

CHAPTER 5-1

Architects

§ 5-1-1 Declaration of policy. –

In order to protect the health, safety and property of the people of Rhode Island, and to promote their welfare, no person shall practice architecture in this state except in compliance with the requirements of this chapter.

§ 5-1-2 Definitions. –

The following definitions apply in the interpretation of the provisions of this chapter, unless the context requires another meaning:

(1) "Architect" means any person who engages in the practice of architecture, as that term is defined in this section as attested by his or her licensing as an architect in this state.

(2) "Board" means the board of examination and registration of architects established by this chapter.

(3) "Certificate" means the certificate of registration issued annually by the board, indicating that the individual named in the certificate is an architect.

(4) "Certificate of authorization" means the certificate of authorization issued by the board, indicating the sole proprietor, partnership, limited liability partnership, corporation, or limited liability company named in the certificate is permitted to practice architecture in the state.

(5) "Practice of architecture" means rendering or offering to render those services, described as follows:

(i) Rendering or offering to render services in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and surrounding the buildings, which have as their principal purpose human occupancy or habitation;

(ii) The services referred to in this section include, but are not limited to, planning, providing preliminary studies, designs, drawings, specifications, and other technical submissions, the administration of construction contracts and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers and landscape architects;

(iii) The practice of architecture does not include the practice of engineering as defined in § 5-8-2(f)(1), but a registered architect may perform any engineering work that is incidental to the practice of architecture.

(6) "Responsible control" means that amount of control over and detailed knowledge of the content of technical submissions during their preparations as is ordinarily exercised by registered architects applying the required professional standard of care. Reviewing, or reviewing and correcting,

technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout

§ 5-1-3 Board – Membership – Appointments and term. –

(a) There is established a board of examination and registration of architects, composed of five (5) architects. Each member of the board must be a qualified elector of this state for three (3) consecutive years prior to appointment. Each member of the board shall have engaged in the practice of architecture, as defined by this chapter, as an individual practitioner, a partner of a partnership or limited liability partnership, an officer or director of a corporation, or a member or manager of a limited liability company engaged in the practice of architecture, for not less than seven (7) years prior to his or her appointment.

(b) Each member of the board shall be appointed by the governor with the advice and consent of the senate, to serve for a term of five (5) years and until a successor is appointed and qualified. No member of the board shall be associated in the practice of architecture, either individually or as a member of a firm, with any other member of the board.

In the year 2009, staggered terms shall be implemented as follows:

- (1) One member is appointed for a period of one year;
- (2) One member is appointed for a period of two (2) years;
- (3) One member is appointed for a period of three (3) years;
- (4) One member is appointed for a period of four (4) years; and
- (5) One member is appointed for a period of five (5) years.

(c) Vacancies occurring in the membership of the board shall be filled by the governor, with the advice and consent of the senate, for the unexpired portion of the term. A member appointed for a full term is not eligible for more than two (2) consecutive terms.

(d) Each member of the board shall take, and subscribe to, the oath of office generally required of state officials.

§ 5-1-4 Board – Organizational and special meetings – Quorum – Seal. –

(a) A regular meeting of the board shall be held in May of each year, at which time the board shall elect from its membership a chairperson, a vice-chair, and a secretary, who shall serve for one year and until their successors are elected and qualified. Special meetings of the board may be called by the chairperson or other members of the board, in accordance with any rules and regulations that the board adopts.

(b) Three (3) members of the board shall constitute a quorum for the transaction of all business, but no action shall be taken at any meeting without three (3) members in accord.

(c) The board shall adopt a seal.

§ 5-1-5 Board – Rules and regulations – Examination and registration powers. –

(a) The board may establish any rules and regulations for the conduct of its own proceedings that it deems appropriate.

(b) The board may establish suitable rules and regulations for the examination and registration of architects and also governing the practice of the profession of architecture. This shall not include any prohibition of employment of the registered architect as he or she chooses.

(c) To be registered, the applicant shall be required to pass examinations and grading procedure of the national council of architectural registration boards, provided that the applicant is qualified under subsections 5-1-8(a) and 5-1-8(b).

(d) The board shall issue certificates to individuals who have qualified to practice architecture under the provisions of this chapter. The board may establish any rules and regulations for the issuance and renewal of certificates that it deems appropriate, including rules for the issuance of certificates by reciprocity.

(e) In addition to its rulemaking authority, the board has the power to take all action that is necessary and proper to effectuate the purposes of this chapter, including the power to:

(1) Suspend, revoke or annul certificates of registration and certificates of authorization in accordance with the provisions of this chapter;

(2) Investigate all complaints and charges of unprofessional conduct, including, but not limited to, conduct specified under § 5-1-13, against any licensee or any applicant for a certificate of registration or certificate of authorization, and to hold hearings, in accordance with the provisions of § 5-1-13.1, to determine whether the complaints and charges are substantiated;

(3) Appoint one or more members of the board, legal counsel, and/or an independent investigator to act on behalf of the board in investigating the conduct of any licensee, or of any applicant for a certificate of registration or certificate of authorization, or in the alternative to appoint a probable cause committee to investigate this conduct on its behalf. The committee is to be comprised of licensees in good standing, as the board determines;

(4) Issue subpoenas, administer oaths, and summon and examine witnesses in connection with any investigation conducted under the authority of this chapter. If a subpoena is disobeyed, the board may invoke the aid of any court of competent jurisdiction in this state to require the attendance and testimony of witnesses and the production of documentary evidence.

(f) The board and its members and agents are immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall indemnify the board and these members and agents for, and hold them harmless from, any and all costs, damages, and reasonable attorneys fees arising from or related in any way to claims or actions against them as to matters to which the immunity applies.

§ 5-1-6 Board – Records of proceedings – Roster of architects – Report of transactions. –

(a) The secretary of the board shall keep a record of its proceedings. The record shall include the name, age, and last known address of each applicant for registration, information concerning each applicant's education, experience, and other qualifications, the text of all examinations administered and their results and any other information that the board deems appropriate. The record of the board is prima facie evidence of the proceedings and a certified transcript by the secretary is admissible in evidence with the same force and effect as if the original were produced.

(b) The board shall maintain a roster of architects. Copies of the roster may be mailed annually to resident architects and to federal agencies within the state, and to state, city and town officials, and may be distributed or sold to the public.

(c) [Deleted by P.L. 2005, ch. 406, § 1].

§ 5-1-7 Practice prohibited – Criminal penalties – Injunctions. –

(a) No individual shall:

- (1) Practice or offer to practice architecture in this state;
- (2) Use any title, sign, card, or device implying that the individual is an architect or is competent to practice architecture in this state;
- (3) Use in connection with his or her name or otherwise any title or description conveying or tending to convey the impression that the individual is an architect or is competent to practice architecture in this state; or
- (4) Use or display any words, letters, figures, seals, or advertisements indicating or implying that the individual is an architect or is competent to practice architecture in this state, unless that individual holds a currently valid certificate of registration/authorization issued pursuant to this chapter or is specifically exempted from holding a certificate under the provisions of this chapter.

(b) No sole proprietorship, partnership, limited liability partnership corporation, or limited liability company shall:

- (1) Practice or offer to practice architecture in this state;
- (2) Use any title, sign, card, or device implying that the sole proprietorship, partnership, limited liability partnership, corporation, or limited liability company is competent to practice architecture in this state;
- (3) Use in connection with its name, or otherwise, any title or description conveying or tending to convey the impression that the entity is an architectural firm or is competent to practice architecture in this state; or
- (4) Use or display any words, letters, figures, seals, or advertisements indicating that the entity is an architectural firm or is competent to practice architecture in this state, unless that sole proprietorship, partnership, limited liability partnership, corporation, or limited liability company complies with the requirements of this chapter.

(c) Any individual, sole proprietorship, limited liability partnership, corporation, or limited liability company which:

- (1) violates subsection (a) or (b) of this section;
- (2) presents or attempts to use the certificate of registration/authorization of another;
- (3) gives any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate of registration/authorization;
- (4) falsely impersonates any other registrant whether of a like or different name;
- (5) uses or attempts to use an expired, revoked, or nonexistent certificate of registration/authorization;
- (6) falsely claims to be registered under this chapter; or
- (7) otherwise violates any provision of this chapter; is guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) for the first offense and a fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) for each subsequent offense, or imprisonment for not more than one year, or both; and in the court's discretion and upon good cause shown, reimburse the board for any and all fees, expenses, and costs incurred by the board in connection with the proceedings, including attorneys fees (which amounts shall be deposited as general revenues); and be subject to, in the board's discretion, public censure or reprimand.

(d) The board has the power to institute injunction proceedings in superior court to prevent violations of subsection (a) or (b) or violations of § 5-1-12. In injunction proceedings, the board is not required to prove that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from continued violations. The superior court, in its discretion and in addition to any injunctive relief granted to the board, may order that any person or entity in violation of this section shall:

- (1) Upon good cause shown, reimburse the board for any and all fees, expenses, and costs incurred by the board in connection with the proceedings, including attorneys fees (which amounts shall be deposited as general revenues); and/or
- (2) Be subject to public censure or reprimand.

§ 5-1-8 Examination and qualifications of applicants for certificates of registration.

(a) Any individual who is at least twenty-one (21) years of age may apply for a certificate of registration under this chapter; provided, that the board may waive the requirement of residency in any case or category of cases where the board determines that the applicant is not seeking to avoid the registration requirements of his or her state or country of residence.

(b) Each applicant for a certificate of registration shall submit satisfactory evidence to the board that he or she holds a National Architectural Accrediting Board (NAAB) professional degree in architecture from an accredited school and has had any practical experience including academic training, that the

board, by regulations uniformly applied, deems appropriate. The board may, in its discretion, adopt as its standards for minimum experience the guidelines on practical experience of the National Council of Architectural Registration Boards.

(c) Each applicant for a certificate of registration who satisfies subsections (a) and (b) of this section shall submit to a registration examination. Results of the examination are announced within ninety (90) days of the date on which the examination commenced. The board shall adopt the examinations and recommended grading procedures of the National Council of Architectural Registration Boards.

(d) The board may require applicants under this section and under § 5-1-9 to submit to a personal interview.

§ 5-1-9 Interstate practice. –

A non-resident licensed architect seeking to practice architecture in the state of Rhode Island shall, upon application, obtain a certificate of registration by submitting satisfactory evidence to the board that he or she is registered to practice architecture in another state, and that he or she has fulfilled the requirements for National Council of Architectural Registration Board's certification. The board shall act upon the application for a certificate of registration within forty-five (45) days of submission of evidence that the applicant is registered in that manner

§ 5-1-10 Issuance and renewal of certificates. –

a) Upon payment of the fees required by § 5-1-11, an individual who has complied with § 5-1-8 or 5-1-9 is entitled to a certificate of registration indicating that he or she is qualified to practice architecture in this state. Each certificate of registration shall contain the name of the individual to whom it was issued and his or her date of birth.

(b) Every certificate of registration is valid for a period of two (2) years and expires on the last day of December of each odd numbered year following its issuance. An architect may renew his or her certificate of registration by paying the renewal fee or fees required by § 5-1-11. An architect who fails to renew his or her certificate of registration prior to December 31 may not thereafter renew his or her certificate of registration except upon payment of the renewal fee or fees and the additional fee required by § 5-1-11. The board may require all applicants for renewal to provide the board with information, including, but not limited to, a brief outline setting forth the professional activities of any applicant during a period in which a certificate of registration has lapsed and other evidence of the continued competence and good character of the applicant, all as the board deems necessary.

(c) A duplicate certificate of registration to replace one which has been lost, destroyed, or mutilated may be issued by the board upon payment of the fee required by § 5-1-11.

§ 5-1-11 Fees – Payment and disposition. –

(a) The fees paid by an applicant for filing an application for examination, for the examination, for re-examination, for registration pursuant to § 5-1-9, for annual renewal, for renewal of an expired certificate, or for issuance of a duplicate certificate of registration shall be in accordance with § 12, entitled "Fees", of the bylaws of the board, as amended.

(b) All fees or other monies collected under the provisions of this chapter shall be deposited as general revenues. The controller is authorized and directed to draw his or her orders upon the general treasurer for payment from the fund, upon receipt by the controller of vouchers authenticated by the chairperson or secretary of the board.

(c) The fees paid by an applicant for a certificate of authorization pursuant to this section for annual renewal, for renewal of an expired certificate of authorization, or for issuance of a duplicate certificate of authorization, shall be in accordance with § 12 of the bylaws of the board, as amended, entitled "Fees".

§ 5-1-12 Architect's stamp. –

(a) Every architect shall obtain a stamp designated and approved by the board, and shall impress that stamp on drawings and specifications prepared by him or her or under his or her responsible control for use in this state. An architect who impresses his or her stamp, or knowingly permits it to be impressed on drawings or specifications which were not prepared by him or her or under his or her responsible control is guilty of a misdemeanor and is subject to the penalties provided in § 5-1-7(c). Any person who impresses an architect's stamp, or knowingly permits it to be impressed on drawings and specifications after the architect's certificate of registration has expired, or has been revoked, annulled, or suspended, is guilty of a misdemeanor and is subject to the penalties provided in § 5-1-7(c).

(b) Upon forfeiture, revocation, suspension, annulment of his or her certificate of registration, or upon expiration of his or her certificate of registration without renewal, an architect shall surrender his or her stamp to the board. Upon the death of an architect, his or her personal representatives shall surrender his or her stamp to the board. The board has the power to institute proceedings in superior court or probate court to enforce this subsection.

§ 5-1-13 Revocation or suspension of certificates of registration or of authorization.

(a) After notice and hearing as provided in § 5-1-13.1, the board may in its discretion:

- (1) suspend, revoke or annul or refuse to renew any certificate of registration; and/or
- (2) suspend, revoke or annul or refuse to renew any certificate of authorization; and/or
- (3) publicly censure, reprimand, or censure in writing; and/or
- (4) limit the scope of practice of; and/or
- (5) impose an administrative fine upon (not to exceed one thousand dollars (\$1,000) for each violation); and/or
- (6) place on probation; and/or

(7) for good cause shown, order a reimbursement of the board for all fees, expenses, costs, and attorneys fees in connection with the proceedings (which amounts shall be deposited as general revenues), all with or without terms, conditions, or limitations, holders of a certificate of registration or a certificate of authorization (subsequently referred to as a licensee or licensees) for any or more of the causes set out in subsection (b) of this section.

(b) The board may take actions specified in subsection (a) of this section for any of the following causes:

- (1) Bribery, fraud, deceit, or misrepresentation in obtaining a certificate of registration or certificate of authorization;
- (2) Practicing architecture in another state, country, or jurisdiction in violation of the laws of that state, country, or jurisdiction;
- (3) Practicing architecture in this state in violation of the standards of professional conduct established by the board;
- (4) Fraud, deceit, recklessness, gross negligence, misconduct, or incompetence in the practice of architecture;
- (5) Use of an architect's stamp in violation of § 5-1-12;
- (6) Violation of any of the provisions of this chapter;
- (7) Suspension or revocation of the right to practice architecture before any state or before any other country or jurisdiction;
- (8) Conviction of or pleading guilty or nolo contendere to any felony, or to any crime of, or act constituting a crime of, forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any other similar offense, in a court of competent jurisdiction of this state or any other state or of the federal government;
- (9) Failure to furnish to the board, or any person acting on behalf of the board, within sixty (60) days of notification any information that may be legally requested by the board;
- (10) In conjunction with any violation of subdivisions (1) – (9) of this subsection, any conduct reflecting adversely upon the licensee's fitness to engage in the practice of architecture; and
- (11) In conjunction with any violation of subdivisions (1) – (9) of this subsection, any other conduct injurious to the reputation of the architectural profession.

§ 5-1-13.1 Initiation of proceedings – Hearings before the board – Appeals – Notice to other states. –

(a) The board may initiate proceedings under this chapter against holders of a certificate of registration and/or a certificate of authorization (subsequently referred to as a licensee or licensees) either on its own motion, or on complaint of any person, upon a finding of probable cause by a probable cause committee appointed by the board pursuant to § 5-1-5, or upon receiving notification from another state board of architects or from the appropriate authority in another country or jurisdiction of its decision to:

- (1) Revoke, suspend, annul, or refuse to renew the practice privileges granted in that state or in that country or jurisdiction to the licensee;
- or

(2) Publicly censure, or censure in writing, limit the scope of practice of, impose an administrative fine upon, or place on probation the licensee.

(b) A written notice stating the nature of the charge or charges against the licensee and the time and place of the hearing before the board on the charges shall be served on the licensee not less than twenty (20) days prior to the date of the hearing either personally or by mailing a copy of the notice by certified mail, return receipt requested, to the address of the licensee last known to the board.

(c) If, after being served with the notice of hearing as provided for in this section, the licensee fails to appear at the hearing and to defend against the stated charges, the board may proceed to hear evidence against the licensee and may enter any order that is justified by the evidence. That order is final unless the licensee petitions for a review of it as provided in this section; provided, that within thirty (30) days from the date of any order, upon a showing of good cause for failing to appear and defend, the board may reopen the proceedings and may permit the licensee to submit evidence in his, her or on its behalf.

(d) At any hearing pursuant to this section,

(1) licensee may:

- (i) Appear in person or be represented by counsel;
- (ii) Produce evidence and witnesses on his, her, or its behalf;
- (iii) Cross examine witnesses; and
- (iv) Examine the evidence that is produced.

(2) A sole proprietorship may be represented before the board by counsel or by the sole proprietor. A partnership or limited liability partnership may be represented before the board by counsel or any partner of the partnership. A corporation may be represented by counsel before the board or by any shareholder, officer or director of the corporation. A limited liability company may be represented before the board by counsel or by any member or manager of the limited liability company. The licensee is entitled, upon written application to the board, to the issuance of subpoenas to compel the attendance of witnesses on the licensee's behalf.

(e) The board or any member of the board may issue subpoenas to compel the attendance of witnesses and the production of documents and may administer oaths, take testimony, hear proofs and receive exhibits in evidence in connection with or upon hearing pursuant to this chapter. In case of disobedience to a subpoena, the board may petition the superior court to require the attendance and testimony of witnesses and the production of documentary evidence.

(f) The board is not bound by strict rules of procedure or by laws of evidence in the conduct of its proceedings, but any determination of the board is based upon sufficient legal evidence to sustain the determination.

(g) A stenographic record of all hearings pursuant to this section shall be kept and a transcript of the record filed with the board.

(h) The decision of the board shall be made by vote in accordance with the rules and regulations established under § 5-1-5.

(i) Any appeal from the decision of the board, by a person or persons adversely affected by the decision, is governed by § 42-35-15.

(j) On rendering a decision to:

(1) revoke, suspend, annul, or refuse to renew a certificate of registration issued under the laws of this state;

(2) revoke, suspend, or refuse to renew a certificate of authorization issued under the laws of this state; or

(3) publicly censure, censure in writing, limit the scope of practice of, impose an administrative fine upon, or place on probation a licensee, the board shall examine its records to determine whether the licensee holds a certificate of registration or a certificate of authorization to practice in any other state, country, or jurisdiction. If the board determines that the licensee in fact holds a certificate of registration or certificate of authorization, the board shall immediately notify the board of architecture of the other state, country, or jurisdiction by mail of its decision pursuant to this section, and include in the notice an indication as to whether or not the licensee has appealed the decision.

(k) The board may, in its discretion, order any licensee against whom proceedings have been initiated under §§ 5-1-13 and 5-1-13.1 to reimburse the board for any fees, expenses, and costs incurred by the board in connection with the proceedings, including attorneys fees. These fees shall be paid within thirty (30) days from the date they are assessed and may be reviewed in accordance with § 42-35-15, and deposited as general revenues.

(l) The board may, in its discretion, issue a certificate of registration or certificate of authorization to any applicant denied a certificate of registration or certificate of authorization, under any of the provisions of this section upon presentation of suitable evidence.

(m) The attorney general or his or her deputy shall act as legal advisor to the board and render any legal assistance that is necessary in carrying out the provisions of this chapter. The board may employ other counsel and obtain other necessary assistance to be appointed by the governor to aid in the enforcement of this chapter, and the compensation and expenses for the employment shall be paid from the fund of the board.

§ 5-1-14 Practices permitted. –

Nothing contained in this chapter shall be construed to prohibit practices normally permitted to employees, engineers, contractors, and others, including the following:

(1) A draftsman, student, superintendent, or other employee of a lawfully practicing registered architect acting under the instruction, responsible control and supervision of his or her employer. This chapter does not prevent the employment of a superintendent of the construction, enlargement, or alteration of a building or part of a building who acts under the immediate responsible control of the registered architect by

whom the plans and specifications of the building, enlargement, or alteration were prepared.

(2) A registered professional engineer doing architectural work as may be incident to the practice of his or her engineering profession, not to exceed thirty-five thousand (35,000) cubic feet of enclosed space, provided all drawings for that construction are signed by the author of the drawing with his or her true appellation as a "registered professional engineer" without the use in any form of the title "architect".

(3) The construction or alteration of any single-family or two-family house or any minor accessory building to it by a person other than a registered architect.

(4) The construction or alteration of any building used for farm purposes, as long as it is not for human habitation or occupancy, by a person other than a registered architect.

§ 5-1-15 Severability. –

The provisions of this chapter are severable, and if any section is declared invalid or void for any reason, the remainder of this chapter is not affected or impaired.