the director or directors who hold registration in this state and who will exercise responsible control over the particular services contracted for by the partnership, limited liability company, or professional corporation; and provided further that the partnership, limited liability company, or professional corporation furnishes the board with such information about its organization and activities as the board shall require by regulation. "Managers" shall mean the members of a limited liability company in which management of its business is vested in the members and the managers of a limited liability company in which management of its business is vested in one or more managers.

8. A partnership (including a registered limited liability partnership), limited liability company, or professional corporation from offering a combination of services involved in the practice of architecture or landscape architecture and construction services provided that:
  - a. A registered architect or landscape architect or person otherwise permitted under subsection 9 to offer architectural or landscape architectural services participates substantially in all material aspects of the offering;
  - b. There is written disclosure at the time of the offering that a registered architect or landscape architect is engaged by and contractually responsible to such partnership, limited liability company, or professional corporation;
  - c. Such partnership, limited liability company, or professional corporation agrees that the registered architect or landscape architect will have responsible control of the work and that such architect's or landscape architect's services will not be terminated without the consent of the person engaging the partnership, limited liability company, or professional corporation; and
  - d. The rendering of architectural or landscape architectural services by such registered architect or landscape architect will conform to the provisions of North Dakota Century Code chapter 43-03 and the rules adopted under that chapter.
  
9. A nonresident, who holds the certification issued by the national council of architectural registration boards, or the council of landscape architectural registration boards, from offering to render the professional services involved in the practice of architecture, or landscape architecture; provided that the person shall not perform any of the professional services involved in the practice of architecture or landscape architecture until registered as hereinbefore provided; and further provided that the person notifies the board in writing that the person holds an NCARB or CLARB certificate and is not currently registered in the jurisdiction, but will be present in North Dakota for the

purpose of offering to render architectural or landscape architectural services; the person will deliver a copy of the notice referred to in this subsection to every potential client to whom the applicant offers to render architectural or landscape architectural services; and the person promises to apply immediately to the board for registration if selected as the architect or landscape architect for the project.

10. A person, who holds the certification issued by the national council of architectural registration boards, or the council of landscape architectural registration boards, but who is not currently registered in the jurisdiction, from seeking an architectural, or landscape architectural, commission by participating in an architectural or landscape architectural design competition for a project in North Dakota; provided that the person notifies the board in writing that the person holds an NCARB or CLARB certificate and is not currently registered in the jurisdiction, but will be present in North Dakota for the purpose of participating in an architectural or landscape architectural competition; the person will deliver a copy of the notice referred to in this subsection to every person conducting an architectural or landscape architectural design competition in which the applicant participates; and the person promises to apply immediately to the board for registration if selected as the architect or landscape architect for the project.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-02

**CHAPTER 8-02-03  
ILLEGAL PRACTICE**

Section	
8-02-03-01	Practicing Without a License
8-02-03-02	Illegal Use of the Term-"Architect" or " <u>Landscape Architecture</u> "
8-02-03-03	Fraud or Misrepresentation
8-02-03-04	Plan Stamping
8-02-03-05	Captive Architect <u>or Landscape Architect</u>
8-02-03-06	Conflict of Interest
8-02-03-07	Violations of Registration Law and Rules

**8-02-03-01. Practicing without a license.** A person who, in violation of North Dakota Century Code section 43-03-09, practices architecture or landscape architecture without registration is guilty of an illegal practice.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-09

**8-02-03-02. Illegal use of the term "architect" or "landscape architect".** A person who, in violation of North Dakota Century Code section 43-03-10, falsely professes to be an architect or landscape architect is guilty of an illegal practice.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-10

**8-02-03-03. Fraud or misrepresentation.** A person who falsifies or misrepresents information in order to obtain or continue registration is guilty of an illegal practice.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13, 43-03-20

**8-02-03-04. Plan stamping.** An architect or landscape architect who affixes, or permits the affixing of, the architect's-or landscape architect's-name or stamp to drawings or other instruments of-service not prepared under the architect's responsible control and supervision is guilty of an illegal practice.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-22

**8-02-03-05. Captive architect or Captive landscape architect.** An architect or landscape architect who is an employee and not a principal of a firm which is controlled by persons who are not architects or landscape architects, and which offers and performs

architectural or landscape architectural services illegally, on the pretext that such practice is legal because it employs an architect or landscape architect, is guilty of an illegal practice.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-03-06. Conflict of interest.** An architect or landscape architect who knowingly engages in personal or business activities which are in conflict with the responsibilities to the architect's or landscape architect's client or to the public, without fully disclosing the circumstances of such conflict of interest and obtaining approval of such activities, is guilty of an illegal practice.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-03-07. Violations of registration law and rules.** A person who knowingly violates any of the provisions of this title or of North Dakota Century Code chapter 43-03 is guilty of an illegal practice.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-02-04  
PRACTICE IN THE PUBLIC INTEREST**

Section

8-02-04-01	Practice in the Public Interest
8-02-04-02	Responsibility to Clients
8-02-04-03	Due Care
8-02-04-04	Limitations of Practice - Use of Consultants

**8-02-04-01. Practice in the public interest.** An architect or landscape architect shall always practice with the health, safety, and welfare interests of the public taking precedence over all other considerations.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-04-02. Responsibility to clients.** Drawings and other instruments of service shall be clear, accurate, and complete for the purpose intended, namely, to provide the client the information required in making a decision. Indefinite, ambiguous, or incomplete drawings and specifications, particularly those intended for use as construction documents, are unfair to all persons concerned and detrimental to the public and to the profession. Such practice may be considered a justifiable cause for suspension or revocation of registration.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-04-03. Due care.** An architect or landscape architect shall exercise due care and diligence in all aspects of the architect's or landscape architect's practice in order to safeguard the client and the public insofar as possible against inconvenience or loss due to errors or omissions. An architect or landscape architect shall at all times maintain close control over all services for which the architect or landscape architect is contractually responsible, including those assigned to consultants.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-04-04. Limitations of practice - Use of consultants.** An architect or landscape architect shall assume only those duties and responsibilities which are normally considered as architectural or landscape architectural services, and shall not offer or perform services which are normally, and by law, required to be performed by other professions. An architect or landscape architect is expected to employ consultants for any services when, in the architect's or landscape architect's judgment, they will be performed more competently by consultants, and it is in the client's and the public's interests. An architect or landscape architect also shall be

expected to exercise careful judgment in the architect's or landscape architect's selection of consultants, in order to provide the best possible services, for which the architect or landscape architect will be held responsible.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**ARTICLE 8-03  
PARTNERSHIPS, CORPORATIONS, GROUP PRACTICE**

Chapter	
8-03-01	Individual Responsibility
8-03-02	Partnerships
8-03-03	Professional Service Corporations
8-03-04	Business Corporations
8-03-05	Other Group Practice
8-03-06	Responsible Charge
8-03-07	Disclosure

**CHAPTER 8-03-01  
INDIVIDUAL RESPONSIBILITY**

Section	
8-03-01-01	Registration Granted to Individuals
8-03-01-02	Requirements for Practice by Firms
8-03-01-03	Prohibited Types of Firms

**8-03-01-01. Registration granted to individuals.** Under North Dakota Century Code chapter 43-03, registration is granted to a person. Accordingly, registration cannot be granted to a firm, corporation, or other entity.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-09

**8-03-01-02. Requirements for practice by firms.** In any firm, control of the firm's architectural or landscape architectural practice shall be always the sole responsibility of the architect or landscape architect principals, in order for the firm to legally perform architectural or landscape architectural services or offer them to the public. Similarly, membership in a firm shall in no way be permitted to remove, or reduce, an architect's or landscape architect's responsibilities to the public, as an individual registered to practice architecture or landscape architecture.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08, 43-03-10

**8-03-01-03. Prohibited types of firms.** Any firm in which the control is vested in persons who are not registered as architects or landscape architects, or in which control can be transferred to unregistered persons, is prohibited from practicing, or offering to practice, architecture or landscape architecture in North Dakota.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08, 43-03-10

## CHAPTER 8-03-02 PARTNERSHIPS

Section	
8-03-02-01	Architect or Landscape Architect Partners
8-03-02-02	Other Professions
8-03-02-03	Practice Requirements

**8-03-02-01. Architect or landscape architect partners.** In a partnership of architects or landscape architects, each partner shall be registered, in accordance with North Dakota Century Code section 43-03-10.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-10

**8-03-02-02. Other professions.** An architect or landscape architect shall not enter into a partnership with persons of other professions, unless such persons are registered in North Dakota in their respective professions.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-10

**8-03-02-03. Practice requirements.** In a partnership of architects or landscape architects and other professionals, responsibility and control of practice in the separate professions shall rest with the individuals so registered, and no partner shall practice, or offer to practice, the other, unless the partner also is registered in the other profession.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-03-03  
PROFESSIONAL CORPORATIONS**

Section	
8-03-03-01	Purpose
8-03-03-02	Other States

**8-03-03-01. Purpose.** Under North Dakota Century Code chapter 10-31, incorporation of architects, and architects or landscape architects and other professionals in joint practice, is authorized. The law provides safeguards against control of practice by nonregistrants, while permitting practitioners the advantages of incorporation.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 10-31-04, 43-03-08

**8-03-03-02. Other states.** Architects registered in other states or jurisdictions which prescribe different regulations for corporate firms ~~may~~ will be required by the board to practice as individuals in order to be registered in North Dakota. See article 8-04.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-03-04  
BUSINESS CORPORATIONS**

Section	
8-03-04-01	Business Corporations
8-03-04-02	Other States

**8-03-04-01. Business corporations.** Business corporations and any other form of incorporation which does not require that control rest exclusively with the architect or landscape architect, are not permitted to engage in the practice of architecture or landscape architecture in North Dakota.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 10-31-04, 43-03-08

**8-03-04-02. Other states.** Architects or landscape architects registered in other states or jurisdictions in which incorporation meeting the basic requirements of North Dakota Century Code chapter 10-31 is unavailable to them ~~may~~ will be required by the board to practice as individuals in order to be registered in North Dakota. See article 8-04.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-03-05  
OTHER GROUP PRACTICE**

Section  
8-03-05-01           Types Permitted

**8-03-05-01. Types permitted.** Any type of group practice, or firm, that ensures that architectural or landscape architectural services will be offered to, and performed for, the public by and under the control of architects or landscape architects, is permitted. Such forms of firm, or group practice, as joint ventures, associations, or other entities, whether formal or informal, permanent or temporary, are permitted whenever the provisions of this title or of North Dakota Century Code chapter 43-03 are not violated.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

## CHAPTER 8-03-06 RESPONSIBLE CONTROL

Section  
8-03-06-01                      Responsible Control

**8-03-06-01. Responsible control.** In accordance with the concept in the law that architecture or landscape architecture is a personal service to the public. The Board supports any architectural practice within any legal structure as long as the corporate structure and operating agreements reflect that an architect retains responsible and complete control and individual responsibility for performing architectural services. Within any legal structure or operating agreements the architect performing or in responsible control of the professional services must be identified and that corporate structure and operating agreements must not be used to shield unlicensed practice. it is mandatory that an architect or landscape architect who is also a principal be in responsible charge of practice at all times.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-03-07  
DISCLOSURE**

Section  
8-03-07-01                      When Required

**8-03-07-01. When required.** The board may require as a condition to registration the disclosure by any applicant of the applicant's employment by, or affiliation with, a firm, in order to establish facts of ownership, control, and practice. Disclosure may also be required as a condition to renewal of registration, and shall also require the applicant to state under oath whether the applicant has practiced architecture or landscape architecture in North Dakota during the period since such registration was revoked.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08, 43-03-11, 43-03-13, 43-03-15

**ARTICLE 8-04  
REGISTRATION**

Chapter	
8-04-01	Qualifications
8-04-02	Applications
8-04-03	Reciprocal Registration
8-04-04	Renewal
8-04-05	Denial or Revocation
8-04-06	Reinstatement

**CHAPTER 8-04-01  
QUALIFICATIONS**

Section	
8-04-01-01	Statutory Qualifications
8-04-01-02	Adoption of NCARB Standards
8-04-01-03	NCARB Record
8-04-01-04	Adoption of CLARB Standards
8-04-01-05	CLARB Record

**8-04-01-01. Statutory qualifications.** North Dakota Century Code section 43-03-13 states requirements as to age, character, examination, experience, and training for all applicants for registration.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13

**8-04-01-02. Adoption of NCARB standards.** The current standards for qualification for architects on the basis of education and experience, as adopted by the national council of architectural registration boards, shall be considered as the qualifications for registration for architects in North Dakota, except as amended in this chapter.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13

**8-04-01-03. NCARB record.** An architectural applicant is required to show evidence of the applicant's qualifications for either examination, or registration, by having NCARB compile a council record and having NCARB furnish such record to the board. The board may require such additional information, or the architectural applicant's appearance before the board, as necessary to clearly establish the architectural applicant's eligibility for examination or registration.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08, 43-03-13

**8-04-01-04. Adoption of CLARB standards.** Beginning January 1, 2005, the standards for qualification for landscape architects on the basis of education, training, and experience are the requirements established by the most recent CLARB standards of eligibility.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-04-01-05. CLARB record.** A landscape architectural applicant is required to show evidence of the applicant's qualifications for either examination or registration by having CLARB furnish such record to the board.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

## CHAPTER 8-04-02 APPLICATIONS

### Section

8-04-02-01	Application for Architectural Examination
8-04-02-02	Application for Registration by NCARB Certificate Holders
8-04-02-03	Applicants Not Holding NCARB Certification
8-04-02-04	Application for Landscape Architectural Examination
8-04-02-05	Acceptance for Landscape Architectural Registration to December 31, 2006
8-04-02-06	Exemption from CLARB Certification

**8-04-02-01. Application for architectural examination.** Architectural candidates for examination shall apply to the national council of architectural registration boards, requesting the council's North Dakota application form and instructions for preparation of a council record. The appropriate fees, including the statutory fee for examination and registration, together with additional fees charged by the council payable to the national council of architectural registration boards, and to the board, shall accompany this application. The national council of architectural registration boards will notify the architectural applicant of the applicant's eligibility to be admitted to the examinations, after evaluating the applicant's record. The architectural applicant shall remit to the national council of architectural registration boards an additional fee for preparation of the record, if applicable.

**History:** Amended effective February 1, 1983; February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-04-02-02. Application for registration by NCARB certificate holders.** Architectural applicants must hold the national council of architectural registration boards certification as a prerequisite for registration. An architectural applicant for registration shall apply to the national council of architectural registration boards, requesting transmittal of the applicant's council record to the board. The appropriate fees, including the statutory fee for examination and registration, together with additional fees charged by the council payable to the national council of architectural registration boards shall accompany the application. An architectural applicant shall pay any additional fees required by the national council of architectural registration boards for such purposes as updating of records, or reinstatement of lapsed certification, if applicable.

**History:** Amended effective February 1, 1983; February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-04-02-03. Applicants not holding NCARB certification.** Architectural applicants who do not hold the national council of architectural registration boards certification shall be required to obtain certification in order to be registered in North Dakota. The procedure shall be similar to that for an architectural applicant for

examination, except that, in many instances, an examination will not be necessary in order to establish certification.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-04-02-04. Application for landscape architectural examination.**

Candidates for landscape architectural examination ~~beginning January 1, 2005,~~ shall submit an application to the board and include a council record provided through the council of landscape architectural registration boards. If the landscape architectural applicant has not passed the licensure examination, the applicant shall apply to the council of landscape architectural registration boards to complete the examination process.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

~~**8-04-02-05. Acceptance for landscape architectural registration to December 31, 2006.** Candidates for landscape architectural examination for the period from January 1, 2005, to December 31, 2006, shall be accepted for the council of landscape architectural registration boards examination regardless of education or experience.~~

~~**History:** Effective February 1, 2005.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-08~~

~~**8-04-02-06. 05 Exemption from CLARB certification.** Any person who applies for licensure as a landscape architect in North Dakota up to December 31, 2006, has successfully completed the council of landscape architectural registration boards landscape architectural licensing examination prior to that date or has a current landscape architectural license in another state, shall be considered to meet the requirements for a landscape architectural license in North Dakota in lieu of council of landscape architectural registration boards certification and regardless of education or experience. The candidate shall submit an application and application fee to the board.~~

~~**History:** Effective February 1, 2005.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-08~~

**CHAPTER 8-04-03  
RECIPROCAL REGISTRATION**

Section

8-04-03-01 Prerequisite NCARB Certification

8-04-03-02 Prerequisite CLARB Certification

**8-04-03-01. Prerequisite NCARB certification.** An architectural applicant desiring registration by reciprocity shall hold the national council of architectural registration boards certification in addition to registration in the applicant's home state or other jurisdiction. Both registration and certification shall be current, in good standing, and verified by the architectural applicant's council record. The architectural applicant shall apply to the council, following the procedures outlined in chapter 8-04-02 and paying the required fees.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-15

**8-04-03-02. Prerequisite CLARB certification.** A landscape architectural applicant who is licensed in another jurisdiction shall submit a landscape architect application to the board. Such landscape architect application shall include a council certificate furnished by CLARB and include the required application fee.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08, 43-03-15

**CHAPTER 8-04-04  
RENEWAL**

Section	
8-04-04-01	Annual <u>Biennial</u> Renewal
8-04-04-02	Notice to Registrant

**8-04-04-01. Biennial renewal.** Registration shall be renewed biannually upon payment by the registrant of a fee of ~~twenty-five dollars, set by the board not to exceed the limit as established by Chapter 43-03-18 and the registrant's stated intention to renew.~~ July 1<sup>st</sup> of the odd numbered years.

**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-17, 43-03-18

**8-04-04-02. Notice to registrant.** The ~~secretary~~ Executive Director shall notify a registrant by mail at least ~~thirty~~ sixty days prior to the date of renewal. The notice shall be directed to the last known address of the registrant. Revocation of registration for nonpayment of fees shall not be carried out unless the registrant has received a follow-up notification by certified mail.

**History:** Amended effective February 1, 2005.  
**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-19

**CHAPTER 8-04-05  
DENIAL OR REVOCATION**

Section

8-04-05-01	Causes for Denial
8-04-05-02	Causes for Revocation
8-04-05-03	Charges or Complaints - Procedure
8-04-05-04	Suspension

**8-04-05-01. Causes for denial.** The board may deny registration to an applicant for failure to meet the qualifications, as stated in North Dakota Century Code section 43-03-13, for failure to pay the required fees, for failure to provide required information, or for violation of any of the provisions of this title.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13

**8-04-05-02. Causes for revocation.** The board may, upon notice and hearing, revoke the registration of an architect or landscape architect for the causes stated in North Dakota Century Code sections 43-03-19 and 43-03-20.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-19, 43-03-20

**8-04-05-03. Charges or complaints - Procedure.** A member of the board, a practitioner, or the public may file a complaint or charge regarding practice of architecture or landscape architecture in North Dakota. In each instance, the board shall proceed as follows:

1. All charges or complaints alleging or implying violations of law or of the provisions of this title shall be referred to the board's counsel, with instructions to investigate. Typically, such investigation will include a request by letter for information, addressed to the person or persons accused, with copies to all members. Upon receipt of a reply, the board's counsel will recommend to the board what action, if any, the board should take.
2. Charges or complaints of a minor or routine nature may, at the discretion of the board, be assigned to the secretary. Typically, such assignment will be a written inquiry, explanation, or warning to the person or persons accused, with copies of all correspondence to the other members.
3. Any person against whom charges or complaints of a serious nature, in the opinion of counsel, are filed shall be properly notified by the board or

its counsel as to the nature of the allegations, the person's legal rights, including right to a hearing before the board, and upon resolution of the matter, any action on, or dismissal of, the charges or complaints.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08, 43-03-20

**8-04-05-04. Suspension.** Whenever the board has the power to revoke registration, it may, in lieu thereof and in its sole discretion, suspend registration for a period of time not to exceed one year.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

## CHAPTER 8-04-06 REINSTATEMENT

Section

8-04-06-01

Lapsed Registration

8-04-06-02

Registration Revoked for Other Cause

**8-04-06-01. Lapsed registration.** A former registrant who applies for renewal ~~more~~ less than one year after the registrant's registration has lapsed due to failure to renew may, at the board's discretion, be reinstated upon payment of the renewal fee plus a reinstatement fee of one hundred dollars, and the disclosure required under section 8-03-07-01.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-04-06-02. Registration revoked for other cause.** A former registrant whose registration has been revoked for causes other than failure to renew may, at the board's discretion, be granted reinstatement upon evidence satisfactory to the board that the registrant will practice in a lawful and ethical manner.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**ARTICLE 8-05  
EXAMINATIONS**

Chapter	
8-05-01	Examination Required for Registration
8-05-02	Requirements for Admission to Examinations
8-05-03	NCARB and CLARB Uniform Examinations
8-05-04	Other Examination Procedures

**CHAPTER 8-05-01  
EXAMINATION REQUIRED FOR REGISTRATION**

Section	
8-05-01-01	Statutory Requirements
8-05-01-02	Requirements for NCARB Certification

**8-05-01-01. Statutory requirements.** In accordance with North Dakota Century Code section 43-03-14, an applicant for registration shall pass ~~satisfactorily~~ an examination in such technical and professional courses as are established by the board", and shall pay the fees required by North Dakota Century Code section 43-03-11.

**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-11, 43-03-14

**8-05-01-02. Requirements for NCARB certification.** The board shall not require an architect whose original registration in North Dakota was granted prior to adoption of the requirement for the national council of architectural registration boards certification to be reexamined or to qualify for such certification as a condition for renewal of the architect's registration.

**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-05-02  
REQUIREMENTS FOR ADMISSION TO EXAMINATIONS**

Section

8-05-02-01	Architect - General
<u>8-05-02-02</u>	Applicants Holding Accredited Degrees [Repealed]
<u>8-05-02-03</u>	Applicants Without Accredited Degrees [Repealed]
8-05-02-04 <u>02</u>	Landscape Architect - General
8-05-02-05 <u>03</u>	Requirements for CLARB Certification

**8-05-02-01. Architect - General.** An applicant for registration as an architect may be admitted to the examinations upon evidence that the applicant's education and experience meets the standards established by the national council of architectural registration boards, which are adopted by the board in accordance with North Dakota Century Code section 43-03-13. Such evidence shall be established by the applicant's council record.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13

**8-05-02-02. Applicants holding accredited degrees.** Repealed effective February 1, 1983.

**8-05-02-03. Applicants without accredited degrees.** Repealed effective February 1, 1983.

**8-05-02-04. 02 Landscape architect - General.** An applicant for registration as a landscape architect may be admitted to the examination upon evidence that the applicant's education and experience meets the current standards established by the council of landscape architectural registration boards, which are hereby adopted by the board in accordance with North Dakota Century Code chapter 43-03-13. Such evidence shall be established by the applicant's council record.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13

**8-05-02-05. 03. Requirements for CLARB certification.** The board shall not require a landscape architect whose original registration in North Dakota was granted prior to adoption of the requirements of the council of landscape architectural registration boards certification to be reexamined or to qualify for such certification as a condition for renewal of the person's registration.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-13

**CHAPTER 8-05-03  
NCARB AND CLARB UNIFORM EXAMINATIONS**

Section

8-05-03-01

Purpose

8-05-03-02

Types of NCARB Examinations [Repealed]

**8-05-03-01. Purpose.** The uniform examinations prepared by the national council of architectural registration boards and the council of landscape architectural registration boards, which have been adopted by the board, have as their purpose the establishment of uniform standards of qualification for registration in all states and jurisdictions in order to unify reciprocal procedures.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-14

**8-05-03-02. Types of NCARB examinations.** Repealed effective February 1, 1983.

**CHAPTER 8-05-04  
OTHER EXAMINATION PROCEDURES**

Section

~~8-05-04-01~~ ——— ~~Former Examinations~~  
~~8-05-04-02~~ ——— ~~"Home" State of Registration~~  
~~8-05-04-03~~ ——— ~~Examination Information~~

~~**8-05-04-01. Former examinations.** Architects who were registered originally by passing examinations formulated by the board, or by the national council of architectural registration boards examinations which did not include testing of such subjects as seismic design, and who desire to be registered in another state or jurisdiction, may be required to qualify for the council certification.~~

~~**History:** Amended effective February 1, 2005.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-08, 43-03-14~~

~~**8-05-04-02. "Home" state of registration.** The board may admit an architectural applicant to the examinations who is a resident of another state or jurisdiction only in cases of hardship and with the written approval of the applicant's "home" registration board and the national council of architectural registration boards.~~

~~**History:** Amended effective February 1, 2005.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-08, 43-03-14~~

~~**8-05-04-03 Examination information.** More detailed information concerning examinations, time to apply, procedures, and the like are obtainable from the board.~~

~~**History:** Amended effective February 1, 2005.~~

~~**General Authority:** NDCC 43-03-08~~

~~**Law Implemented:** NDCC 43-03-08~~

**ARTICLE 8-06  
MISCELLANEOUS PROVISIONS**

Chapter  
8-06-01                      Architect's or Landscape Architect's Stamp

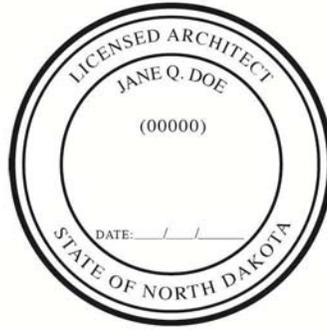
**CHAPTER 8-06-01  
ARCHITECT'S OR LANDSCAPE ARCHITECT'S STAMP**

Section  
8-06-01-01                  Issuance and Use  
8-06-01-02                  Design of the Stamp  
8-06-01-03                  Use of the Stamp

**8-06-01-01. Issuance and use.** ~~Upon registration, the board shall issue each architect and landscape architect a rubber stamp which shall contain such wording as may be designated and authorized by the board. The title sheet of drawings, specifications, or technical submissions, or any combination of those items, intended for the construction of an architectural or landscape architectural project shall be imprinted by the stamp or facsimile. The architect or landscape architect under whose responsible control these instruments were prepared shall manually sign each original imprint of the seal. At the time of the issuance of the certification of registration, the board shall require the certificate holder to acquire, at the certificate holder's expense, a stamp or indicia to be used by the certificate holder in the conduct of the certificate holder's practice and to be impressed upon drawings, plans, and other documents prepared by the certificate holder . The board shall adopt rules governing the technical requirements of such stamp and indicia and the certificate holder's signature.~~

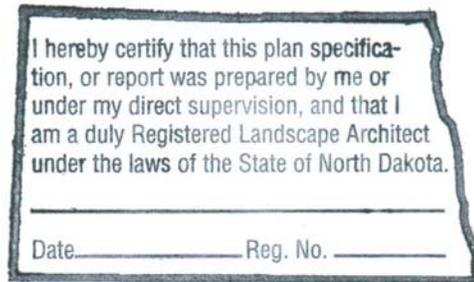
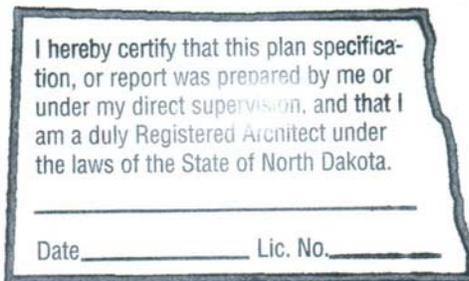
**Section 8-06-01-02 Design of the Stamp**

- (a) Each licensed architect and landscape architect's stamp shall be no less than 1 ½" and no more than 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his/her licensed number, the word "Date: / / " and the words "LICENSED ARCHITECT – STATE OF NORTH DAKOTA" OR "LICENSED LANDSCAPE ARCHITECT – STATE OF NORTH DAKOTA" as appropriate. This stamp shall be as per the format below:



(Example -Architects Stamp      (Example - Landscape Architect's Stamp)

- (i) The stamp designed adopted by the Board in the Rules and Regulations dated \_\_\_\_\_, as it appears below, will be accepted for persons licensed prior to the effective date of these rules.



(Example – ND Current Stamps)

- (b) The format of the stamp may be a rubber stamp, an embosser, or a digital image.  
(c) Each licensee is responsible for procuring their own stamp.

### **Section 8-06-01-03 Use of the Stamp**

- (a) The stamp shall be imprinted on all documents prepared by the licensed architect or landscape architect to be used for construction or technical submissions whether the project or building type is exempt or not-exempt under the ND Statutes.
- (b) Documents to be used for construction shall be imprinted as follows:
- (i) On each final drawing sheet;

- (ii) On the cover, title, certification or index page of each set of the Project Manual/Specifications;
- (c) Documents to be used for technical submissions shall be imprinted as follows:
  - (i) On each final design drawing;
  - (ii) On the cover, title, certification or index page of each set.
- (d) Letter formatted reports or professional opinions shall be imprinted at the end of the letter in the area of the letter's salutation.
- (e) The original signature of the licensed architect or landscape architect named on the stamp shall appear across the face of each original stamp imprint, along with the date of signing. This signature may be either digital or wet. Documents with digital stamp, signature and date that are submitted for building permitting shall have a wet signature and date written over the digital stamp, signature & date. This requirement is for any project or building type whether exempt or not exempted under Statutes of North Dakota. The digital signature with date and the wet stamp shall approximate the format shown below:



(Example of Architect's Digital or Wet Stamp) (Example of Landscape's Digital or Wet Stamp)



*(Example of Architect's & Landscape Architect's Wet Signature of Digital Stamp for permitting process)*

- (f) The stamp appearing on any drawings, project manual/specification, technical submissions, and/or letter formatted reports/opinions shall be prima facie evidence that said technical submission was prepared by or under the responsible control of the individual name on the stamp only if the stamp has been signed and dated.

**History:** Amended effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-22

## ARTICLE 8-07

### RULES OF PROFESSIONAL CONDUCT

Chapter	
8-07-01	Competence
8-07-02	Conflict of Interest
8-07-03	Full Disclosure
8-07-04	Compliance with Laws
8-07-05	Professional Conduct

#### CHAPTER 8-07-01 COMPETENCE

Section	
8-07-01-01	Standard of Care and Competence
8-07-01-02	Compliance with Applicable Laws and Regulations
8-07-01-03	When Professional Services May Be Performed

**8-07-01-01. Standard of care and competence.** In engaging in the practice of architecture or landscape architecture, a registered architect or landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill which are ordinarily applied by registered architects or landscape architects of good standing practicing in the same locality.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-01-02. Compliance with applicable laws and regulations.** In designing a project, a registered architect or landscape architect shall take into account all applicable state and municipal building laws and regulations. While a registered architect or landscape architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registered architect or landscape architect shall not knowingly design a project in violation of such laws and regulations.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-01-03. When professional services may be performed.** A registered architect or landscape architect shall undertake to perform professional services only when the architect or landscape architect, together with those whom

the registered architect or landscape architect may engage as consultants, is qualified by education and experience in the specific technical areas involved.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-07-02  
CONFLICT OF INTEREST**

Section	
8-07-02-01	Compensation From More Than One Party Prohibited
8-07-02-02	Disclosure of Interest Required
8-07-02-03	Compensation for Specifying or Endorsing Products Prohibited
8-07-02-04	Impartiality in Interpreting Documents Required

**8-07-02-01. Compensation from more than one party prohibited.** A registered architect or landscape architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to in writing by all interested parties.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-02-02. Disclosure of interest required.** If a registered architect or landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence the person's judgment in connection with the performance of professional services the registered architect or landscape architect shall fully disclose in writing to the person's client or employer, or both, the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the registered architect or landscape architect shall either terminate such association or interest or offer to give up the commission or employment.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-02-03. Compensation for specifying or endorsing products prohibited.** A registered architect or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-02-04. Impartiality in interpreting documents required.** When acting as the interpreter of building contract documents and the judge of contract

performance, a registered architect shall render decisions impartially, favoring neither party to the contract.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

## CHAPTER 8-07-03 FULL DISCLOSURE

Section	
8-07-03-01	Disclosure of Compensation for Public Statements
8-07-03-02	Accurate Representation of Qualifications and Responsibility
8-07-03-03	Duties Regarding Known Code Violations
8-07-03-04	Deliberate False Statements Prohibited
8-07-03-05	Assistance to Unqualified Applicant Prohibited
8-07-03-06	Duty to Report Violations

### **8-07-03-01. Disclosure of compensation for public statements.**

A registered architect or landscape architect, making public statements on architectural or landscape architectural questions, shall disclose when the person is being compensated for making such statements.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-03-02. Accurate representation of qualifications and responsibility.** A registered architect or landscape architect shall accurately represent to a prospective or existing client or employer the person's qualifications and the scope of the person's responsibility in connection with work for which the person is claiming credit.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-03-03. Duties regarding known code violations.** If, in the course of work on a project, a registered architect or landscape architect becomes aware of a decision taken by the person's employer or client, against such registered architect's or landscape architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the registered architect's or landscape architect's judgment, materially and adversely affect the safety to the public of the finished project, the registered architect or landscape architect shall:

1. Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;
2. Refuse to consent to the decision; and
3. When the registered architect or landscape architect reasonably believes that other such decisions will be taken, notwithstanding the

person's objection, terminate the person's services with respect to the project.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-03-04. Deliberate false statements prohibited.** A registered architect or landscape architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with the person's application for a registration or renewal thereof.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-03-05. Assistance to unqualified applicant prohibited.** A registered architect or landscape architect shall not assist the application for registration of an individual known by the registered architect to be unqualified in respect to education, experience, or character.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-03-06. Duty to report violations.** A registered architect or landscape architect possessing knowledge of a violation of the rules of professional conduct shall report such knowledge to the board.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**CHAPTER 8-07-04  
COMPLIANCE WITH LAWS**

Section	
8-07-04-01	Violations of Criminal Law Prohibited
8-07-04-02	Payment or Gift to Government Officials Prohibited
8-07-04-03	Compliance With Registration Laws Required

**8-07-04-01. Violations of criminal law prohibited.** An architect or landscape architect shall not, in the conduct of the person's architectural or landscape architectural practice, knowingly violate any state or federal criminal law.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-04-02. Payment or gift to government officials prohibited.** An architect or landscape architect shall neither offer nor make any payment or gift to an elected or appointed government official with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect or landscape architect is interested.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-04-03. Compliance with registration laws required.** An architect or landscape architect shall comply with the registration laws and regulations governing the person's professional practice in any United States jurisdiction.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

## CHAPTER 8-07-05 PROFESSIONAL CONDUCT

Section

8-07-05-01	Responsible Control Required
8-07-05-02	Sign or Seal on Documents
8-07-05-03	Gifts to Influence Clients Prohibited
8-07-05-04	Fraud

**8-07-05-01. Responsible control required.** Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect or landscape architect resident and regularly employed in that office having responsible control of such work.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-05-02. Sign or seal on documents.** An architect or landscape architect shall not sign or seal drawings, specifications, reports, or other professional work for which the person does not have responsible control; provided, however, that in the case of the portions of such professional work prepared by the architect's or landscape architect's consultants, registered under this or another professional registration law of this jurisdiction, the architect or landscape architect may sign or seal that portion of the professional work if the architect or landscape architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy. Signature and seal requirements must be prepared as outlined in Section 8-06-01-02 and 8-06-01-03.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-05-03. Gifts to influence clients prohibited.** An architect or landscape architect shall neither offer nor make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect or landscape architect is interested.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-07-05-04. Fraud.** An architect or landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08  
**Law Implemented:** NDCC 43-03-08