

CHAPTER 27

NEW JERSEY STATE BOARD OF ARCHITECTS

Authority

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

Source and Effective Date

R.2000 d.103, effective February 18, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(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 August 17, 2005. See: 37 N.J.R. 869(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Chapter 27, New Jersey State Board of Architects, was repealed and Chapter 27, New Jersey State Board of Architects, was adopted as new rules by R.1995 d.101, effective February 21, 1995.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: Source and Effective Date. See, also, section annotations.

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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; nominal penalty assessed due to good faith belief in status as "engineering project" absent statutory definition of the term. 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.

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.

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.

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.

13:27-2.6 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 Roster; dissemination of statutes, rules and code data

A roster of architects and landscape architects registered in the State of New Jersey shall be issued every two years. The roster shall also include the statutes and regulations pertaining to the practice of architecture and landscape architecture and shall list other appropriate codes relating to the practice of architecture and landscape architecture in 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).

Substituted "statutes" for "laws" following "include the" in the second sentence.

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, business card, radio, telephone, television, Internet, or any other electronic media in which architectural services are offered or by which the availability of architectural services is made known.

"Advertiser" means a person offering architectural services in the State of New Jersey by way of an advertisement.

"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 services" or "practice of architecture" means the rendering of any of the following 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, specifications, other technical documentation, and construction supervision for the purpose of determining compliance with construction documents.

"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, and professional planners.

"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.

“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 or any business associations or 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”.

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) No advertisement shall include the terms “architect,” “architectural,” “architect on staff,” “architectural services” or the substantial equivalent thereof unless the advertiser is a business association authorized to render architectural services pursuant to N.J.S.A. 45:3-17 or 45:3-18. Specifically, such services shall be rendered only by the following: 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 closely allied professionals, including at least one licensed architect, established pursuant to the “Professional Service Corporation Act” (N.J.S.A. 14A:17-1 et seq.); a general business corporation holding a Certificate of Authorization from the Board of Architects issued pursuant to N.J.S.A. 45:3-18; or a limited liability company holding a Certificate of Authorization, established pursuant to the “Limited Liability Company Act” (N.J.S.A. 42:2B-1 et seq.), which complies with N.J.S.A. 45:3-18(a) or (b).

(c) A builder registered pursuant to the “New Home Warranty and Builder’s Registration Act” (N.J.S.A. 46B-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) 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).

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 Impersonal names

(a) Impersonal names shall not be used by individuals, firms, partnerships, associations or any other entities unless they have formed either a professional service corporation established in accordance with N.J.S.A. 14A:17-1, or a general business corporation, or a limited liability company which qualifies for and holds a Certificate of Authorization as provided for in accordance with N.J.S.A. 45:3-18 and issued by the Board of Architects.

(b) The name of a professional service corporation shall contain the full or last names of one or more of the licensed shareholders, or a name descriptive of the type of professional service which will be provided by the professional service corporation.

(c) The name of a general business corporation or a limited liability company which holds a Certificate of Authorization shall contain the surname of one or more licensed shareholder(s), or a term which describes the professional service which will be provided.

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

In (a), added "or a limited liability company" preceding "which qualifies" and deleted "have formed" preceding "a general business"; and rewrote (c).

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 general business corporation or a limited liability company authorized to practice architecture following issuance of a Certificate of Authorization pursuant to N.J.S.A. 45:3-18.

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.

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 PROCEDURES

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 the Intern Development Program (IDP) administered by the National Council of Architect Registration Boards (NCARB).

(c) Applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998, but have not fulfilled the training requirement, shall:

1. Complete the Intern Development Program administered by the National Council of Architect Registration Boards; or

2. Earn three years of training credits pursuant to the provisions of N.J.A.C. 13:27-4.3 through 4.6. At least one of the three years shall consist of diversified training in the office of a registered architect in private practice and shall be under the direct supervision of a registered architect, who need not be the principal in the firm.

- i. Applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 who choose to fulfill the training requirements pursuant to paragraph (c)2 above, shall do so by December 31, 2001 or shall be required to complete the Intern Development Program.

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).

13:27-4.2 Applicant with a degree from a foreign college or university

(a) An applicant with a degree from a foreign college or university 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.

13:27-4.3 Training requirements; prerequisites for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998

(a) Training credits shall accrue for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998, only after the following educational requirements have been met:

1. After the third full year in an NAAB-approved professional degree program;

2. After one year in an NAAB-approved professional master’s degree program; or

3. After 96 semester credit hours in an NAAB-approved professional degree program, of which no more than 60 semester credit hours shall be in the general education category.

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), inserted "for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998,".

13:27-4.4 Training requirements prior to January 1, 1998

(a) In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may acquire training credits in the following ways:

| <u>Item</u> | <u>Description of Training</u> | <u>Percent Credit Allowed</u> | <u>Maximum Credit Allowed</u> |
|-------------|--|-------------------------------|-------------------------------|
| A | Diversified experience in architecture as an employee in the office of a registered architect in private practice under the direct supervision of a registered architect. | 100% | No Limit |
| B | Diversified experience in architecture as an employee of an organization, other than offices of a registered architect in private practice, when the experience is under the direct supervision of a registered architect. Three years of credit will be granted if the Board has pre-approved an organization's intern development program that is comparable to NCARB/IDP. | 100% | 2 years |
| C | Experience directly related to architecture, under the direct supervision of a licensed professional engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction); certified landscape architect; or licensed professional planner. | 50% | 1 year |
| D | Experience directly related to on-site building construction operations or experience involving physical analyses of existing buildings. | 50% | 6 mos. |
| E | A post-professional degree in architecture or teaching or research in a NAAB-accredited architectural program obtained subsequent to a professional degree as defined in N.J.A.C. 13:27-4.1(b)2 | 100% | 1 year |

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), rewrote the introductory paragraph.

13:27-4.5 Training prior to January 1, 1998; public or private nonprofit institutions

In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may acquire training credits in a public or private non-profit institution, under the direct supervision of a registered architect, provided that the documentation submitted by that agency or institution demonstrates that it provides diversity of experience comparable in scope to that offered by a private architectural office. In deciding if training represents "diversified experience in architecture," the Board will compare the training provided by the agency or institution with the training requirements mandated by the Board. Such entities shall submit documentation of these training programs to the Board prior to the implementation of the training program.

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

Substituted "In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may acquire training credits" for "Training credits may be earned" at the beginning.

13:27-4.6 Training prior to January 1, 1998; non-traditional settings

(a) In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may receive a maximum of two years of IDP training credits while working under the supervision of a registered architect when both the architect and the intern are employees of a firm or corporation that is not an architectural firm in private practice but which meets all of the following criteria:

1. The firm or corporation does not engage in construction other than for its own use and occupancy; and
2. The proposed IDP program of the firm or corporation has been examined and approved by the New Jersey State Board of Architects prior to such time as the IDP training program can commence in that firm or corporation.

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 "In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998" for "A candidate" at the beginning.

13:27-4.7 (Reserved)

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

Section was "Training requirements subsequent to January 1, 1998".

13:27-4.8 Architect Registration Examination: subjects covered

(a) The subjects covered in the examination are based on the examinations recommended by the National Council of Architectural Registration Boards and reviewed and approved by the Board as follows:

Divisions:

Pre-Design
 Site Planning
 Building Planning
 Building Technology
 General Structures
 Lateral Forces
 Mechanical and Electrical Systems
 Materials and Methods
 Construction Documents and Services

(b) Each division successfully passed will be credited to the record of the candidate and may be carried over without limitation.

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".

13:27-4.9 Eligibility of licensed professional engineer for licensure as an architect by limited examination

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 upon successful completion of the following Divisions of the Architect Registration Examination (ARE): Pre-Design; Site Planning—Written and Graphic; Building Planning; and Building Technology.

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.

13:27-4.10 Registration by reciprocity

(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 provided 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. 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 portion(s) of the Architect Registration Examination (ARE) as the Board may deem necessary.

(b) In cases where the applicant has been granted registration in another United States jurisdiction on the basis of less experience than the three years required for registration in this State, the Board in its discretion may accept, in lieu of the deficiency, periods of experience in the "practice of architecture," as defined in N.J.A.C. 13:27-3.1, gained subsequent to registration as an architect in that jurisdiction.

(c) In cases where the applicant has been granted registration in another United States jurisdiction on the basis of education or examination qualifications that are not equal to the requirements of this State, the Board may grant registration upon presentation by the applicant of evidence satisfactory to the Board of at least five years of responsible "practice of architecture," as defined under N.J.A.C. 13:27-3.1, while holding a valid license as an architect.

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)1, substituted "sources" for "records" and added "which attest to the applicant's good moral character;"; and in (a)2, substituted "statute" for "law" following "violation of any".

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 | 160.00 |
| 4. Reciprocity Application Fee (plus initial license fee) | 75.00 |
| 5. Replacement or Duplicate Seal Press | 40.00 |
| 6. Duplicate wall certificate | 25.00 |
| 7. Late Fee | 50.00 |
| 8. Verification of Licensure | 30.00 |
| 9. Reinstatement Fee | 100.00 |
| 10. Roster | 15.00 |

(b) The "Roster of Architects" shall be issued without charge to State, county and municipal government agencies and to all architects and landscape architects listed therein.

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

| | |
|-------------------------|----------|
| 1. Application fee | \$100.00 |
| 2. Initial registration | |

| | |
|---|--------|
| 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 |

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

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

Authority

N.J.S.A. 45:1-21 through 45:1-25 and 45:3-1 et seq., specifically 45:3-24 et seq. (P.L. 1997, c.95).

Source and Effective Date

R.2000 d.135, effective April 3, 2000.
See: 31 N.J.R. 1893(a), 32 N.J.R. 1217(a).

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(l).

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) 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".

1. Payment of the renewal fee for the current biennial period and the appropriate renewal fees for all biennial periods since the date the license expired;

2. Payment of the reinstatement fee set forth in N.J.A.C. 13:27-4.11; and

3. A notarized affidavit delineating the professional activities in which he or she has engaged since his or her license expired including a listing of all projects for which architectural services were performed.

(b) An applicant for reinstatement found to have practiced architecture in the State of New Jersey since the date the license expired shall be required to pay, in addition to the fees set forth above, a penalty for unlicensed practice as determined by the Board.

(c) A licensee may be denied reinstatement in the event that charges relating to the unlawful or improper practice of architecture are pending against the architect in any state or jurisdiction.

(d) The applicant for reinstatement shall be required to produce satisfactory evidence of competency such as the Board, in its discretion, may require.

1. Such evidence may consist of, but not be limited to, exhibits of three architectural projects illustrated by construction documents and photographs and may include oral examination.

2. The Board may require the applicant to demonstrate evidence of efforts to maintain and advance his or her knowledge of the art and science of architecture during the period of non-licensure.

SUBCHAPTER 6. CERTIFICATES; SEALS; TITLE BLOCKS

13:27-6.1 Issuance of Certificates

Upon approval by the Board and payment of all fees, an architect shall be issued a certificate and seal press as proof of licensure and authorization to practice.

13:27-6.2 Renewals of license and Certificate of Authorization

(a) A licensee shall renew his or her license and/or a Certificate of Authorization on or prior to its expiration date as indicated on the biennial renewal notice.

(b) If the renewal application is submitted within 30 days after the expiration date, the licensee shall pay, in addition to the biennial renewal fee, the late fee set forth in N.J.A.C. 13:27-4.11.

(c) Failure to renew a license or Certificate of Authorization within 30 days of the expiration date of a biennial period will require payment of reinstatement fees and biennial renewal fees as set forth in N.J.A.C. 13:27-4.11.

13:27-6.3 Reinstatement of Certificates

(a) An architect whose license has expired and who seeks reinstatement shall provide the following to the Board prior to being considered for reinstatement of licensure:

13:27-6.4 Seals

(a) A registrant shall seal architectural documents only with seal presses purchased or exchanged through the Board.

(b) Rubber stamps shall not be used for the purpose of sealing documents.

(c) Upon the death of a registrant or upon forfeiture of a certificate, the seal shall be returned to the Board.

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

(e) Failure to return a seal rendered invalid by non-payment of renewal fees shall subject the individual to such penalties as provided by law and may be grounds for refusal of the Board to reinstate a license.

13:27-6.5 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.

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.

13:27-6.6 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.

13:27-6.7 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 two or more licensed architects practice architecture as a firm, partnership, or limited liability partnership, 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 "architects";
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.S.A. 45:3-18 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" or 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) An architect practicing as an employee of a business entity which does not offer architectural services to the public shall use a title block which contains the name of the entity as the "owner" and all other elements required by this section.

(g) 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.

13:27-6.8 Submission of title block form for approval

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

SUBCHAPTER 7A. DESIGN BUILD CONTRACTS

Authority

N.J.S.A. 45:3-3.

Source and Effective Date

R.2001 d.305, effective August 20, 2001.
See: 33 N.J.R. 1858(a), 33 N.J.R. 2815(a).

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:

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 degree to the standards promulgated by the Landscape Architecture Accreditation Board. Thereafter, the Committee may, in its discretion, require the candidate to appear before the Committee for a personal interview and to present representative samples of his or her landscape architecture work.

13:27-8.5 Application for initial certification by examination

(a) An applicant for initial certification as a landscape architect shall:

1. Successfully complete the Landscape Architect Registration Examination ("LARE");
2. Successfully complete an examination on landscape architecture issues specific to New Jersey, which shall cover plant materials, soil types, geology and laws and regulations governing land use and planning, including the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and
3. Pay the initial certification fee as set forth in N.J.A.C. 13:27-8.21.

(b) A candidate for the "LARE" shall apply to the Board for approval to sit for the "LARE." The candidate shall request from, complete and return to the Board an applica-

tion form together with the application fee as set forth in N.J.A.C. 13:27-8.21. On receipt of the completed application form, fee and all documentation required by (b)1 through 3 below, the Board shall refer the application to the Committee for evaluation and approval. An applicant shall demonstrate that he or she:

1. Is of good moral character by furnishing five personal references, two from individuals who have known the applicant for at least five years and three from professionally trained design professionals, such as certified or licensed landscape architects, architects, professional engineers or professional planners, who have first hand experience of the applicant's work. No individual providing a reference shall be related to the applicant. The applicant shall be responsible for ensuring that the Board receives these references by the required date;

2. Is the holder of a bachelor's or higher degree in landscape architecture from a college or university having a landscape architecture curriculum accredited by the American Society of Landscape Architects ("ASLA"). The applicant shall arrange for the college or university to send an official transcript directly to the Board. The applicant shall be responsible for ensuring that the Board receives the transcript by the required date;

3. Has, by June 30, 2001, engaged in practical landscape architectural work satisfactory to the Committee to an extent that his or her combined college study and practical experience total at least six years, four years of which must be college study with three years in a landscape architecture curriculum, and two years of which must be practical landscape architecture experience approved by the Committee. The practical landscape architecture experience shall be obtained after the completion of the educational requirements; and for two years after completion of the educational requirement set forth in (b)2 above, at least one of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner, or professional engineer;

4. Has, effective July 1, 2001, engaged in practical landscape architectural work for four years after completion of the educational requirement set forth in (b)2 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner, or professional engineer; and

(c) On receipt of the Board's approval, the applicant shall pay the examination fee as is determined by the Council of Landscape Architectural Registration Boards (CLARB) for the "LARE."

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.

13:27-8.6 Application for certification as a landscape architect by reciprocity

(a) An individual may apply for certification by reciprocity as a landscape architect in New Jersey if he or she meets the requirements of N.J.S.A. 45:3A-1 et seq. and:

1. Holds a professional degree in Landscape Architecture from a college or university accredited by the American Society of Landscape Architects (ASLA);

2. Has, by June 30, 2001, engaged in practical landscape architectural work for two years after completion of the educational requirement set forth in (a)1 above, at least one of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner, or professional engineer;

3. Has, effective July 1, 2001, engaged in practical landscape architecture work for four years after completion of the educational requirement set forth in (a)1 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, professional planner, or professional engineer;

4. Holds a license or certificate in good standing as a landscape architect from any other state or territory or possession of the United States provided that the requirements for licensure or certification of the issuing agency are substantially equivalent to those of the Committee; and

5. Has passed the CLARB "UNE" or "LARE" or holds a current CLARB certification.

(b) The candidate shall request from, complete and return to the Board an application form and pay the application fee as set forth in N.J.A.C. 13:27-8.21. On receipt of the completed application form and all documentation required in (b)1 through 4 below, the Board shall refer the application to the Committee for evaluation and approval. The applicant shall demonstrate that he or she:

1. Is of good moral character by furnishing five personal references, two from individuals who have known the applicant for at least five years and three from certified or licensed professionals such as landscape architects, architects, professional planners or professional engineers who have first hand experience of the applicant's work. No individual holding a reference shall be related to the applicant. The applicant shall be responsible for ensuring that the Board receives these references by the required date;

2. Is the holder of a bachelor's or higher degree in landscape architecture from a college or university accredited by the American Society of Landscape Architects ("ASLA"). The applicant shall arrange for the college or university to send an official transcript directly to the Board by the required date;

3. Has, through June 30, 2001, engaged in practical landscape architectural work for two years after completion of the educational requirements set forth in (b)2 above, at least one of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner or professional engineer;

4. Has, effective July 1, 2001, engaged in practical landscape architectural work for four years after completion of the educational requirement set forth in (b)2 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner or professional engineer; and

5. Has successfully completed the CLARB "UNE" or "LARE" or holds a current CLARB certification. The applicant shall arrange for the state of licensure to verify proof of licensure in good standing. Applicants holding CLARB certification shall arrange for CLARB to send the certificate to the Board.

(c) On receipt of the Board's approval, the applicant may apply to take the New Jersey examination and pay the examination fee as set forth in N.J.A.C. 13:27-8.21.

Repeal and New Rule, R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Section was "Certification of persons holding certificate from another state or authority".

13:27-8.7 Certifications and renewals

(a) A certificate holder shall renew his or her certificate on or prior to its expiration date as indicated on the biennial renewal notice.

(b) If the certificate holder submits the renewal application within 30 days after the expiration date, the certificate holder shall pay the biennial renewal fee and the late fee as set forth in N.J.A.C. 13:27-8.21.

(c) If the certificate holder fails to renew a certificate within 30 days of the expiration date of a biennial period the certificate holder shall pay reinstatement fees and biennial renewal fees as set forth in N.J.A.C. 13:27-8.21.

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

13:27-8.8 Duplicate certificates

The Board shall issue a duplicate certificate upon payment of the duplicate certificate fee as set forth in N.J.A.C. 13:27-8.21 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 certificate holder, or an affidavit or certified statement that the certificate holder is employed in more than one location.

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.

13:27-8.9 Seal and signature

(a) Every certified landscape architect shall have a seal established by the Committee and issued by the Board, which shall contain the name of the landscape architect, his or her certificate number, and the legend "Certified Landscape Architect".

(b) All construction documents prepared by the landscape architect or under his or her supervision shall be signed on the original with the personal signature of the landscape architect. Thereafter, all copies of such drawings and specifications shall be sealed prior to submission to the client or filing with a public agency.

(c) A certified landscape architect shall provide the following information in a title block which shall be placed on all construction contract drawings prepared under his or her direction. The information shall appear legibly on the construction contract drawings and shall be clearly reproducible.

1. The full name of the certified landscape architect as it appears on the certificate issued by the Board;
2. The signature of the certified landscape architect;
3. The certificate number and title: New Jersey Certified Landscape Architect; and
4. The date when signed.

(d) Other information may appear with or within the title block provided that the required information is distinct and the name of the certified landscape architect is readily discernible from the other information on the document.

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

Rewrote (a); and in (c)3, substituted "certificate" for "license".

13:27-8.10 Certification renewal; continuing education requirements

A landscape architect shall confirm on the biennial renewal application form that he or she has complied with the Committee's continuing education requirements as set forth in N.J.A.C. 13:27-8.11. In the event a landscape architect fails to meet the continuing education requirements, the landscape architect certificate shall not be renewed until all delinquent hours have been completed and reinstatement fees and biennial renewal fees for each two years or portion thereof in which the holder is in arrears have been paid pursuant to N.J.A.C. 13:27-8.21.

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.

13:27-8.11 Continuing education hour requirements

(a) A certificate holder shall not be required to obtain continuing education hours during the first biennial renewal period in which the certificate holder first obtains licensure. For each succeeding biennial renewal period, the certificate holder shall complete a minimum of 30 hours of continuing education. "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.

(b) A maximum of 15 hours in excess of the required 30 hours may be carried over into a succeeding biennial period.

(c) A certificate holder who has allowed his or her certification to lapse and then seeks to reactivate such certification shall submit proof to the Committee of successful completion of the continuing education hours in an amount equal to those required for an active biennial certification renewal.

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.

13:27-8.12 Continuing education programs and courses

(a) The certificate holder may obtain continuing education credit for the following:

1. Courses or programs approved by the Committee pursuant to N.J.A.C. 13:27-8.16;
2. Seminars, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession. Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication, or design implementation (grading construction details, layout);

3. Graduate course work relevant to landscape architecture beyond that required for professional certification, at university-sponsored programs or at university-level, subject to prior Committee approval;

4. Participation, other than as a student, in university-level education processes and programs, subject to Committee approval. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks or articles, or similar activities which are determined to be equivalent to obtaining continuing education; and/or

5. Programs offered by the Council of Landscape Architectural Registration Boards.

(b) The Committee shall maintain a list of all approved programs or courses at the Committee offices and shall furnish this information to certificate holders upon request.

(c) A certificate holder may obtain approval for attendance at a seminar, conference or other program, that meets the Committee's continuing education requirements. For approval prior to attendance at a seminar, conference or other program, the certificate holder shall submit to the Committee a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours 60 days prior to enrollment. For approval subsequent to attending a seminar, conference or other program, the certificate holder shall submit to the Committee a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours together with written verification of attendance.

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.

13:27-8.13 Calculation of continuing education hours

(a) Credit for continuing education shall be granted for each biennial renewal period as follows:

1. Attendance at courses or programs approved by the Committee pursuant to N.J.A.C. 13:27-8.16: one hour for each hour of attendance. Completion of an entire course or program is required in order to receive any continuing education credit.
2. For seminars, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession, one hour for each hour of attendance.
3. Successful completion of graduate course work taken beyond that required for professional certification: a maximum of nine hours for each course;
4. For publication in a refereed professional journal of a copyrighted article related to the profession: nine hours per article and a maximum of 18 hours per biennial cycle;

5. For teaching and research appointments at a college or university level; nine hours for each new course, and a maximum of 18 hours per biennial cycle.

i. For the purposes of this paragraph, a "new" course is one which the certificate holder has never taught before in any educational setting; and

6. For study programs offered or sponsored by the Council of Landscape Architectural Registration Boards: nine hours per biennial cycle.

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

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

Rewrote (a).

13:27-8.14 Certification of compliance with continuing education requirements

(a) A certificate holder applying for certificate renewal as set forth in N.J.A.C. 13:27-8.7 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. 13:27-8.11(a).

(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 penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, and/or suspension of certification, pursuant to N.J.S.A. 45:1-21, after an opportunity to be heard.

(c) Each certificate holder shall retain the following documentation for a period of five years:

1. For attendance at courses or programs approved by the Committee, the verification of attendance as set forth in N.J.A.C. 13:27-8.16(b);

2. For attendance at seminars, conferences and other programs for which the certificate holder received advanced approval, a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours. For attendance at seminars, conferences and other courses and programs for which the certificate holder received subsequent approval by the Committee, written verification by the sponsor of attendance.

3. For publication in a refereed professional journal, the published article; and

4. For teaching or research appointments, a statement from the appropriate school authority verifying the appointment, the duration of the appointment, the number of hours the certificate holder taught, course content and description of the research as applicable.

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.

13:27-8.15 Waiver of continuing education requirements

(a) The Committee may, at its discretion, waive or modify continuing education requirements on an individual basis for

reasons of hardship, such as severe illness or disability which prevents attendance at or completion of continuing education, or military service or other good cause as demonstrated by the certificate holder.

(b) Any certificate holder seeking a waiver of the continuing education requirements shall apply to the Committee in writing specifying the reasons for requesting the waiver. The certificate holder shall also provide the Committee with such information as it may reasonably request in support of the application.

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), inserted "severe" following "such as", inserted "or military service" following "education," and substituted "the certificate holder" for "a licensee" following "demonstrated by"; and in (b), substituted "certificate holder" for "registrant" throughout.

13:27-8.16 Responsibilities of continuing education sponsors

(a) At least 60 days prior to offering a course or program, a sponsor of continuing education for landscape architects shall submit the following for each course or program offered, for evaluation by the Committee:

1. A detailed description of course or program content and the number of hours of instruction; and
2. A summary of each lecturer's qualifications.

(b) The sponsor shall monitor the attendance at each approved course or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. The title, date and location of course or program offering;
2. The name and certificate number of the attendee;
3. The number of hours of the course or program and, if known, the number of continuing education hours approved by the Committee; and
4. The name and signature of the person responsible for monitoring attendance.

(c) The sponsor shall solicit evaluations from both the participants and the instructors.

(d) A sponsor shall not exclude from the course or program any certificate holder who is not a member of the group or association but may impose a reasonable differential in course or program fees based upon membership within a group or association.

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

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

Rewrote (a) and (b); and added (d).

13:27-8.17 Continuing education credit by reciprocity

(a) A New Jersey certificate holder who is authorized by licensure/certification/registration to practice landscape architecture in another state shall satisfy the continuing education hours requirement of N.J.A.C. 13:27-8.11 by submitting the following:

1. Certification from the appropriate governmental authority of that other state confirming that the person has satisfactorily completed all continuing education requirements for renewal of licensure/certification/registration in that state;

2. Proof that the New Jersey certificate holder primarily practices in that other state; and

3. Proof that other state requires review and approval of continuing education of rigor and extent which are substantially equal to the requirements imposed by 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 (a).

13:27-8.18 Committee certificate for endorsement of continuing education hours

A certificate holder of this State who is in good standing may request of the Executive Director of the Board of Architects a document attesting that the official record confirms satisfactory completion of all New Jersey continuing education requirements. Good standing for this purpose means the individual is currently certified, has paid all required fees, has been audited in the current biennial period to determine compliance with the New Jersey continuing education requirement, and is not the subject of any disciplinary complaint or under current disciplinary sanction.

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

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

Substituted "certificate holder" for "registrant" in the first sentence, and rewrote the second sentence.

13:27-8.19 Rules of professional conduct

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

(b) A landscape architect may accept an assignment or employment requiring education or experience outside of 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 landscape architect shall not affix a personal signature and/or seal to any plan or document dealing with subject matter in which there is a lack of competence by virtue of education or experience, nor to any such plan or document not prepared under his or her direct supervision and control.

(d) A landscape architect 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 statements, criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party, or parties, a landscape architect shall preface such comments 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 landscape architect 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 landscape architect 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 landscape architect 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 landscape architect 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 landscape architect 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 landscape architect 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 landscape architect shall not falsify or permit misrepresentation of academic or professional qualifications. He or she 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 landscape architect 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 and public representations of certificate holders which make specific reference to service as a "landscape architect" shall list the name and certificate number of the landscape architect. If the certificate holder conducts the practice under a corporation or trade name, the advertisement/public representation 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 of the principal practitioners. This requirement applies to all advertising locations, including, but not limited to, listings in a telephone or other consumer information directory, the public media, commercial property, and motor vehicles.

1. Landscape architects, whose advertisements/listings in a telephone or other consumer information directory do 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 landscape architect intends to continue such advertisement/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 Board request.

(o) If a landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he or she 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.

13:27-8.20 Nomenclature for non-certified persons

(a) Any individual who is not a certified landscape architect as defined by N.J.S.A. 45:3A-2 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 landscape architect as defined in N.J.S.A. 45:3A-2 shall not, for example, use the following titles or description of services:

- TITLES
- Landscape Architect
- Certified Landscape Architect
- Licensed Landscape Architect
- Registered Landscape Architect
- Professional Landscape Architect
- DESCRIPTIONS OF SERVICES
- Landscape Architecture

- Landscape Architectural Design
- Landscape Architectural Construction
- Landscape Architectural Planting Design
- Landscape Architectural Service

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

13:27-8.21 Fees

(a) The following fees shall be charged by the Board of Architects for Landscape Architect Certification matters. Unless otherwise provided herein, all fees are nonrefundable.

| | |
|---|----------|
| 1. Application Fee | \$125.00 |
| 2. Examination fee for the New Jersey portion of the Landscape Architect Registration Examination (LARE) when Board administered: | \$ 35.00 |
| 3. Initial Certification Fee (including seal press) | |
| 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 |
| 4. Biennial Renewal Fee | \$160.00 |
| 5. Late Fee | \$ 50.00 |
| 6. Reinstatement Fee | \$100.00 |
| 7. Reciprocity Fee | \$ 75.00 |
| plus initial certification fee and application fee | |
| 8. Duplicate certificate fee | \$ 25.00 |
| 9. Replacement seal press | \$ 40.00 |
| 10. Verification of Certification | \$ 25.00 |
| 11. Roster of certified landscape architects (provided free to all registrants and public agencies) | \$ 15.00 |

13:27-8.22 Notification of change of address; service of process

(a) Landscape architects 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 certificate holder's address 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.

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 "certificate holder's" for "licensee's" following "action at a".