

CHAPTER 27

NEW JERSEY STATE BOARD OF ARCHITECTS

Authority

N.J.S.A. 45:3-1 et seq., specifically 45:3-3; and 45:3-31 et seq.

Source and Effective Date

R.2005 d.303, effective August 11, 2005.
Sec: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 27, New Jersey State Board of Architects, expires on February 7, 2011. See: 42 N.J.R. 2202(a).

Chapter Historical Note

Chapter 27, New Jersey State Board of Architects, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 27, New Jersey State Board of Architects, was readopted as R.1990 d.165, effective February 20, 1990. See: 22 N.J.R. 18(a), 22 N.J.R. 974(a).

Subchapter 3, Scope of Architectural Services, was adopted as R.1994 d.169, effective April 4, 1994. See: 25 N.J.R. 5439(a), 26 N.J.R. 1517(a).

Chapter 27, New Jersey State Board of Architects, was repealed and Chapter 27, New Jersey State Board of Architects, was adopted as new rules by R.1995 d.101, effective February 21, 1995. See: 26 N.J.R. 4952(a), 27 N.J.R. 716(a).

Pursuant to Executive Order No. 66(1978), Chapter 27, New Jersey State Board of Architects, was readopted as R.2000 d.103, effective February 18, 2000. See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Subchapter 4A, Continuing Education, was adopted as new rules by R.2000 d.135, effective April 3, 2000. See: 31 N.J.R. 1893(a), 32 N.J.R. 1217(a).

Subchapter 7A, Design Build Contracts, was adopted as new rules by R.2001 d.305, effective August 20, 2001. See: 33 N.J.R. 1858(a), 33 N.J.R. 2815(a).

Chapter 27, New Jersey State Board of Architects, was readopted by R.2005 d.303, effective August 11, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 9, Interior Design Examination and Evaluation Committee; Certification of Interior Designers; Certified Interior Designer Standards of Practice, was adopted as new rules by R.2006 d.172, effective May 15, 2006. See: 37 N.J.R. 3548(a), 38 N.J.R. 2167(a).

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SUBCHAPTER 1. PURPOSE AND SCOPE

13:27-1.1 Purpose

The purpose of this chapter is to regulate the practice of architecture in the State of New Jersey pursuant to N.J.S.A. 45:3-1.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).
Rewrote the section.

13:27-1.2 Scope

This chapter shall apply to all applicants seeking licensure as an architect and all licensees practicing architecture in the State of New Jersey.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).
Rewrote the section.

SUBCHAPTER 2. ADMINISTRATION

13:27-2.1 Establishing Board name

In accordance with P.L. 1902, c.29, p. 54 as amended and supplemented (N.J.S.A. 45:3-1 et seq.) the name of this Board shall be the New Jersey State Board of Architects.

13:27-2.2 Office location

The offices of the Board are located at 124 Halsey Street, PO Box 45001, Newark, New Jersey 07101.

Case Notes

Engineer's designing of duplex held not an "engineering project" within exception to architect's licensing statute. State Bd. of Architects v. North, 197 N.J.Super 349, 484 A.2d 1297 (Ch.Div.1984).

13:27-2.3 Meetings of Board; quorum

(a) The Board shall hold an annual meeting at the Board office in July of each year.

(b) The meetings of the Board shall be held as scheduled and notice thereof shall be filed in accordance with the Open Public Meetings Act (P.L. 1975, c.231).

(c) A majority of the appointed membership of the Board shall constitute a quorum (N.J.S.A. 45:1-2.2(d)).

(d) Chronic absence and/or lack of participation by a member in Board activities, as documented by Board records, may be the basis for the submission of a request for replacement to the appropriate authority, as determined by a majority vote of the Board.

13:27-2.4 Election of officers; term; vacancies

(a) At its annual meeting, the Board shall elect from its members a President and a Vice President. These officers shall be elected by a quorum of the Board.

(b) The term of each officer so elected shall be for one year, but shall continue until a successor has been elected and qualified, unless such officer is removed for cause by vote of a quorum of the Board. In the event of a vacancy in an office, an officer shall be elected by a quorum of the Board to fill the unexpired term.

13:27-2.5 Duties of officers; committee appointments

(a) The President of the Board shall preside at all meetings, appoint all committees and chairpersons and shall perform all other duties ordinarily pertaining to the Office of the President or as may be directed by the Board.

(b) The Vice President shall perform the duties of the President during the absence or incapacity of the President. In the absence of both the President and Vice President, the Board member with seniority shall preside.

13:27-2.6 Executive Director; duties

(a) An Executive Director shall serve as chief administrative officer and official custodian of the records of the Board.

(b) The Executive Director shall, in a thorough and efficient manner, fulfill administrative duties, including, but not limited to, duties in connection with the keeping of minutes of meetings, examinations, correspondence, staff and records.

13:27-2.7 (Reserved)

Repealed by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Roster; dissemination of statutes, rules and code data".

SUBCHAPTER 3. ARCHITECTURAL PRACTICE AND RESPONSIBILITY

13:27-3.1 Definitions

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

"Advertisement" means any communication to the public including, but not limited to, newspaper, periodical, journal, flyer, professional stationery, brochure, telephone directory, billboard, sign (other than a sign used only for identification purposes at the business premises), radio, telephone for the purpose of solicitation, television, Internet, or any other print or electronic media in which architectural services are offered or by which the availability of architectural services is made known.

"Aesthetic principles" means the concepts of order, balance, proportion, scale, rhythm, color, texture, mass and form as used in the design process.

"Architect" means an individual who through education, training, and experience is skilled in the art and science of building design and has been licensed or registered by the New Jersey State Board of Architects to practice architecture in the State of New Jersey.

"Architectural business association" or "architectural business entity" means a sole proprietorship of a licensed architect; a partnership, including a limited liability partnership, of licensed architects; a partnership, including a limited liability partnership, of closely allied professionals as defined by N.J.S.A. 45:3-1.1(f), including at least one licensed architect; a professional service corporation of persons providing closely allied professional services as defined by N.J.S.A. 14A:17-3, including at least one licensed architect, established pursuant to the "Professional Service Corporation Act" (N.J.S.A. 14A:17-1 et seq.); or a limited liability company established pursuant to the "Limited Liability Company Act" (N.J.S.A. 42:2B-1 et seq.) or a corporation either of which is required to hold a Certificate of Authorization from the New Jersey State Board of Architects pursuant to N.J.A.C. 13:27-4.8.

"Architectural services" or "practice of architecture" means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, speci-

fications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.

"Architecture" means the art and science of building design and particularly the design of any structure for human use or habitation. Architecture, further, is the art of applying human values and aesthetic principals to the science and technology of building methods, materials and engineering systems as required to comprise a total building project with a coherent and comprehensive unit of structure and site.

"Board" means the New Jersey State Board of Architects.

"Certificate of Authorization" means a certificate issued by the Board to a general business corporation or a limited liability company to permit the practice of architecture pursuant to N.J.S.A. 45:3-18.

"Certificate of Registration" or "license" means official documents attesting to the fact that the individual has met the minimum requirements to practice architecture in the State of New Jersey. For the purposes of this chapter, the terms "licensed" and "registered" are used interchangeably.

"Closely allied professional" means, and is limited to, licensed architects, professional engineers, land surveyors, professional planners, certified landscape architects, and persons that provide space planning services, interior design services, or the substantial equivalent thereof.

"Construction documents" means all of the written, graphic, and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a construction project.

"Continuing education" means professional development activities whose purpose is academic and professional instruction in order to advance an architect's professional knowledge and skill.

"Continuing education ('CE') hour" means one 60-minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour.

"Design services," as provided by a builder or home improvement contractor, means conceptual drawings or sketches of floor plans or elevations and the rendering of price quotations or estimates all of which may be necessary to develop the scope, character and potential cost of a one or two-family, detached home or improvement thereto.

"Diversified experience in architecture" means a wide spectrum of professional experience consistent with the elements defined by the National Council of Architecture Registration Boards (NCARB) through its Intern Development Program (IDP).

"Health, safety and welfare programs or courses" means relevant technical and professional architectural continuing education subjects related to safeguarding life, health, and

property and promoting the public welfare. The term includes the application of human values and aesthetic principles to the science and technology of structural design or evaluation; building methods, materials, and engineering systems; construction codes; construction-related standards; fire protection; means of egress; and barrier-free accessibility.

“Human use or habitation” means the activities of living, including, but not limited to, fulfilling domestic, religious, education, recreational, employment, assembly, health care, institutional, memorial, financial, commercial, industrial and governmental needs.

“Human values” means the social, cultural, historical, economic and environmental influences that have an impact on the quality of life.

“Interior design services” means rendering or offering to render services, for a fee or other valuable consideration, in the preparation and administration of interior design documents, including, but not limited to, drawings, schedules and specifications which pertain to the design intent and planning of interior spaces, including furnishings, layouts, non-load bearing partitions, fixtures, cabinetry, lighting location and type, outlet location and type, switch location and type, finishes, materials and interior construction not materially related to or materially affecting the building systems, in accordance with applicable laws, codes, regulations and standards.

“Licensee” means a person who has been granted licensure by the New Jersey State Board of Architects.

“Limited liability company (LLC)” means a business corporation organized in compliance with the Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq., to engage in and carry on any lawful business, purpose or activity which combines the attributes of both corporation and partnership, and provides the limited liability generally associated with a corporation and the Federal tax treatment of a partnership.

“Limited liability partnership (LLP)” means an association of two or more persons to carry on as owners of a business for profit, which partnership is formed pursuant to an agreement governed by the laws of this State, registered pursuant to N.J.S.A. 42:1-44 and in compliance with N.J.S.A. 42:1-45.

“Office of a registered architect in private practice” means an organization which offers architectural service, is in the responsible charge of a registered architect(s) who is/are the principal owner or owners of the organization, and has no affiliate engaged in construction activities.

“Organization or affiliate engaged in construction” means one which undertakes to provide labor and/or material for all or any portion of a construction project, whether on lump sum, cost plus or other basis of compensation; and agrees to guarantee to a property owner the maximum construction cost for all or any significant portion of a construction project.

“Person” means any individual, partnership, corporation or any other business entity.

“Principal” means a registered architect who is an owner in whole or in part of any business entity authorized by law to offer or render architectural services.

“Responsible charge” means the rendering of regular and effective supervision by a competent licensed architect to those individuals performing services which directly and materially affect the quality and competence of architectural services rendered by the licensee.

Administrative Correction.

See: 27 N.J.R. 2009(a).

Amended by R.1998 d.417, effective August 17, 1998.

See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

In “Certificate of Authorization”, added “or a limited liability company” preceding “to permit”; and added new “Limited liability company (LLC)” and “Limited liability partnership (LLP)” definitions.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In “Advertisement” substituted “telephone, television, Internet, or other electronic media” for “telephonic or communication” following “radio,”; and in “Limited liability company (LLC)”, substituted “which” for “. The LLC is considered a hybrid entity that” following “activity”.

Amended by R.2000 d.135, effective April 3, 2000.

See: 31 N.J.R. 1893(a), 32 N.J.R. 1217(a).

Inserted “Continuing education”, “Continuing education (“CE”) hour”, “Health, safety and welfare programs or courses” and “Licensee”.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Rewrote definitions “Advertisement”, “Architectural services”, “Closely allied professional” and “Person”; deleted definition “Advertiser”; added definitions “Architectural business association” and “Interior design services”.

Petition for Rulemaking.

See: 39 N.J.R. 4454(a), 5132(b).

Petition for Rulemaking.

See: 40 N.J.R. 1712(a).

13:27-3.2 Scope of architectural service; advertising

(a) No person, except an architect licensed in the State of New Jersey, shall use the title “architect” or its substantial equivalent or otherwise represent to the public that the person is licensed to practice architecture in this State.

(b) Architects shall meet the following requirements concerning advertisements:

1. An advertisement shall include a term which is descriptive of the professional services to be rendered, such as “architect,” “architectural,” “architectural services,” or the substantial equivalent thereof and may be made only by an architectural business entity authorized to render architectural services pursuant to N.J.S.A. 45:3-17 or 45:3-18.

2. An advertisement shall include the name and license number of an architect and, if applicable, the name of the architect’s architectural business entity.

3. Each architect, who is a principal, partner, or officer of an architectural business entity, shall be responsible for

the form and content of any advertisement which offers to provide architectural services.

4. A copy of each advertisement shall be retained by each architect, who is a principal, partner or officer of an architectural business entity, for a period of three years from the date of the last authorized publication or dissemination of the advertisement and shall be made available for review upon request by the Board.

5. Any architect or architectural business entity which uses an advertisement containing false or misleading information or which fails to meet the requirements set forth in this subsection shall be deemed to be engaged in professional misconduct.

(c) A builder registered pursuant to the "New Home Warranty and Builder's Registration Act" (N.J.S.A. 46:3B-1 et seq.) or a home improvement contractor may advertise, or offer to perform "design services" either in the construction of one- to two-family homes or in connection with the demolition, enlargement or alteration thereto. A builder or home improvement contractor shall render such services only to the owner-occupant of such dwellings.

(d) An advertisement for design services by a builder or home improvement contractor pursuant to (c) above shall not in any way be limited except as set forth in (e) below, and may contain the following terms or their substantial equivalent:

1. Construction design services;
2. Design;
3. Design services;
4. Design/build;
5. Design/build services; and/or
6. Building design services.

(e) Builders and home improvement contractors shall not advertise, offer or perform design services that involve the preparation of construction documents, which consist of, but are not limited to, those drawings or specifications necessary to support an application for building or other construction permits.

(f) It shall be permissible for a person not authorized to render architectural services to utilize the terms "space planning," "interior design," "interior design services" or the substantial equivalent thereof provided that the design services advertised, offered or performed:

1. Are limited to the function of the interior space within an existing or proposed building;
2. Do not affect the means of egress and life safety of the building, nor involve any alteration or modifications of the building's existing or proposed structure, seismic integrity, or partitions that affect the means of egress and

life safety, or its electrical, mechanical, HVAC (heating, ventilation and air conditioning) or plumbing systems;

3. Do not require or involve the skill, training or expertise of a licensed architect; and

4. Do not include the production of construction documents, which consist of, but are not limited to, those drawings or specifications necessary to support an application for a building or other construction permit.

(g) An architect is permitted to render architectural services as an agent, director, member, officer, shareholder, associate, employee or partner of a person whose principal business is space planning services, interior design services or the substantial equivalent thereof if the architect, at all times, exercises independent professional judgment in the rendering of architectural services and adheres to the requirements set forth in N.J.S.A. 45:3-1 et seq. and this chapter.

(h) Nothing in this section shall prohibit any person or entity authorized by law to render professional engineering services from utilizing the terms set forth in (d) above in connection with the advertising of professional engineering services.

Amended by R.1998 d.417, effective August 17, 1998.
See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

Rewrote (b).

Amended by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Rewrote (b); in (c), substituted "46:3B-1 et seq." for "46B-1"; added (g); recodified former (g) as (h).

13:27-3.3 Single family exemption

(a) In accordance with N.J.S.A. 45:3-10, any person in this State may act as a designer of a detached single family dwelling and appurtenances thereto to be constructed by that person solely as a residence for that person or member of that person's immediate family.

(b) A person may design the dwelling and all appurtenances thereto, prepare the construction drawings and file the construction drawings with an affidavit indicating the name of the person who drew the construction drawings.

(c) In lieu of personally preparing the construction drawings, a person may utilize pre-prepared (commercially published, available to the public) construction drawings which bear a certification that they were originally prepared by an architect licensed in any United States' jurisdiction, provided these construction documents are reviewed, signed, sealed and adapted to the specific site by a New Jersey licensed architect. By signing and sealing these construction documents, the New Jersey licensed architect assumes full responsibility for said construction documents, just as if the construction documents were prepared under the direct supervision of the architect.

(d) A person, in lieu of personally constructing the residence, may engage others to perform the work.

13:27-3.4 (Reserved)

Repealed by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).
Section was "Impersonal names".

13:27-3.5 Restrictions in titles

(a) A sole proprietorship shall not be conducted under a title which designates or suggests the existence of more than a single principal.

(b) The term "Associates," when used officially in the title of a firm, shall refer only to more than one individual licensed in this State as architects or in a closely allied licensed profession.

(c) When any partner, shareholder, associate, member or other licensed professional whose name is used in the title ceases to be a member of a firm or partnership for any reason including death or disability, then the title of the firm shall be changed within two years of this disassociation. This requirement does not apply to an organization established as a professional service corporation pursuant to N.J.S.A. 14A-17.1, or a corporation or a limited liability company authorized to practice architecture following issuance of a Certificate of Authorization pursuant to N.J.A.C. 13:27-4.8.

Amended by R.1998 d.417, effective August 17, 1998.
See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

In (c), added "member" following "associate" in the first sentence and rewrote the last sentence.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In (c), deleted "general business" preceding "corporation" and substituted "N.J.A.C. 13:27-4.8" for "N.J.S.A. 45:3-18".

13:27-3.6 Notification of change of address; service of process

(a) A licensed architect shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(b) Service of an administrative complaint or other Board-initiated action at a licensee's address which is currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

SUBCHAPTER 4. LICENSING REQUIREMENTS;
BIENNIAL RENEWAL; CERTIFICATES OF
AUTHORIZATION

13:27-4.1 Requirements for admission to examination

(a) No applicant shall be entitled to consideration for admission to the examination for licensure, or shall be permitted

to take the examination, while a formal complaint is pending in which the individual is charged with the illegal practice of architecture or while penalties for violations of the Board's statutes and regulations remain unsatisfied.

(b) No later than 60 days prior to the examination, an applicant shall present evidence to the satisfaction of the Board that:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant's good moral character;

2. Except as set forth in N.J.A.C. 13:27-4.2, the applicant holds a professional degree in architecture from a college or university whose degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation; and

3. The applicant has completed at least three years in the Intern Development Program (IDP) administered by the National Council of Architect Registration Boards (NCARB) or, at his or her expense, has had his or her experience evaluated by NCARB or any other Board designee and such experience is found to be equivalent. In the event that the Board's designees are unable to evaluate the applicant's experience, the Board shall evaluate the experience. The three years of experience cannot be attained in less than 36 calendar months.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (b), substituted "sources" for "records" following "and other" and added "which attest to the applicant's good moral character" at the end of 1, and rewrote 3; and added new (c).

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In (b), rewrote 3; deleted (c).

13:27-4.2 Applicant with a degree from a college or university not accredited by NAAB

(a) An applicant with a degree from a college or university that is not accredited by the National Architectural Accrediting Board (NAAB) shall obtain, at his or her own expense, and submit to the Board, either:

1. A "Detailed" evaluation by Education Credential Evaluators, Inc., or other evaluation services recognized by the Board certifying that the degree is the equivalent in level, scope and intent of a bachelor or a master degree of architecture that would be accredited in the United States; or

2. If the "Detailed" evaluation does not certify equivalency, a "Comprehensive" evaluation outlining specific academic deficiencies. The application will not be considered until those academic requirements are completed.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In rule heading, deleted “foreign” preceding “college” and added “not accredited by NAAB” following “university”; in (a), rewrote introductory paragraph.

13:27-4.3 Architect Registration Examination administered by the National Council of Architectural Registration Boards: subjects covered

(a) A candidate shall be eligible for licensure as a registered architect as follows:

1. Upon successful completion of all divisions of the Architect Registration Examination (ARE) 4.0: Programming Planning and Practice; Structural Systems; Building Systems; Building Design and Construction Systems; Construction Documents and Services; Site Planning and Design; and Schematic Design, if the candidate has not taken and passed any division of ARE 3.1 before May 2008;

2. Upon successful completion of all divisions of ARE 3.1 by June 30, 2009, if the candidate has passed at least one division of ARE 3.1 before May 2008; or

3. Upon successful completion of all divisions of ARE 4.0 that correspond to the ARE 3.1 divisions, as provided in National Council of Architectural Registration Boards (NCARB) transition chart, that the candidate has not passed by June 30, 2009. The NCARB transition chart is incorporated herein by reference and can be found on the NCARB website at www.ncarb.org/are/40/transitionchartweb.pdf.

(b) After June 30, 2009, (a)1 and 2 above no longer will be applicable, and all candidates, with the exception of those under (a)3 above, will be required to pass all divisions of ARE 4.0.

(c) A professional engineer licensed in the State of New Jersey in good standing, holding an accredited degree in engineering, and without restriction of complaint or charge of illegal practice of architecture, shall be eligible for licensure as a registered architect upon successful completion of the ARE as set forth in (a) and (b) above.

(d) Each division of the examination successfully passed shall be credited to the record of the candidate and may be carried over for five years after September 6, 2005, or the date that the division was passed successfully, whichever is later.

Amended by R.1999 d.142, effective May 3, 1999.
See: 31 N.J.R. 111(a), 31 N.J.R. 1200(b).

Rewrote (a).

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (a), deleted “written” following “covered in the”.

Recodified from N.J.A.C. 13:27-4.8 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.3, Training requirements; prerequisites for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998, repealed.

Amended by R.2009 d.116, effective April 20, 2009.

See: 40 N.J.R. 2209(a), 41 N.J.R. 1875(b).

Section was “Architect Registration Examination”. Rewrote the section.

13:27-4.4 (Reserved)

Administrative correction.

See: 27 N.J.R. 2009(a).

Amended by R.1999 d.142, effective May 3, 1999.

See: 31 N.J.R. 111(a), 31 N.J.R. 1200(b).

Changed Division references at the end.

Recodified from N.J.A.C. 13:27-4.9 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.4, Training requirements prior to January 1, 1998, repealed.

Repealed by R.2009 d.116, effective April 20, 2009.

See: 40 N.J.R. 2209(a), 41 N.J.R. 1875(b).

Section was “Eligibility of licensed professional engineer for licensure as an architect by limited examination”.

13:27-4.5 Licensure by credentials

(a) Any person registered or licensed to practice architecture in another jurisdiction of the United States or one of its territories or possessions may be granted registration if:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant’s good moral character;

2. The applicant is not charged by the New Jersey State Board of Architects or any other jurisdiction with a violation of any statute or regulation relating to the practice of architecture or any violation which would indicate a lack of good moral character as required by statute or regulation; or having been found guilty of a violation, has not satisfied the penalty imposed;

3. The education, training and examination requirements in such other jurisdiction are substantially equal to those required in this State, under current law; and

4. The applicant has provided satisfactory evidence of competency as the Board, in its discretion, may require, including, but not limited to:

i. Exhibits of three architectural projects illustrated in construction documents and photographs;

ii. Oral examination by the Board; and/or

iii. Satisfactory completion of such portions(s) of the Architect Registration Examination as the Board may deem necessary.

(b) In cases where the applicant has been granted a registration or a license in another United States jurisdiction on the basis of education, training and examination requirements that are not substantially equal to those required in this State, the applicant may be granted a license if the applicant can demonstrate that he or she possesses the education, training and examination requirements as set forth in N.J.A.C. 13:27-4.1, or their substantial equivalents.

Repealed and adopted as new rule by R.2005 d.303, effective September 6, 2005. Section was "Training prior to January 1, 1998; public or private nonprofit institutions."
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

13:27-4.6 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status

(a) All licenses issued by the Board shall be issued for a biennial license period. A licensee who seeks renewal of the license shall submit a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-4A.2 and the renewal fee as set forth in N.J.A.C. 13:27-4.11 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-4A.2, the renewal fee and late fee as set forth in N.J.A.C. 13:27-4.11. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be engaged in unauthorized practice.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual with a suspended license who holds himself or herself out as an architect shall be in violation of N.J.S.A. 45:3-10.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees as set forth in N.J.A.C. 13:27-4.11;
2. Submission of proof of completion of the continuing education credits required for each biennial licensure period for which the license was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that

he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:27-4.11 and shall not hold himself or herself out as an architect.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the biennial license fee and reinstatement fee pursuant to N.J.A.C. 13:27-4.11;
2. Submission of proof of completion of the continuing education credits required for each biennial licensure period for which the license was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the license was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to fulfilling the requirements set forth in (h) above, a licensee whose license has been on inactive status for more than five years who wishes to return to active status shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

Repealed and adopted as New Rule by R.2005 d.303, effective September 6, 2005. Section was "Training prior to January 1, 1998; non-traditional settings."
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

13:27-4.7 Issuance of certificates and seal presses

(a) Upon approval by the Board and payment of all fees, an architect shall be issued a certificate of licensure and seal press as proof of licensure and authorization to practice. The seal shall contain the name of the architect, the architect's license number and the legend "State of New Jersey Registered Architect."

(b) Each license number, certificate and seal press containing such license number issued by the Board to an architect shall remain the property of the State of New Jersey. If the Board suspends, fails to renew, or revokes a license, the licensee shall immediately return all certificates and seal presses to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(c) The Board shall issue a replacement certificate or replacement seal press to an architect upon payment of the replacement certificate fee or replacement seal press fee, whichever is appropriate, as set forth in N.J.A.C. 13:27-4.11 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee. The Board shall replace a damaged seal press upon a licensee's request and submission of the damaged seal press along with the replacement seal press fee set forth in N.J.A.C. 13:27-4.11.

(d) The Board shall issue a duplicate seal press to an architect upon an architect's request for a duplicate seal press

and payment of the duplicate seal press fee as set forth in N.J.A.C. 13:27-4.11.

(e) Failure to return a certificate of licensure or a seal press which has been rendered invalid shall subject the individual to such penalties as provided by law and may be grounds for the Board to refuse to reinstate a license.

(f) The family of a deceased architect may retain an architect's seal press as a memento. The family shall be responsible for the safekeeping of the seal press to prevent its use in the illegal practice of architecture.

New Rule by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).
Section was reserved.

13:27-4.8 Issuance of certificates of authorization

(a) Upon review and approval by the Board of a completed application, the Board shall issue a certificate of authorization to a limited liability company (LLC) or a corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c.232 (N.J.S.A. 14A:17-1 et seq.), if the LLC or corporation meets the following requirements:

1. At least two-thirds of the LLC's or corporation's directors are licensed architects and at least two-thirds of the ownership interest is owned by licensed architects; or

2. At least two-thirds of the directors are licensed architects and closely allied professionals, at least one director is a licensed architect, at least two-thirds of the ownership interest is owned by licensed architects or closely allied professionals, and a minimum of 20 percent of the shares are owned by licensed architects.

(b) In applying for a certificate of authorization, an applicant shall submit to the Board:

1. A completed application form designated by the Board which shall include, at a minimum, the following:

i. The name and address of the LLC or corporation and its satellite offices;

ii. The names, addresses, license numbers and signatures of all officers, board members, directors, principals and any licensees who shall be in responsible charge of the practice of architecture through the LLC or corporation;

iii. The names, addresses, license numbers, and amount and percentage of ownership interest of all stockholders of the LLC or corporation who are licensees of the Board or who are closely allied professionals;

iv. The names, addresses, and amount and percentage of ownership interest of the LLC or corporation who are not licensees of the Board nor closely allied professionals; and

v. The name and address of the LLC's or corporation's registered agent for service of process in New Jersey;

2. A certified copy of the Certificate of Formation or Incorporation for an LLC or corporation created in this State or, for an LLC or corporation created outside New Jersey, a certified copy of a Certificate of Authority issued by the Division of Revenue in the New Jersey Department of Treasury and a certified copy of the Certificate of Formation or Incorporation, or its equivalent, issued by the home state;

3. A copy of the most current annual report filed with the Division of Revenue in the New Jersey Department of Treasury; and

4. The application fee and certificate fee as set forth in N.J.A.C. 13:27-4.11.

(c) The certificate of authorization shall designate all New Jersey licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation. All final drawings, papers and documents involving the practice of architecture, when issued by the LLC or corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

(d) The LLC or corporation that has been issued a certificate of authority and its licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 14 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.

(e) Misrepresentation of any information provided to the Board or failure to provide updated information as required under (d) above may result in the suspension of the certificate of authority and/or may be deemed to be professional misconduct of the licensees found to be in responsible charge of the architectural activities and decisions of the LLC or corporation.

New Rule by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.8 recodified as N.J.A.C. 13:27-4.3 and amended.

13:27-4.9 Biennial renewal of certificates of authorization

(a) All certificates of authorization issued by the Board shall be issued for a biennial period. An LLC or corporation seeking renewal of the certificate shall submit a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury and the renewal fee as set forth in N.J.A.C. 13:27-4.11 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey

Department of Treasury, and the renewal fee and late fee as set forth in N.J.A.C. 13:27-4.11. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate of authorization that is not renewed within 30 days of its expiration shall be automatically suspended. An LLC or corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c.232 (N.J.S.A. 14A:17-1 et seq.), that provides or advertises architectural services while its certificate of authority is suspended shall be in violation of N.J.S.A. 45:3-17.

(e) A certificate of authorization that has been automatically suspended for non-renewal may be reinstated upon the LLC or corporation submitting a completed reinstatement application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and reinstatement fee as set forth in N.J.A.C. 13:27-4.11.

New Rule by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).
Former N.J.A.C. 13:27-4.9 recodified as N.J.A.C. 13:27-4.4.

13:27-4.10 (Reserved)

Repealed by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).
Section was "Registration by reciprocity".

13:27-4.11 Fees

(a) The following fees shall be charged by the Board:

1.	Application Fee	\$ 50.00
2.	Initial License Fee	
	i. If paid during the first year of a biennial renewal period	160.00
	ii. If paid during the second year of a biennial renewal period	80.00
3.	Biennial Renewal Fee	
	i. Active Status	160.00
	ii. Inactive Status	(To be determined by the Director by rule)
4.	License by Credentials Application Fee (plus initial license fee)	75.00
5.	Replacement or Duplicate Seal Press	40.00
6.	Replacement Certificate Fee	25.00
7.	Late Fee	50.00
8.	Verification of Licensure	30.00
9.	Reinstatement Fee	100.00

(b) Certificate of Authorization fees shall be as follows:

1.	Application Fee	\$ 100.00
2.	Initial Certification	
	i. If paid in the first year of a biennial renewal period	500.00

	ii. If paid in the second year of a biennial renewal period	250.00
3.	Biennial Renewal	500.00
4.	Late Fee	50.00
5.	Reinstatement Fee	300.00

Administrative Correction.
See: 27 N.J.R. 2009(a).
Amended by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).
Rewrote (a); deleted former (b); recodified former (c) as (b) and rewrote section.

13:27-4.12 Scope of practice; home inspections

(a) An architect licensed by the Board of Architects may apply to the Board for certification of eligibility for licensure as a home inspector.

(b) The licensed architect shall submit to the Board an application provided by the Board and the application fee in the amount set forth in N.J.A.C. 13:40-15.23. The licensed architect shall document through submission of the application that the architect possesses the requisite training, education and experience to conduct home inspections specifically related to the following systems and components:

1. Structural components;
2. Exterior components;
3. Roofing system;
4. Plumbing system;
5. Electrical system;
6. Heating system;
7. Cooling system;
8. Interior component system;
9. Insulation system;
10. Ventilation system;
11. Fireplace system;
12. Solid fuel burning appliances or systems; and
13. Related residential housing component systems.

(c) The Board shall review the qualifications of the licensed architect to determine whether the architect is qualified to perform a home inspection pursuant to the requirements of (b) above. If the Board determines that the applicant is qualified to perform home inspections, the Board shall refer the application to the Home Inspection Advisory Committee which shall issue a home inspector license to the architect in accordance with the requirements of N.J.A.C. 13:40-15.

(d) Upon issuance of a home inspection license by the Committee, the architect shall be subject to the license fees set forth in N.J.A.C. 13:40-15.23 and shall perform home

inspections in accordance with the rules of the Committee as set forth in N.J.A.C. 13:40-15.

New Rule, R.2004 d.77, effective February 17, 2004.
See: 35 N.J.R. 2814(a), 36 N.J.R. 959(a).

SUBCHAPTER 4A. CONTINUING EDUCATION

13:27-4A.1 License renewal; continuing education requirements

Each applicant for biennial license renewal shall complete, during the preceding biennial period, continuing education in the continuing education ("CE") hours specified in N.J.A.C. 13:27-4A.2. Each applicant shall confirm on the biennial renewal application form that he or she has complied with the Board's continuing education requirements.

13:27-4A.2 Continuing education hour requirements; carry over of excess CE hours

(a) Except as set forth in (b) below, a licensee applying for renewal on or after August 1, 2001 shall complete, during the preceding biennial period, a minimum of 24 CE hours of continuing education consistent with the definition of "continuing education hour" in N.J.A.C. 13:27-3.1. At least eight CE hours per year or 16 CE hours per biennial renewal period shall be obtained from courses or programs within the definition of health, safety, and welfare programs or courses as set forth in N.J.A.C. 13:27-3.1. The remaining CE hours shall be in educational activities that are directly related to the practice of architecture.

(b) A licensee shall not be required to obtain CE hours during the first biennial renewal period in which the licensee obtained initial licensure but shall be subject to the requirements of (a) above for all subsequent biennial renewal periods.

(c) For continuing education license renewal credit, continuing education activities shall be a minimum of one CE hour as defined in N.J.A.C. 13:27-3.1. A maximum of six CE hours shall be credited for any one calendar-day period.

(d) An architect who exceeds CE requirements in a biennial renewal period may carry up to 12 CE hours, including eight CE hours of health, safety, and welfare programs or courses, into the next renewal period. Any CE hours to be carried over shall have been earned in the last six months of the biennial renewal period.

Administrative correction.
See: 32 N.J.R. 1773(b).

13:27-4A.3 Sources of CE hours; limitations of CE hours on particular activities

(a) An architect may obtain unlimited CE hours, including those fulfilling the health, safety and welfare programs or

courses requirements, from educational programs offered by the following recognized providers listed in (a)1 through 6 below. Continuing education hours shall be granted on an hour-for-hour basis of class attendance, pursuant to N.J.S.A. 45:3-26(c).

1. Courses, programs or seminars offered or approved by the American Institute of Architects ("AIA");

2. Courses, programs or seminars offered or approved by the National Council of Architectural Registration Boards ("NCARB");

3. Courses, programs or seminars offered or approved by the School of Architecture at the New Jersey Institute of Technology ("NJIT");

4. Courses, programs or seminars offered or approved by schools of architecture approved by the National Architectural Accrediting Board ("NAAB");

5. Courses, programs or seminars offered or approved by the New Jersey Department of Community Affairs that are directly related to the practice of architecture; and

6. Attendance of educational programs conducted during meetings and conferences of architect professional associations recognized by the Board to the extent that CE hours are credited only to that portion of the meeting or conference that comprised the educational program.

(b) An architect may obtain limited CE hours, including health, safety, and welfare program or course CE hours, in any one-year period, for participation in the following professional activities:

1. Passing the examination for licensure or certification as a landscape architect, land surveyor, professional engineer or professional planner in New Jersey: two CE hours per examination;

2. Preparation of papers, publications, and scientific presentations published or presented within the preceding biennial renewal period provided the subject matter of the paper, publication, or scientific presentation is directly related to the practice of architecture: three CE hours per paper, publication, or scientific presentation with a maximum of one paper, publication or scientific presentation per year;

3. Presentation of table clinics or scientific exhibits that are directly related to the practice of architecture: one hour per hour of presentation, up to a maximum of two CE hours per year;

4. Teaching and research appointments for each new program or course taught or subject matter researched by a licensee that is directly related to the practice of architecture to be performed at or approved by any of the organizations in (a)1 through 5, above: eight CE hours. "New," in this paragraph, means a program, course or subject matter which the licensee has never taught or

researched before in any educational or institutional setting.

13:27-4A.4 Reporting and documentation of continuing education hours

(a) An architect shall maintain, for five years following license renewal, a record of all continuing education activity completed and shall submit evidence of completion of the CE hour requirements to the Board upon request. An architect shall obtain from the continuing education course sponsor or organization a record of attendance which shall include, at a minimum, the following:

1. The participant's name and Board-issued license number, which shall appear on every page of every item submitted to the Board;
2. The title or subject matter of the course;
3. The name of the instructor;
4. The course provider/sponsor;
5. The date and location of the course;
6. The number of CE hours earned from the course; and
7. Verification of successful completion.

(b) In addition to the requirements of (a) above, each architect shall verify specific continuing education activities applicable as follows:

1. Completion of academic course work by submitting an official transcript;
2. Publication of a paper by submitting a copy of the published paper;
3. Teaching or research appointment by submitting written verification from the appropriate school authority on official letterhead or bearing other official mark, attesting to the appointment; and
4. Presentation of a continuing education lecture course or a scientific presentation by submitting written verification from the sponsoring organization of said presentation.

(c) If official correspondence, a transcript, or formal verification of continuing education hours is not available, the architect shall substitute such evidence of completion of the CE hours claimed as may substantiate completion of those hours. The Board may require supplemental documentation or other evidence, including a personal interview with the architect, to establish verification of CE hours claimed for continuing education credit.

(d) Falsification of any information submitted with the renewal application may result in an appearance before the

Board, penalties, and/or suspension of license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

13:27-4A.5 Audit of continuing education

(a) All architects shall be subject to audit by the Board and shall, upon written request of the Board, submit documentation to support continuing education credit claimed for license renewal. Documentation may include, but is not limited to, proof of attendance, course syllabi, course descriptions, copies of courses, publications and papers published or presented, the verifications enumerated in N.J.A.C. 13:27-4A.4 and other documentation as the Board may require.

(b) The Board may reject any continuing education hours claimed for continuing education credit that are not relevant to the practice of architecture in the State of New Jersey.

(c) The Board may take any appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21, if an architect fails to meet continuing education requirements as set forth in this subchapter. An architect shall have an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, before any disciplinary measure is imposed.

13:27-4A.6 Waiver of continuing education requirements

(a) The Board may waive all or part of the continuing education requirements on an individual basis for reasons of hardship, such as severe illness, disability, active service in the military, or other good cause.

(b) Any architect seeking a waiver of all or part of the continuing education requirements shall apply to the Board in writing prior to renewal of licensure and set forth with specificity the reasons for requesting the waiver. The architect shall also provide such additional information as the Board may reasonably request in support of the request for waiver.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

13:27-5.1 Competence

(a) An architect shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the performance of professional duties, shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by architects of good standing, practicing in the same locality.

(b) An architect shall take into account all of the applicable Federal, State, county and municipal statutes, regulations and ordinances including, but not limited to, New Jersey Uniform

Construction Code Regulations (N.J.A.C. 5:23); zoning ordinances; master plans and site plan regulations. While an architect may rely on the advice of other professionals (for example: attorneys, other architects, engineers, landscape architects and other qualified persons) as to the intent and meaning of such statutes and regulations, once having obtained such advice, an architect shall not knowingly proceed in violation of such statutes and regulations.

(c) 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 scope of contractual obligations and technical areas involved.

(d) No person shall practice architecture if such person is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (b), substituted "statutes" for "laws" following "and municipal" in the first sentence.

13:27-5.2 Duty to report and cooperate

(a) If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable Federal, State, county or municipal building statutes, ordinances, and regulations and which would, in the architect's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the architect shall:

1. Report the decision to the local municipal construction official charged with the enforcement of the applicable Federal, State, county or municipal building statutes, ordinances, and regulations, and to the Department of Community Affairs, Director, Division of Codes and Standards, PO Box 802, Trenton, N.J. 08625-0802;
2. Refuse to consent to the decision; and
3. In circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his or her objection, terminate his or her services with reference to the project.

(b) An architect who knows that another architect has violated these rules or any act administered by the Board shall report the violation to the Board when the architect reasonably believes that the violation constitutes a threat to the public health, safety and welfare.

(c) An architect shall not deliberately make a false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal, or any other official request for information made by the Board.

(d) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

(e) An architect shall not impede the application of a registrant for licensure by failure to cooperate with the Board in its request for information.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (a), substituted "statutes, ordinances" for "laws" following "municipal building" in the introductory paragraph and 1.

13:27-5.3 Conflict of interest

(a) An architect shall provide professional services to the client competently and independently through contractual arrangements with the client which safeguard the exercise of unprejudiced judgment of the architect.

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

(c) An architect shall not solicit or accept compensation, goods or services from material or equipment manufacturers or suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

13:27-5.4 Full disclosure

(a) An architect making public statements on architectural questions shall disclose when he or she is being compensated for making such statements.

(b) An architect shall accurately disclose to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

13:27-5.5 Professional practice and procedures

(a) Each office maintained for the purpose of providing architectural services or other professional work shall have an architect in responsible charge, as defined in N.J.S.A. 45:3-1.1(I).

1. A licensee engaged in any of the following acts or practices shall be deemed not to be in responsible charge:

- i. The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;

ii. The failure to personally inspect or review the work of subordinates where necessary and appropriate;

iii. The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of an appropriate detailed review; and/or

iv. The failure to be personally available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(b) Except as set forth in N.J.A.C. 13:27-3.3(c), an architect shall not sign or seal drawings, construction documents, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of this State, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(c) Except as permitted by N.J.S.A. 45:3-17b and N.J.A.C. 13:27-3.2(g), an architect shall not aid nor abet an unlicensed individual or entity in the practice of architecture by permitting his or her name, seal, and/or signature to be used in connection with an individual, firm, or corporation not authorized by law to practice architecture.

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

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (b), substituted "State," for "jurisdiction" following "of this".
Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In (c), substituted "Except as permitted by N.J.S.A. 45:3-17b and N.J.A.C. 13:27-3.2(g), an" for "An" preceding "architect shall not".

SUBCHAPTER 6. SEALS; TITLE BLOCKS

13:27-6.1 Signing and sealing documents

(a) Construction drawings and the title pages of the specifications for filing with a public agency or for the owner's legal documentation requirements shall be dated, signed and sealed by the architect in responsible charge in one of two ways:

1. The architect shall sign and date the original documents, including tracings, reproducible drawings or those generated electronically, then affix the seal to opaque prints or reproductions of the originals; or

2. In lieu of signing and dating the original documents, the architect is permitted to sign, date, and seal the opaque copies of the originals.

(b) All certifications that amend, clarify or modify construction documents prepared by the architect in responsible charge shall be dated, signed and sealed prior to forwarding to a public agency.

(c) An architect shall seal architectural documents only with seal presses purchased or exchanged through the Board.

Amended by R.1999 d.142, effective May 3, 1999.

See: 31 N.J.R. 111(a), 31 N.J.R. 1200(b).

Rewrote (a); and in (b), required certifications to be dated.

Recodified from N.J.A.C. 13:27-6.5 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-6.1, Issuance of Certificates, repealed.

13:27-6.2 Title block on drawings; general requirements; form; removal

(a) A title block shall appear on all drawings and site plans. Title block information is not required on renderings. Similar information shall appear on the title page of all specifications which are prepared, signed and sealed by the architect in responsible charge.

(b) The title block shall be in such form as set forth in N.J.A.C. 13:27-6.7.

(c) The title block shall be distinct and separate from any other title block, box, plaque or any similar device of illustration or lettering included on the drawings or on the title page of the specifications.

(d) The title block shall be affixed on each drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.

(e) No person shall remove a title block from any print, reproduction, or electronic media.

(f) A non-licensed person's name, other than the name of the owner or lessee of the building, shall not appear within the title block.

Recodified from N.J.A.C. 13:27-6.6 by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-6.2, Renewals of license and Certificate of Authorization, repealed.

13:27-6.3 Title block contents; requirements by form of architectural practice

(a) When the architect practices as an individual or sole proprietor the title block shall contain:

1. The full name of the architect;
2. The title "architect";
3. The address of the architect;

4. A space for the name of the client and the location of the project; and

5. The name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(b) When a partnership or limited liability partnership of two or more licensed architects or closely allied professionals, in which at least one partner is an architect, practice architecture, the title block shall contain:

1. The firm name, followed by the words "Limited Liability Partnership" or the abbreviation "L.L.P." or "LLP," if this designation is applicable;

2. The title "architect" or "architects," as applicable, and the titles of any other closely allied professionals;

3. The address of the firm or partnership;

4. A space for the name of the client and the location of the project; and

5. The name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(c) When professionals practice architecture as a professional service corporation organized under N.J.S.A. 14A:17-1 et seq., the title block shall contain:

1. The professional service corporation name;

2. The title "architects," and titles of any other closely allied professionals;

3. The address of the professional service corporation;

4. A space for the name of the client and the location of the project; and

5. The name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(d) Title block contents for a general business corporation or limited liability company authorized to practice architecture under a Certificate of Authorization issued pursuant to N.J.A.C. 13:27-4.8 shall contain:

1. The name of the general business corporation or limited liability company, followed by the words "Limited Liability Company" or the abbreviation "L.L.C." or "LLC," if this designation is applicable, and Certificate of Authorization number;

2. The title "architects" and titles of any other closely allied professionals;

3. The address of the general business corporation or limited liability company;

4. The name and location of the project; and

5. The full name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(e) When an architect is a subcontractor on an engineering project pursuant to the Building Design Services Act (N.J.S.A. 45:4B-8), the architect shall include a secondary title block with all the information required in (a), (b), (c) or (d) above. Reference to the name and location of the project need not be repeated in the secondary title block.

(f) When an architect is a subcontractor on an interior design or space planning project pursuant to N.J.S.A. 45:3-17, the architect shall include a secondary title block with all the information required in (a), (b), (c), or (d) above, whichever applies to the architect's form of business. Reference to the name and location of the project need not be repeated in the secondary title block.

(g) An architect practicing as an employee of a business entity which does not offer architectural services to the public, including an entity whose principal source of business is space planning or interior design services, shall include in the title block the name of the entity as the "owner" and all other elements that are required for that type of business entity pursuant to (a) through (e) above. If the architect is employed by an entity whose principal source of business is interior design or space planning services, the architect may sign, seal, and list his or her license number in that entity's title block or may use a secondary title block for such information.

(h) The title block may contain the initials of the draftsman or checker, and dates, drawing numbers, revision numbers and such similar incidental items as are customarily used in the architects' offices.

Amended by R.1998 d.417, effective August 17, 1998.

See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

In (b) and (d), inserted references to limited liability partnerships and limited liability companies.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (d)1, deleted "and expiration date" at the end.

Recodified from N.J.A.C. 13:27-6.7 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-6.3, Reinstatement of Certificates, repealed.

13:27-6.4 Submission of title block form for approval

Any architect may submit a proposed form of title block to the New Jersey State Board of Architects for approval.

Recodified from N.J.A.C. 13:27-6.8 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-6.4, Seals, repealed.

13:27-6.5 (Reserved)

Recodified to N.J.A.C. 13:27-6.1 by R.2005 d.303, effective September 6, 2005. See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a). Section was "Signing and sealing documents."

13:27-6.6 (Reserved)

Recodified to N.J.A.C 13:27-6.2 by R.2005 d.303, effective September 6, 2005. See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a). Section was "Title block on drawings; general requirements; form; removal."

13:27-6.7 (Reserved)

Recodified to N.J.A.C 13:27-6.3 by R.2005 d.303, effective September 6, 2005. See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a). Section was "Title block contents; requirements by form of architectural practice."

13:27-6.8 (Reserved)

Recodified to N.J.A.C 13:27-6.4 by R.2005 d.303, effective September 6, 2005. See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a). Section was "Submission of title block form for approval."

**SUBCHAPTER 7. PERMISSIBLE DIVISION OF
RESPONSIBILITY IN SUBMISSION OF SITE
PLANS AND MAJOR SUBDIVISION PLATS**

13:27-7.1 General provisions

(a) All words, terms, and phrases used in this subchapter shall be as defined in the Municipal Land Use Act, N.J.S.A. 40:55D-1 et seq.

(b) Preparation and submission of the various elements of a preliminary or final site plan or major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

13:27-7.2 Depiction of existing conditions on a site plan

(a) Showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements: By a land surveyor.

1. Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey shall be submitted to the reviewing governmental body with the site plan submission.

(b) Vegetation, general flood plain determination, or general location of utilities, buildings, or structures: By an architect, planner, engineer, land surveyor, certified landscape architect, or other person acceptable to the reviewing governmental body.

13:27-7.3 Preparation of site plan

(a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect or engineer.

(b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or certified landscape architect.

(c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or traversed by a water course: By an engineer only.

(d) Other drainage facilities: By an architect or engineer.

(e) Utility connections and on tract extensions: By an engineer or architect.

(f) Off tract utility extensions: By an engineer only.

(g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.

(h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, certified landscape architect, or other person acceptable to the reviewing governmental body.

(j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer, or certified landscape architect.

Petition for Rulemaking.
31 N.J.R. 1215(c), 31 N.J.R. 1385(b).

13:27-7.4 Preparation of a major subdivision plan

(a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor, planner, or certified landscape architect.

(b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.

(c) Final subdivision map with metes and bounds: By a land surveyor only.

Petition for Rulemaking.
31 N.J.R. 1215(c), 31 N.J.R. 1385(b).

13:27-7.5 Effect of local ordinances

(a) Informal site plans not required by local ordinances are excluded from this rule.

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners, or certified landscape architects in the preparation of site plans or major subdivisions shall reduce or expand the scope of professional practice recognized by the Boards.

NOTICE

SUBCHAPTER 7A. DESIGN BUILD CONTRACTS

13:27-7A.1 Definitions

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

“Architect” means an individual defined by N.J.A.C. 13:27-3.1 or business entity licensed or otherwise duly authorized by law to render architectural services within the State of New Jersey.

“Contractor” means any natural person or legal entity that enters into a design build contract with an owner or developer. The term “contractor” as defined herein is specifically distinguished from the term independent contractor as used to define the professional relationship between an architect and a contractor pursuant to N.J.S.A. 45:3-17 and 45:3-18.

“Design build contract” means a written contract, entered into between a contractor and an owner or developer, which provides both for the construction or alteration of a building, group of buildings, structure, or group of structures within the State of New Jersey and for the performance of architectural services by an architect retained by the contractor pursuant to a separate written contract.

“Fundamental change” means a modification which substantially and materially alters a basic design or creates a substitution which will result in substantial financial damage if not disclosed to the owner.

“Immediate family” means a person’s spouse and children, the person’s siblings and parents, the person’s spouse’s siblings and parents, and the spouses of the person’s children.

“Owner or developer” means any natural person or legal entity, including a private business corporation or a public body, such as the State, State agencies, authorities, and other governmental subdivisions which hold title or other legal interest in real property or the buildings located or to be located thereon and which enter into design build contracts for the construction or alteration of such buildings.

“Significant beneficial interest” means an ownership or other legal or financial interest in a contractor held by an architect or any member, associate, shareholder, officer, or employee of an architect’s firm or the immediate family of any such party.

13:27-7A.2 Design build contract; notice

(a) Before an architect may perform architectural services for a contractor in connection with a design build contract, the architect shall ascertain that the contract between the contractor and the owner or developer contains the following notice:

This is a design build contract. Pursuant to N.J.A.C. 13:27-7A.1, a design build contract is a written contract entered into between a contractor and an owner or developer which provides both for the construction or alteration of a building and for the performance of architectural services by an architect engaged by the contractor pursuant to a separate written contract. The architect or architectural firm that will be providing architectural services to the contractor in connection with this design build contract will be:

The architect’s address and telephone number are:

The architect is contractually obligated to provide services to the contractor. The owner or developer and the architect may, at any time, discuss issues pertinent to the design of the building which is the subject of the design build contract.

13:27-7A.3 Contractual provisions between architect and contractor

(a) In addition to any other contractual terms and conditions agreed to by the parties, the separate written contract between the architect and the contractor shall expressly provide that:

1. The architect shall, at all times, provide architectural services as an independent contractor pursuant to N.J.S.A. 45:3-17 and 45:3-18 and not as an employee of the contractor;
2. In providing architectural services, the architect shall, at all times, exercise independent, professional judgment consistent with established standards of architectural practice, the rules of professional conduct set forth at N.J.A.C. 13:27-5, and such other statutory and regulatory requirements as may be applicable;
3. The architect may, at any time, discuss with the owner or developer issues pertinent to the design of the building which is the subject of the design build contract; and
4. The contractor and the architect shall provide written notice to the owner or developer at least 30 days before the contract between the architect and the contractor is terminated, or before the performance of services by the architect is in any other way suspended or discontinued.

13:27-7A.4 Disclosure of significant beneficial interest

(a) When an architect has a significant beneficial interest in a contractor for whom the architect performs architectural services in connection with a design build contract, prior to the parties entering into the contract, the architect shall:

1. Disclose the significant beneficial interest to the owner or developer in writing and obtain the owner or developer’s written consent indicating that the owner or developer is aware of the significant beneficial interest,

understands that the architect is bound to a standard of independent professional judgment consistent with N.J.A.C. 13:27-7A.3(a)2, and that the owner or developer consents to the architect's participation in the project; and

2. Ascertain that the contract between the contractor and the owner or developer discloses the significant beneficial interest and states that regardless of the significant beneficial interest, the architect shall comply with a standard of independent professional judgment consistent with N.J.A.C. 13:27-7A.3(a)2.

13:27-7A.5 Design or construction documents; notice of changes

Where an architect has knowledge that an owner has accepted and is relying upon any design or construction documents prepared by the architect, and where the architect is requested or directed by any party to make fundamental changes in those design or construction documents, the architect shall give immediate written notice of the proposed change(s) to the owner and to the contractor. The architect shall not proceed with the changes unless the owner or developer and the contractor agree to the changes in the signed writings.

13:27-7A.6 Contract retention

An architect shall retain a copy of any contract entered into with a contractor in connection with a design build project for 10 years from the date of the contract.

SUBCHAPTER 8. CERTIFIED LANDSCAPE ARCHITECTS

13:27-8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Board" means the New Jersey State Board of Architects.

"Certified landscape architect" means an individual who, by reason of his or her knowledge of natural, physical, and mathematical sciences, and the principles and methodology of landscape architecture and landscape architecture design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and is certified by the Board as a landscape architect.

"Committee" means the Landscape Architect Examination and Evaluation Committee of the New Jersey State Board of Architects.

"Practice of landscape architecture" means any service in which the principles and methodology of landscape

architecture are applied in consultation, evaluation and planning, including the preparation and filing of sketches, drawings, plans and specifications, and responsible administration of contracts relative to projects principally directed at the functional and aesthetic use of land. Nothing contained in this section shall be construed to restrict or otherwise affect the right of any person or corporation to engage in the practice of landscape architecture, but no person shall hold himself or herself out as, or use the title "landscape architect" or other similar nomenclature as provided by N.J.A.C. 13:27-8.20, unless he or she has been certified by the Board as a landscape architect.

13:27-8.2 Office of the Committee

The office of the Committee shall be that which is maintained by the Board pursuant to N.J.A.C. 13:27-2.2, Administration, under the supervision of the person selected to serve as executive director.

13:27-8.3 Committee organization

(a) The Committee shall, at an annual meeting to be held in July of each year, elect from its membership a chairperson and vice-chairperson.

(b) The Committee shall adopt annually a schedule of regular meetings. Special meetings may be held at the call of the chair or at the action of a quorum of the membership.

(c) A quorum of the committee shall consist of three members. No affirmative action at a meeting shall be taken without at least three affirmative votes.

(d) The Committee shall keep a record of its proceedings and a record of all applicants for certification, showing for each the date of application, name, age, education, and other qualifications, place of practice and place of residence, whether or not an examination was required, and whether the applicant was rejected or a certificate granted, and the date of that action.

13:27-8.4 Approval of landscape architecture curricula and credentials

(a) For purposes of this section, any educational program accredited by the Landscape Architectural Accreditation Board of the American Society of Landscape Architects shall be deemed an approved program.

(b) An applicant for certification as a landscape architect who is a graduate of a school or program not accredited by the Landscape Architectural Board shall provide to the Committee, in addition to a certified transcript of his or her courses, a true and accurate course description for each of the landscape architecture courses for which the candidate is seeking credit toward certification. The Committee shall, in its consideration of the academic program, compare the

services. Of the 12 continuing education credit hours, at least six must concern health, safety and welfare issues related to interior design services.

13:27-9.11 Continuing education programs and courses

(a) The certificate holder may obtain continuing education credit as follows:

1. Seminars, conferences, courses and other programs offered for the purpose of keeping the certificate holder informed of advances and new developments in the profession and approved by the Interior Design Continuing Education Council (IDCEC): one hour for each hour of attendance;
2. Successful completion of interior design graduate course work from a program accredited by the CIDA or a substantially equivalent program as determined by the Committee in a manner consistent with N.J.A.C. 13:27-9.4(e) taken beyond that required for professional certification: a maximum of five hours for each course; or
3. Courses, programs or seminars offered or approved by the New Jersey Department of Community Affairs that are directly related to the practice of interior design: one hour for each hour of attendance.

13:27-9.12 Certification of compliance with continuing education requirements

(a) A certificate holder applying for certificate renewal as set forth in N.J.A.C. 13:27-9.5 shall confirm on the renewal application that he or she has completed the required continuing education during the preceding biennial period set forth in N.J.A.C. 13:27-9.10.

(b) Each certificate holder shall be subject to audit by the Committee and shall submit documentation of completed continuing education courses and programs upon request. Failure to provide requested documentation or falsification of any information submitted to the Committee may result in disciplinary action.

(c) Each certificate holder shall retain for a period of not less than five years continuing education documentation for each seminar, conference, course or other program including its title, a descriptive outline including the sponsor and names of presenters, and its description as prepared by the sponsor including dates and hours.

13:27-9.13 Waiver or modification of continuing education requirements

(a) The Committee, at its discretion and with the approval of the Board, may waive, extend or otherwise modify continuing education requirements on an individual basis for reasons of emergency or hardship, such as severe illness or disability which prevents attendance at or completion of continuing education, military service or other good cause as demonstrated by the certificate holder.

(b) Any certificate holder seeking a waiver, extension or modification of the continuing education requirements shall submit a request to the Committee in writing specifying the reasons for the waiver, extension or modification. The certificate holder shall also provide the Committee with such information as it may reasonably require in support of the request.

13:27-9.14 Rules of professional conduct

(a) If, in the course of his or her work on a project, a certified interior designer becomes aware of a decision taken by his or her employer or client, against the interior designer's advice, which violates applicable Federal, state, county or municipal building laws or regulations and which would, in the interior designer's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the interior designer shall notify the employer or the client of such consequences and such other public authority as may be appropriate in the situation.

(b) A certified interior designer may accept an assignment or employment requiring education or experience outside his or her field of competence, but only to the extent that the services are restricted to those phases of the project in which he or she may, without undue cost or hardship to the client, reasonably become qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees in conformance with the statutes and rules governing their respective professions.

(c) A certified interior designer shall not affix a personal signature to any plan or document dealing with any subject matter in which there is a lack of competence by virtue of education or experience or to any such plan or document not prepared by the certified interior designer.

(d) A certified interior designer shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information.

(e) When issuing any statement, criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party or parties, a certified interior designer shall preface such comment by explicit personal identification, by disclosing the identity of the party or parties on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.

(f) A certified interior designer shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.

(g) A certified interior designer shall not solicit or accept financial or other valuable considerations from material or

equipment suppliers for specifying their products unless such consideration is disclosed to the client.

(h) A certified interior designer shall not solicit or accept gratuities or anything of value not related to work performed, directly or indirectly, from contractors, their agents, or other parties dealing with his or her client or employer in connection with work for which he or she is responsible.

(i) When in public service as a member, advisor or employee of a governmental body or department, a certified interior designer shall not participate in considerations or actions with respect to services provided by the individual or the individual's professional organization in private practice.

(j) A certified interior designer shall not solicit or accept a contract from a government body on which a principal or officer of his or her organization serves as a member.

(k) A certified interior designer shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure or retain work, exclusive of securing positions through employment agencies.

(l) A certified interior designer shall not falsify or permit misrepresentation of academic or professional qualifications. A certified interior designer shall not misrepresent or exaggerate degrees of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing his or her qualifications and work.

(m) A certified interior designer shall not knowingly associate with or permit the use of a personal name or firm name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is otherwise engaging in unlawful activities.

(n) All advertisements of certificate holders which make specific reference to service as an "interior designer" shall list the name and certificate number of the certified interior designer. If the certificate holder conducts the practice under a corporation or trade name, the advertisement may list the business name under which the practice is conducted but shall also conspicuously disclose the name and certificate number of at least one certificate holder who is a principal in the business entity. For the purposes of this subsection, "advertisement" means any communication in which interior design services are offered or by which the availability of interior design services is made known to the public including, but not limited to, newspaper, periodical, journal, flyer, professional stationery, telephone directory, billboard, sign (other than a sign used only for identification purposes at the business premises), radio, telephone for the purpose of

solicitation, television, Internet, or any other print or electronic media.

1. A certified interior designer whose advertisement or listing in a telephone directory or other consumer information directory does not comply with this requirement shall immediately notify the directory publisher of the additional data, which shall be published in the next available directory in which the certified interior designer intends to continue such advertisement or listing. The certificate holder, personally or through the business entity, shall retain a copy of the notification which shall be made available for inspection at the Board's request.

2. A certified interior designer who is not a principal in the business entity for which he or she works shall notify the proper personnel in the business entity of the requirements of this section. The certificate holder shall retain a copy of the notification which shall be made available for inspection at the Board's request. The Board may take such notification into account under certain circumstances where advertising by a business entity is in violation of this section.

(o) If a certified interior designer has knowledge or reason to believe that another person or firm may be in violation of any of these rules, the certified interior designer shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

(p) A certified interior designer shall cooperate fully with the Committee and the Board and shall respond to all requests for information and documentation in a timely and truthful manner.

13:27-9.15 Prohibited titles for non-certified persons

(a) Any individual who is not a certified interior designer may advertise and offer services to the public provided that the description of the advertiser's title and services conforms to the requirements of (b) below.

(b) An individual who is not a certified interior designer shall not use any title in this State or any other title, designation, sign, card or device indicating that such person is a certified interior designer. For example, an individual who is not a certified interior designer may not use the following titles or description of services:

1. Certified Interior Designer;
2. Licensed Interior Designer;
3. Registered Interior Designer;
4. C.I.D.; or
5. Certified Interior Design.

(c) The titles and descriptions listed in (b) above are not all-inclusive.

13:27-9.16 Notification of change of address; service of process

(a) A certified interior designer shall notify the Board in writing of any change from the address registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action.

(b) Service of an administrative complaint or other Board initiated action at a certificate holder's address on file with the Board shall be deemed adequate notice when service by certified or regular mail is acceptable and shall allow the commencement of any disciplinary proceedings.

13:27-9.17 Fee schedule

(a) The following fees shall be charged by the Board for interior designer certification matters. Unless otherwise provided herein, all fees are nonrefundable.

1.	Application fee:	\$125.00
2.	Initial certification fee	
	i. If paid during the first year of a biennial renewal period	\$160.00
	ii. If paid during the second year of a biennial renewal period	\$80.00
3.	Biennial renewal fee - active status	\$160.00
4.	Biennial renewal fee - inactive status	(to be determined by Director by regulation)
5.	Late fee	\$50.00
6.	Reinstatement fee	\$100.00
7.	Duplicate or replacement certificate fee	\$25.00
8.	Verification of certification	\$25.00