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DIVISION 3

PROCEDURAL RULES

806-001-0000

Reasonable Notice

Prior to the adoption, amendment, or repeal of any rule, the Board of Architect Examiners shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Board of Architect Examiners' mailing list established pursuant to ORS 183.335(7), at least 28 days before the effective date of the rule.

(3) By mailing a copy of the notice to the following organizations and publications:

- (a) AIA Oregon;
- (b) Capitol Press Room.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 183.335

Hist.: AE 12, f. & ef. 2-4-76; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1980, f. & ef. 2-14-80; AE 1-1987, f. & ef. 3-30-87; AE 2-1992, f. & cert. ef. 3-30-92; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 3-2000, f. & cert. ef. 7-24-00

806-001-0003

Biennial Budget

Pursuant to the provisions of ORS 182.462, the Board adopts by reference the Oregon State Board of Architect Examiners' 2013–2015 Biennial Budget of \$1,144,449 covering the period July 1, 2013, through June 30, 2015. The Board Administrator will amend budgeted accounts as necessary, within the approved budget of \$1,144,449, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying holders of licenses, and holding a public hearing. Copies of the budget are available from the Board's office.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 671.120, 671.125, 182.462 & 183.705

Stats. Implemented: ORS 671.125 & 182.462

Hist.: AE 1-1997(Temp), f. & cert. ef. 7-25-97; AE 3-1997, f. & cert. ef. 12-11-97; BAE2-1998, f. & cert. ef. 6-22-98; BAE 2-1999, f. & cert. ef. 5-25-99; BAE 2-2001, f. 6-6-01, cert. ef. 7-1-01; BAE 2-2003, f. 4-11-03 cert. ef. 7-1-03; BAE 1-2005, f. 3-14-05, cert. ef. 7-1-05; BAE 1-2007, f. 5-8-07, cert. ef. 7-1-07; BAE 2-2009, f. & cert. ef. 5-14-09; BAE 3-2009, f. 5-22-09, cert. ef. 7-1-09; BAE 1-2011, f. 6-6-11, cert. ef. 7-1-11; BAE 4-2012, f. 10-25-12, cert. ef. 11-1-12; BAE 2-2013, f. 4-8-13, cert. ef. 7-1-13

806-001-0004

Rules of Procedure

The Board adopts the January 1, 2008, version of the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act to govern the Board's rulemaking and contested cases or equivalent proceedings.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Architect Examiners.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 183.341

Hist.: AE 5, f. 12-22-64; AE 11, f. 2-15-74, ef. 3-11-74; AE 13, f. & ef. 4-2-76; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1980, f. & ef. 2-14-80; AE 3-1981, f. & ef. 12-21-81; AE 1-1984, f. & ef. 8-22-84; AE 1-1987, f. & ef. 3-30-87; AE 3-1992, f. & cert. ef. 6-30-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 3-2000, f. & cert. ef. 7-24-00, Renumbered from 806-010-0055; BAE 3-2004, f. & cert. ef. 5-5-04; BAE 3-2006, f. 3-14-06, cert. ef. 3-15-06; BAE 2-2011, f. & cert. ef. 7-22-11

806-001-0005

Model Rules of Procedure

The Board adopts the January 1, 2008, Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act by reference as the Board's general administrative procedural rules.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Architect Examiners.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.080

Hist.: AE 8, f. 12-15-71, ef. 1-1-72; AE 10, f. 10-26-73, ef. 11-25-73; AE 2-1997, f. & cert. ef. 9-24-97; BAE 3-2004, f. & cert. ef. 5-5-04; BAE 3-2006, f. 3-14-06, cert. ef. 3-15-06; BAE 2-2011, f. & cert. ef. 7-22-11

DIVISION 10

GENERAL

806-010-0010

Approved Architect Registration and Evaluation Programs

(1) An applicant is required to complete acceptable accredited education, experience, and examination before they may be considered for registration as an architect in Oregon.

(2) The Oregon State Board of Architect Examiners (Board) adopts the education standard adopted by the National Council of Architectural Registration Boards (NCARB), which is a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or a professional degree in architecture, certified by the CACB from a Canadian University.

(3) The Board adopts the requirements for the Intern Development Program (IDP) published by NCARB as the approved internship experience program.

(4) The Board adopts the Architect Registration Examination (ARE) prepared by NCARB as the approved examination to test applicant qualifications for registration.

(5) A person may be considered as a candidate for registration by following:

(a) The rules for registration by examination in OAR 806-010-0020; or

(b) The rules for registration by reciprocity in OAR 806-010-0035; or

(c) By satisfactorily completing the Broadly Experienced Architect (BEA) program or the Broadly Experienced Foreign Architect (BEFA) program offered through NCARB.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.060

Hist.: AE 5, f. 12-22-64; AE 6, f. 6-5-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 13, f. & ef. 4-2-76; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1983, f. & ef. 1-12-83; BAE 1-2008, f. & cert. ef. 2-28-08; BAE 5-2014, f. & cert. ef. 7-24-14

806-010-0020

Registration by Examination

(1) To become registered by examination to practice architecture in Oregon, an individual must:

(a) Complete a professional degree in architecture meeting the education standard in OAR 806-010-0010(2); and

(b) Complete all the requirements of the IDP; and

(c) Receive a passing score in all sections of the ARE; and

(d) Receive a passing score on the Jurisprudence Examination (JE); and

(e) Attend an oral interview before the Board.

(2) To qualify to begin taking the ARE an individual must:

(a) Complete an Examination Application; and

(b) Pay the Examination Application Fee in OAR 806-010-0105(3); and

(c) Have NCARB records transmitted to the Board; and

(d) Receive written authorization from the Board to begin testing.

(3) All candidates for registration by examination must comply with all NCARB rules regulating the ARE and the IDP.

(4) An individual may use the title "Architectural Intern" only after:

(a) Completing a professional degree in architecture meeting the education standard in OAR 806-010-0010(2); and

(b) Establishing a record with NCARB and enrolling in IDP; and

(c) Receiving written authorization from the Board to begin taking the ARE.

(5) All candidates for registration by examination must:

(a) Submit a complete Examination Application; and

(b) Pay required fees; and

(c) Provide all required documentation.

(6) All candidates for registration must pass the JE.

(a) Individuals will have no longer than 60 minutes to complete the JE.

(b) The minimum passing score is 84%.

(c) Test results may not be challenged.

(d) An individual failing the JE must wait 30 days before retaking the exam.

(7) After passing the JE, a candidate for registration by examination must appear before the Board for an oral interview. Oral interviews are held on regularly scheduled Board meeting dates. The candidate will be notified in writing of their oral interview date.

(8) Upon successful completion of all requirements for registration by examination, the individual will be issued a certificate according to OAR 806-010-0040.

(9) No person may use the "Architect" title, except under the conditions outlined in OAR 806-010-0037 and ORS 671.065.

(10) No person may practice architecture in Oregon until the Board notifies the person in writing that registration is granted by the Board.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.050, 671.060, 671.065 & 671.085

Hist.: AE 5, f. 12-22-64; AE 6, f. 6-5-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 1-1978, f. & ef. 1-23-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1980, f. & ef. 2-14-80; AE 2-1980, f. & ef. 10-3-80; AE 2-1981(Temp), f. & ef. 7-28-81; AE 2-1983, f. & ef. 1-12-83; AE 2-1984, f. & ef. 10-23-84; AE 1-1986, f. 11-12-86, ef. 11-13-86; AE 2-1992, f. & cert. ef. 3-30-92; AE 5-1992(Temp), f. & cert. ef. 10-21-92; AE 1-1993, f. & cert. ef. 7-1-93; AE 1-1996, f. 1-23-96, f. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; Administrative correction, 6-17-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 5-2001, f. & cert. ef. 10-24-01; BAE 5-2002 f. 8-14-02 cert. ef. 8-15-02; BAE 4-2003, f. 8-13-03, cert. ef. 8-14-03; BAE 2-2005, f. & cert. ef. 5-12-05; BAE 1-2008, f. & cert. ef. 2-28-08; BAE 4-2009, f. & cert. ef. 7-10-09; BAE 2-2010, f. 6-11-10, cert. ef. 10-3-10; BAE 5-2014, f. & cert. ef. 7-24-14

806-010-0033

Recognized Jurisdictions

(1) The Oregon Board of Architect Examiners recognizes the following jurisdictions:

(a) Each state of the United States;

(b) The District of Columbia;

(c) Guam;

(d) Puerto Rico;

(e) The Virgin Islands; and

(f) Each province of Canada.

(2) The Oregon Board will consider applicants from other jurisdictions as being "foreign", and they must meet NCARB's evaluation standards before being considered for registration.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.010, 671.020, 671.041 & 671.065

Hist.: BAE 4-2006, f. & cert. ef. 6-7-06; BAE 1-2008, f. & cert. ef. 2-28-08

806-010-0035

Registration by Reciprocity

(1) To become registered by reciprocity to practice architecture in Oregon, an individual must possess an active registration from another board-recognized jurisdiction, and

(a) Possess an active NCARB Certificate, or

(b) Possess documentary evidence of the following:

(A) A first professional degree in architecture from a NAAB-accredited program of architecture;

(B) Successful completion of all sections of the ARE;

(C) Completion of the NCARB IDP program or two years of consecutive and active practice in architecture in a board-recognized jurisdiction after initial registration;

(D) If an individual has not previously been examined for seismic and lateral forces knowledge through successful completion of an NCARB examination in 1965 or later, the individual must provide evidence of successfully completing the NCARB Division Structural Systems examination.

(2) All applicants for registration by reciprocity must:

(a) Complete the Reciprocity Application;

(b) Pay required fees;

(c) Provide all required documentation in section (1);

(d) Pass the Jurisprudence Exam according to 806-010-0020(6).

(3) The Board reserves the right to require an oral interview of any reciprocity applicant. Oral interviews are held on regularly scheduled Board meeting dates. If an oral interview is required, the applicant will be notified.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.050 & 671.065

Hist.: AE 5, f. 12-22-64; AE 11, f. 2-15-74, ef. 3-11-74; AE 1-1978, f. & ef. 1-23-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1980, f. & ef. 10-3-80; AE 1-1984, f. & ef. 8-22-84; AE 1-1987, f. & ef. 3-30-87; AE 1-1988, f. & cert. ef. 3-14-88; AE 1-1992, f. 1-9-92, cert. ef. 1-10-92; AE 3-1992, f. & cert. ef. 6-30-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 5-2002, f. 8-14-02 cert. ef. 8-15-02; BAE 4-2003, f. 8-13-03, cert. ef. 8-14-03; BAE 2-2004, f. & cert. ef. 3-2-04; BAE 1-2008, f. & cert. ef. 2-28-08; BAE 2-2010, f. 6-11-10, cert. ef. 10-3-10; BAE 4-2013, f. 12-30-13, cert. ef. 1-1-14

806-010-0037

Architect Title

Only certain qualified individuals and businesses may use the title of "Architect", as follows:

(1) Those individuals who have been notified by the Board that they have qualified as an Oregon architect and hold an active Oregon registration.

(2) Those individuals who qualify under ORS 671.010 and 671.020(2) may use the title of "Consulting Architect".

(3) Those individuals who qualify under ORS 671.010 and 671.020(3) may use the title of "Foreign Architect".

(4) Those individuals who have submitted an application to the Oregon Board for consideration as Oregon architects by reciprocity under OAR 806-010-0035 (applicants) are entitled to use the title "Architect" under certain conditions. Applicants may not practice architecture until such time as an active Oregon architect registration is granted. Applicants may use the title "Architect," along with the name of the state in which the individual holds an active architect license (for example; "John Smith, CA Architect"), but only after all of the following have been completed:

(a) The Board receives a completed reciprocity application from the applicant;

(b) The Board receives all the required fees from the applicant;

(c) The Board receives a written notice from the applicant of the applicant's intent to offer architectural services in Oregon; and

(d) The applicant must advise the prospective client(s) in writing that the applicant is not registered in Oregon and that the applicant will not practice architecture on the project until the applicant receives notice from the Board that Oregon registration is granted.

(5) Individuals/firms who hold an active registration to practice architecture in another jurisdiction recognized by the Board may participate and use the architect title in a public design competition in Oregon without first being registered. Once selected for the project, the individual/firm must comply with OAR 806-010-0075 and will not perform further architectural services on the project until registered by the Oregon Board.

(6) Firms registered with the Board under OAR 806-010-0080 and 806-010-0110 as providing architectural services in Oregon must use a derivative of the architect title within the firm name to identify the firm appropriately, according to 806-010-0110.

(7) Except as provided in this rule, no title, sign, cards, or device may be used to indicate or tend to indicate that the person or firm or business using the title is practicing architecture or is an architect, or represents in any manner that the person or firm or business is an architect or architectural practice.

(8) For purposes of this rule and OAR 806-010-0035(5), the phrase "offering to render architectural services" includes to solicit for an architectural project in Oregon.

(9) Only those individuals notified by the Board that they have been granted Architect Emeritus status may use the title "Architect Emeritus" following their name on any plaques, signs, letterhead, and the like.

(10) Only those individuals who qualify under OAR 806-010-0020(1)(a), (b), and (c) may use the title "Architectural Intern". No other title using any derivative of the term architect may be used by an intern.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.050, 671.060, 671.065, 671.080 & 671.085

Hist.: BAE 2-2004, f. & cert. ef. 3-2-04; BAE 6-2005, f. & cert. ef. 12-13-05; BAE 1-2006, f. & cert. ef. 3-10-06; BAE 4-2009, f. & cert. ef. 7-10-09

806-010-0040

Certificates

(1) Certificates shall be signed by the Chairman, or the Vice Chairman, and the Administrator and shall have an impression of the Seal of the Board.

(2) Architectural firm certificates and Architect Emeritus certificates shall be signed by the Chairman or the Administrator and shall have an impression of the Seal of the Board.

(3) When a certificate previously issued has been lost or destroyed, a duplicate certificate may be obtained by contacting the Board office and paying the fee in OAR 806-010-0105(5).

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 5, f. 12-22-64; AE 7, f. 6-5-69, ef. 8-22-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 19(Temp), f. & ef. 10-7-77; AE 20, f. & ef. 12-20-77; AE 1-1979, f.

5-31-79, ef. 6-1-79; AE 1-1987, f. & ef. 3-30-87; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 4-2014, f. & cert. ef. 7-24-14

806-010-0045

Stamps, Seals and Signatures

(1) Every registered architect shall have a stamp or seal bearing the name of the registrant only, together with the city and state in which the architect's principal office is located. The stamp or seal may include the architect's registration number issued by the Oregon Board.

(2) The seal must be one of crimp type, rubber stamp type; computer generated type, or may be electronic.

(3) All technical submissions which are required by public authorities for building permits or regulatory approvals, or are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the architect.

(4) The term "signature" or "signed" as used in ORS Chapter 671 means the following:

(a) A handwritten or digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital representation must be:

(A) An original written by hand;

(B) A scanned image of an original, handwritten identification;

or

(C) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document.

(b) Signatures must be:

(A) Permanently affixed to the document(s) being certified;

(B) Applied to the document by the identified licensee;

(C) Placed across the seal/stamp of the licensee.

(D) Unique to the licensee using it;

(E) Capable of independent verification;

(F) Under the exclusive control of the licensee using it.

(5) The stamp with the registrant's manual or digital signature must appear on the original title page of specifications and on every sheet of the drawings intended for permit and construction, whether or not the project is exempt under ORS 671.030, and must be the stamp of a registered, legally responsible member or employee of the firm. The originals may be reproduced for permit and construction purposes.

(6) By signing and sealing a technical submission the architect represents that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care.

(7) An architect may not seal and sign, or countersign, or allow his or her seal or signature to be affixed to any architectural plans, drawings, documents, specifications or reports not prepared by him or her or under his or her responsible control and supervision.

(a) Reviewing, or reviewing and editing, specifications and documents intended for permit and construction after they have been prepared by others does not constitute the exercise of responsible control and supervision because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation.

(b) Any architect signing or sealing technical submissions not prepared by that architect, but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, will maintain and make available to the Board, upon request, adequate records to demonstrate the nature and extent of the architect's control over, and detailed knowledge of, such technical submissions throughout their preparation.

(8) Notwithstanding other sections of this rule, a successor registered architect may complete a deceased or disabled architect's drawings and specifications intended for permitting and construction as though they were the successor's original, but must perform a thorough review and will become fully responsible for the content. The successor registered successor architect must use his or her own title block, seal, and signature, and must remove the title block, seal, and signature of the deceased or disabled architect.

[ED. NOTE: Images referenced are available from the agency.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.020

Hist.: AE 5, f. 12-22-64; AE 11, f. 2-15-74, ef. 3-11-74; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 3-1979, f. & ef. 11-29-79; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 4-2004, f. & cert. ef. 5-5-04; BAE 1-2012, f. & cert. ef. 1-4-12; BAE 3-2013, f. 12-30-13, cert. ef. 1-1-14

806-010-0050

Supervision

(1) Observation, or observing, as used in ORS 671.010–671.220, and as used in the definition of the practice of architecture in 671.010(7) means the administration of the construction contract which includes:

(a) General administration of contracts and interpretation of construction documents during the construction phase;

(b) Visiting the construction site on a periodic basis as is necessary to determine that the work is proceeding generally in accordance with the construction documents;

(c) Reviewing shop drawings, samples, and other submittals;

(d) Determination of substantial completion and such other services as may be required in accordance with the accepted practice of architecture in Oregon.

(2) Architects must observe all projects they stamp, with the exception of single-family residences. If the architect will not be providing the required observation, the architect must so advise the primary authority having jurisdiction and the Board in writing within 30 days of when the architect becomes aware that he or she will not be providing observation. This written notice must also include the project address and project owner's name.

(3) In accordance with ORS 671.010(7), observation of a non-exempt project constitutes the practice of architecture and therefore must be provided by an Oregon registered architect or engineer who is capable of rendering independent judgment on matters relating to construction.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.010

Hist.: AE 5, f. 12-22-64; AE 6, f. 6-5-69; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1981, f. & ef. 3-5-81; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2005, f. & cert. ef. 5-12-05; BAE 7-2014, f. & cert. ef. 10-23-14

806-010-0060

Inactive Status and Reinstatement

(1) Unless renewed according to OAR 806-010-0090, architect registration becomes inactive at the end of the grace periods, or on the 61st day following the renewal deadline. A registrant with an active registration may request inactive status prior to the 61st day following the renewal deadline. An inactive Oregon registration prohibits an individual from:

(a) Practicing architecture in Oregon, as defined by ORS 671.010-220 and OAR chapter 806; and

(b) Using the architect title in Oregon, as defined by ORS 671.010-220 and OAR chapter 806.

(2) An individual whose registration has been inactive for a period of five years or less may be reinstated to active status by:

(a) Filing a current application for reinstatement; and

(b) Satisfying the continuing education requirements of OAR 806-010-0145; and

(c) Paying the reinstatement fee in OAR 806-010-0105.

(3) An individual whose registration has been inactive for a period of longer than five years may be reinstated to active status by:

(a) Filing a current application for reinstatement; and

(b) Satisfying the continuing education requirements of OAR 806-010-0145; and

(c) Paying the reinstatement fee in OAR 806-010-0105; and

(d) Passing the Jurisprudence Examination according to OAR 806-010-0020(6).

(4) The Board reserves the right to require an oral interview of any reinstatement applicant. Oral interviews are held on regularly scheduled Board meeting dates. If an oral interview is required, the applicant will be notified.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.080

Hist.: AE 5, f. 12-22-64; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1980, f. & ef. 10-3-80; AE 1-1987, f. & ef. 3-30-87; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 2-2004, f. & cert. ef. 3-2-04; BAE 7-2006, f. & cert. ef. 12-13-06; BAE 1-2010, f. & cert. ef. 4-6-10; BAE 2-2010, f. 6-11-10, cert. ef. 10-3-10; BAE 2-2012, f. & cert. ef. 8-13-12; BAE 3-2014, f. & cert. ef. 5-22-14

806-010-0065

Definitions of Building Size Limitations

As set forth in ORS 671.030(2):

(1) "Ground Area" shall mean any projected or suspended occupied areas above the ground level in combination with areas in contact with the ground. Measurements in determining the ground area shall be taken from outside wall to outside wall and shall include the sum of the areas of all additions and the area of the original structure. The ground area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

(2) "Height" shall be measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20 foot height limitation. A basement floor is considered the lowest flooring when useable (i.e., storage, garage, etc.).

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.030

Hist.: AE 5, f. 12-22-64; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1984, f. & ef. 8-22-84; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 7-2002, f. & cert. ef. 10-8-02

806-010-0070

Definition of an Architect

(1) An "architect" is an individual who after education, practical experience, and examination has satisfied the Architectural Licensing Board of this state as to his or her proven competence in:

(a) Architectural administration including the application of codes and laws related to a building, a structure, or a group or groups of these units and their environment;

(b) Theory, history, practice, and aesthetics and their application to architecture;

(c) The analysis, planning, design, and the inspection of construction of buildings and structures, their component parts, related spaces, both internal and external, and their environment;

(d) The site development, structural, sanitary, mechanical, electrical, and other components pertaining thereto;

(e) The execution and administration of these disciplines, the related design professions, and other related skills.

(2) The architect must be currently registered and in good standing to practice architecture in this state.

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.050

Hist.: AE 5, f. 12-22-64; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1984, f. & ef. 8-22-84

806-010-0075

The Practice of Architecture

(1) The "Practice of Architecture" is defined in ORS 671.010(7) and relates to the professional activities of the registered architect. These activities include all analysis, calculations, research, graphic presentation, literary expression, and advice essential to the preparation of necessary documents for the design and construction of buildings, structures and their related environment whether interior or exterior.

(2) Individuals or firms may participate in a public architectural design competition in Oregon without first being registered by the Board if the individual or firm holds an active registration to practice architecture in another jurisdiction recognized by the Board subject to all of the following:

(a) The individual or firm may use the architect title by complying with OAR 806-010-0037.

(b) If selected as the architect for the project, the individual must apply for Oregon architect registration and is not authorized to perform architectural services on the project until registered by the Board.

(c) Prior to performing architectural services on the project under any firm name, the architect's firm must meet the requirements of OAR 806-010-0080, 806-010-0110, and ORS 671.041, and become registered with the Board.

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.010

Hist.: AE 5, f. 12-22-64; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1984, f. & ef. 8-22-84; BAE 4-2005, f. 8-29-05, cert. ef. 8-30-05; BAE 1-2006, f. & cert. ef. 3-10-06; BAE 2-2006(Temp), f. 3-14-06, cert. ef. 3-15-06 thru 9-8-06; BAE 5-2006, f. & cert. ef. 9-5-06; BAE 6-2014, f. & cert. ef. 7-24-14

806-010-0078

Construction Contractor Offering Architectural Services

(1) For purposes of this rule, the following definitions apply:

(a) "Offering services" means manifesting a willingness to provide services, either orally or in writing, such that another person may reasonably believe that their assent to the services is invited and will establish an agreement.

(b) "Appurtenant" services are those services that relate to the construction trade, which include constructing, altering, repairing, or improving real estate.

(2) The architect and firm registration requirements of ORS 671.010 to 671.220 do not prevent a construction contractor from offering services constituting the practice of architecture when all of the following conditions are met:

(a) The construction contractor holds an active license under ORS Chapter 701;

(b) The services offered by the construction contractor, constituting the practice of architecture, are appurtenant to construction services to be provided by the contractor;

(c) The services constituting the practice of architecture are performed by an architect or architects registered under ORS 671.010 to 671.220; and

(d) The offer by the construction contractor discloses in writing that the contractor is not an architect and identifies the registered architect or architects that will perform the services constituting the practice of architecture.

(3) For the purposes of meeting the requirements of OAR 806-010-0075(2), the primary contract or agreement to provide architectural services for such an architectural project may be between the general contractor and the architect or firm providing architectural services.

(4) An architect performing or identified as an architect that will perform the services constituting the practice of architecture as provided in subsection (2) of this rule must notify the Board, in writing, within thirty (30) days if, after the contractor is retained by the owner, the architect ceases to provide the architectural services identified in the offer by the construction contractor.

(5) Construction contractors who violate any portion of this rule may be practicing architecture or using the architect title in violation of ORS 671.020. As such, the contractor may be subject, under ORS 671.220, to sanctions and civil penalties of up to \$5,000 per violation.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.020, 671.030, 671.100 & 671.220

Hist.: BAE 6-2002, f. 8-14-02 cert. ef. 8-15-02; BAE 4-2005, f. 8-29-05, cert. ef. 8-30-05

806-010-0080

Architectural Firms

(1) As used in this rule and OAR 806-010-0105 (Schedule of Actual Fees), architectural firm is defined as any firm that provides architectural services in the state of Oregon including:

(a) Corporations (refer to OAR 806-010-0110 for specific rules relating to corporate or assumed business names);

(b) Partnerships;

(c) Limited liability companies;

(d) Individuals practicing under an assumed business name (refer to OAR 806-010-0110 for specific rules relating to corporate or assumed business names).

(2) Prior to practicing architecture in this state, an architectural firm must apply for and obtain registration with the Board.

(3) An architectural firm must be identified as being engaged in the practice of architecture. If the firm name uses the plural form of "architect," the firm must have more than one architect registered in any NCARB recognized jurisdiction associated with the firm as a principal, partner, or employee.

(4) An architectural firm name may contain numbers, as long as the firm name is not misleading to the public (i.e., "Three Oregon Architects" must have three architects registered in Oregon).

(5) Additional requirements for registration are as follows:

(a) **Corporations:** At least 2/3 of the Board of Directors must be architects or engineers registered in any NCARB recognized jurisdiction. At least 1/3 of the Board of Directors must be registered as architects in any NCARB recognized jurisdiction. At least one director of the corporation must be an Oregon registered architect and make architectural decisions and sign/stamp all plans on Oregon architectural projects. If a corporation was in continuous existence since September 29, 1991, and at least 51% of the corporation is owned by an Oregon registered architect or engineer, the corporation is exempt from typical ownership requirements, but must still meet all other firm name requirements.

(b) **Partnerships:** At least 2/3 of the partners must be architects or engineers registered in any NCARB recognized jurisdiction and represent at least 2/3 ownership interest in the partnership. At least 1/3 of the partners must be registered as architects in any NCARB recognized jurisdiction. At least one partner must be an Oregon registered architect and make architectural decisions and sign/stamp all plans on Oregon architectural projects.

(c) **Limited Liability Companies (LLC):** At least 2/3 of the members of an LLC must be architects or engineers registered in any NCARB recognized jurisdiction and represent at least 2/3 ownership interest in the LLC. At least 1/3 of the members must be registered as architects in any NCARB recognized jurisdiction. At least one member of the LLC must be an Oregon registered architect and make architectural decisions and sign/stamp all plans on Oregon architectural projects.

(6) Application for registration of an architectural firm, whose existence required registration with the state in which it was formed, must include a certificate of existence, not more than 60 days old, from the Secretary of State of the state in which the architectural firm was formed.

(7) Upon receipt of an application with the supporting documentation and proof of compliance with the firm registration and name requirements and upon receipt of the registration fee, the Board will issue a certificate of registration which will remain in effect until January 31st of the year following the date initial certification is granted (See Schedule of Actual Fees, OAR 806-010-0105(5)).

(8) On or before January 31st of each year, an architectural firm shall submit an application for annual renewal accompanied by the renewal fee (See Schedule of Actual Fees, OAR 806-010-0105). The renewal application must list:

(a) The names and addresses of all directors, members, or partners in the firm.

(b) Whether the directors, members, or partners are registered or licensed architects or engineers; and

(c) The jurisdictions in which the directors, members, or partners are registered or licensed.

(d) The signature of the firm representative taking responsibility for the information contained in the firm renewal application and attachments. The firm representative must be an officer or voting member of the firm, or have ownership interest in the firm.

(9) An architectural firm may renew firm registration not later than 30 days after the renewal deadline without penalty, upon submission of the renewal application and payment of the renewal fee.

(a) An architectural firm may renew firm registration between 31 and 60 days after the renewal deadline, upon submission of the renewal application, payment of the renewal fee, plus a penalty equal to the amount of the renewal fee.

(b) On the 61st day following the renewal deadline, the architectural firm who fails to pay the renewal fee plus the penalty will forfeit the firm registration and must not practice architecture under the firm name.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.041

Hist.: AE 11, f. 2-15-74, ef. 3-11-74; AE 16(Temp), f. & ef. 5-17-77; AE 17, f. & ef. 9-22-77; AE 2-1978, f. & ef. 2-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1987, f. & ef. 3-30-87; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 4-2001, f. & cert. ef. 10-4-01; BAE 1-2002, f. & cert. ef. 4-30-02; BAE 3-2003, f. & cert. ef. 4-11-03; BAE 5-2004, f. & cert. ef. 5-5-04; BAE 5-2005, f. 8-29-05, cert. ef. 8-30-05; BAE 5-2009, f. & cert. ef. 11-5-09

806-010-0090

Renewal of Architect Registration

(1) The renewal deadline for architect registration certificates ending in odd-numbers is July 1, 2013. For all subsequent renewals, the renewal deadline for architect registration certificates ending in odd-numbers is December 31st of odd-numbered years. The renewal deadline for architect registration certificates ending in even-numbers is July 1, 2014. For all subsequent renewals, the renewal deadline for architect registration certificates ending in even-numbers is December 31st of even-numbered years. Architect registration certificates issued by this board expire at the end of the established grace periods in ORS 671.080. To renew, the registrant must:

(a) Submit a current renewal form, fully completed and received in the board office on or before the renewal deadline of the year in which the registration expires;

(b) Pay all required renewal fees, including any applicable late fees, specified in OAR 806-010-0105; and

(c) Provide any required evidence that the requirements for continuing education in OAR 806-010-0145 have been met.

(2) If a registrant fails to have a certificate renewed on or before the renewal deadline of the year in which the registration expires the registrant is delinquent. The registrant may renew the certificate during the established grace periods by submitting a complete renewal, as follows:

(a) Not later than July 31st of the year 2013 or 2014 in which the registration expires, including payment of the renewal fee and any applicable late CEH reporting fee. For all subsequent renewals, not later than the 30th day after the renewal deadline, including payment of the renewal fee and any applicable late CEH reporting fee; or

(b) After July 31st, but before August 30th of 2013 or 2014 in which the registration expires, including payment of the renewal fee, the late renewal fee, and any applicable late CEH reporting fee. For all subsequent renewals, after the 30th day after the renewal deadline, but before the 61st day after the renewal deadline, including payment of the renewal fee, the late renewal fee, and any applicable late CEH reporting fee.

(3) On August 30th following the renewal deadline in 2013 or 2014, and on the 61st day following the renewal deadline in all subsequent years, the certificate of the registrant who fails to provide a complete renewal application and pay all applicable fees shall become inactive in Oregon. Reinstatement to active status must be in accordance with the provisions of OAR 806-010-0060.

Stat. Auth.: ORS 670 & 671.125

Stats. Implemented: ORS 671.080

Hist.: AE 18(Temp), f. 10-4-77; AE 21, f. & ef. 12-20-77; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 3-1992, f. & cert. ef. 6-30-92; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 1-2003, f. & cert. ef. 1-15-03; BAE 2-2008, f. 3-7-08, cert. ef. 7-1-08; BAE 3-2012, f. & cert. ef. 8-13-12; BAE 5-2012, f. 12-19-12, cert. ef. 12-31-12

806-010-0095

Filing and Maintenance of Current Contact Information

(1) Each person holding a certificate of registration to practice architecture in Oregon and each person filing any application form with the Board must file proper and current contact information with the Board to include all of the following:

(a) Both work and home addresses,

(b) Telephone numbers for both work and home;

(c) Fax numbers for both work and home, as applicable;

(d) At least one email address; and

(e) A designation of which is the preferred address, fax, phone, and email to which the Board may contact the certificate holder or applicant.

(2) Each architectural firm registered with this Board must provide proper and current contact information with the Board to include all of the following:

(a) The firm's mailing and street address;

(b) Telephone number;

(c) Fax number;

(d) The name of the firm's representative through which the Board may contact the firm; and

(e) Email address of the firm representative.

(3) Each applicant, registered architect, candidate, architectural firm, and holders of Architect Emeritus status must maintain contact information by notifying the Board in writing of changes to any and all contact information required under subsections (1) and (2) of this rule within 60 days of such a change.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.041, 671.050, 671.080 & 671.125

Hist.: AE 1-1981, f. & ef. 3-5-81; AE 1-1987, f. & ef. 3-30-87; BAE 9-2002, f. & cert. ef. 12-12-02; BAE 1-2009, f. & cert. ef. 2-5-09

806-010-0105

Fee Schedule

(1) Initial Registration — \$115;

(2) Renewal — \$200 (Fee for renewal in 2013 and 2014 is \$250);

(a) Late Renewal — \$100;

(b) Late CEH — \$100;

(3) Examination Application — \$75;

(4) Reciprocal Application — \$100;

(5) Duplicate Wallet Card or Certificate — \$25;

(6) Firm Registration — \$100;

(7) Firm Renewal — \$100;

(8) Reinstatement — \$400; (9) Miscellaneous:

(a) Labels, lists, or computer disk of licensees — \$50;

(b) Copying charges:

(A) The first 5 pages — free;

(B) Additional pages — \$0.25 per page. Stat. Auth.: ORS 671.125

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 3-1983, f. 1-12-83, ef. 3-1-83; AE 2-1984, f. & ef. 10-23-84; AE 1-1986, f. 11-12-86, ef. 11-13-86; AE 1-1988, f. & cert. ef. 3-14-88; AE 2-1988, f. & cert. ef. 9-9-88; AE 4-1992, f. & cert. ef. 9-2-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 5-2001, f. & cert. ef. 10-24-01; BAE 2-2002, f. & cert. ef. 4-30-02; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 1-2003, f. & cert. ef. 1-15-03; BAE 2-2008, f. 3-7-08, cert. ef. 7-1-08; BAE 3-2010, f. & cert. ef. 12-14-10; BAE 3-2011, f. & cert. ef. 7-22-11; BAE 3-2012, f. & cert. ef. 8-13-12; BAE 1-2013, f. & cert. ef. 2-12-13; BAE 1-2014, f. & cert. ef. 4-24-14

806-010-0110

Corporate/Assumed Business Names

(1) Architects practicing under an "assumed" or a "corporate" name must file such name annually with the Board as part of their firm renewal application process. Such filing shall include any changes to the names of all stockholders of the corporation or all principals or partners of the firm or partnership.

(2) A name is considered to be "assumed" when it is other than the real and true name of each person conducting business in this state or having an interest therein (e.g., J. L. Smith; Smith, Smith and Jones; Architectonics and the like).

(3) When wording is used in a corporate or assumed business name to suggest the existence of additional principals, directors, partners or associates, the reference must be to existing persons currently within the firm, corporation, limited liability company, or partnership.

(a) Wording which suggests the existence of additional principals within the meaning of this rule includes "Associated," "Group," & Associates," "Partners" and the like.

(b) Use of such wording requires at least one architect and at least two design-related professionals associated with the firm as principals, partners, or employees in order to be registered by the Board as a firm allowed to provide architectural services.

(4) The corporate or assumed business name must identify the corporation, firm or partnership as being engaged in the practice of

architecture (e.g., “Architects,” “An Architectural P.C.,” “Architecture and Planning” and the like).

(5) The corporate or assumed business name may not include the surname of any person not presently or previously associated in the practice of architecture or engineering in any jurisdiction recognized by NCARB with the named entity or its members or predecessors.

(6) An architectural firm, corporation (professional or general); limited liability company; or partnership may not use the position or title “Principal” or “Partner” unless the title refers to a person who has a financial interest in the entity.

(7) An architectural firm may use the plural form of architect in the firm name only if the firm has more than one architect, actively registered in any state or territory of the United States or Canadian Province, associated with the firm as principals, partners, or employees; and at least one of the architects is actively registered in Oregon under ORS 671.010 to 671.220.

(8) An architectural firm name may contain numbers as long as the firm name is not misleading to the public (i.e., “Three Oregon Architects” must have three architects registered in Oregon).

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.041

Hist.: AE 1-1984, f. & ef. 8-22-84; AE 1-1987, f. & ef. 3-30-87; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 6-2001, f. & cert. ef. 10-24-01; BAE 8-2002, f. & cert. ef. 10-8-02; BAE 3-2003, f. & cert. ef. 4-11-03; BAE 5-2005, f. 8-29-05, cert. ef. 8-30-05

806-010-0115

Construction Document Modification

Modifications to construction documents for buildings/structures are an integral part of the practice of architecture; and as such, additional drawings and specifications which become part of change orders and/or addenda to alter those documents must bear the stamp and signature, as required, of the registered architect or engineer responsible for the modifications.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.020

Hist.: AE 1-1984, f. & ef. 8-22-84; BAE 2-1998, f. & cert. ef. 6-22-98

806-010-0120

Planning and Designing a Building

The planning and designing of a building referred to in ORS 671.010(6), commences with the initial client/architect contact and progresses logically through the development of the construction documents:

(1) Planning and designing a building includes, but is not limited to, the determination of design objectives, space requirements, space relationships, systems, flexibility/expansibility and site requirements. There are four distinct areas of concern: Aesthetics (what the building should look and feel like); technology (how it can be built, control of interior environment and selection of materials); economics (the limitations of the budget); and function (what the building is to do).

(2) The planning and designing of the building culminates in the development of the construction documents. Construction documents include, but are not limited to, the architectural drawings, structural drawings, mechanical and electrical drawings, specifications and bidding documents. Except as provided in ORS 479.860, 671.025 requires construction documents for non-exempt work to be stamped by an Oregon registered architect or professional engineer. The construction documents must be drawn to scale and fully relate the nature and extent of work proposed.

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.010

Hist.: AE 1-1986, f. 11-12-86, ef. 11-13-86; BAE 1-2001, f. & cert. ef. 1-17-01

806-010-0125

Definitions

The term, “appurtenances,” mentioned in the definition of the Practice of Architecture in ORS 671.010(6), refers to those systems, equipment and/or elements, whether interior or exterior, that are necessary to the overall function of a building.

Stat. Auth.: ORS 671 & 672

Stats. Implemented: ORS 671.010

Hist.: AE 2-1987, f. & ef. 6-3-87

806-010-0130

Architect Emeritus

The title of “Architect Emeritus” may be granted, at the discretion of the Board upon submission of an application from an Oregon registered architect who is currently in good standing with the Board.

(1) To be eligible for consideration, the architect must:

(a) Be at least 60 years of age;

(b) Have practiced architecture in Oregon for a period of not less than 20 years; and

(c) Have been an Oregon resident during the architect’s active architectural practice and licensure by this Board for a minimum of five (5) consecutive years.

(2) There are no fees for Architect Emeritus status.

(3) Architect Emeritus is an inactive status. The individual is not eligible to practice architecture in Oregon and may not use the architect title.

(4) In order to be eligible to practice architecture in Oregon, the Architect Emeritus must comply with the reinstatement requirements found in OAR 806-010-0060.

(5) The Board reserves the right to review and approve special requests for Architect Emeritus status.

(6) The Board will issue a certificate to those receiving Architect Emeritus status according to OAR 806-010-0040.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 1-1992, f. 1-9-92, cert. ef. 1-10-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 4-2014, f. & cert. ef. 7-24-14

806-010-0140

Use of the “AIA” Acronym

In accordance with ORS 671.020(1) & (6), 671.030(1), and 671.220(5), the “AIA” acronym may be used to signify professional membership in the American Institute of Architects following the name of a person or entity, providing the person or entity using “AIA” is a member in good standing of the American Institute of Architects and is licensed or registered and in good standing in a jurisdiction recognized by the Board. No person or entity using the “AIA” designation may use it in a manner that misrepresents whether the person is licensed or the entity is registered by the Board to practice architecture in Oregon.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.020 & 671.030

Hist.: AE 1-1995, f. 10-31-95, cert. ef. 12-1-95; AE 2-1997, f. & cert. ef. 9-24-97; BAE 6-2009, f. & cert. ef. 11-13-09

806-010-0145

Continuing Education

(1) In order to renew or reinstate architect registration an individual must:

(a) Report 24 CEH obtained within the 2-year registration period, or

(b) If the previous registration period was the individual’s initial registration in Oregon, report the number of CEH required by the board, calculated at one hour per month of registration, beginning with the first full month following date of initial registration.

(c) For reinstatement of registration, report one CEH per month since last date of active registration in Oregon up to a maximum of 24 hours obtained within the previous 24 months.

(d) For renewal of registration, CEH obtained after the renewal deadline in 806-010-0090(1) is subject to the late CEH fee in 806-010-0105(2)(b).

(e) Report CEH in minimum one-hour increments.

(2) A Continuing Education Hour (CEH) is defined as one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect’s knowledge and competence in Health, Safety and Welfare (HSW) subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the

prescribed time to be unreasonable, be accepted as the architect's time for CEH purposes irrespective of actual time spent on the activity.

(3) Making false statements or misrepresentations related to continuing education activities, or failure to comply with continuing education requirements may result in revocation or non-renewal of registration, or disciplinary action.

(4) All CEH must be in HSW subjects, which are those technical and professional subjects deemed appropriate to safeguard the public and that are necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment, including but not limited to:

(a) Building Systems: structural, mechanical, electrical, plumbing, communications, security, fire protection;

(b) Construction Contract Administration: contracts, bidding, contract negotiations.

(c) Construction Documents: drawings, specifications, delivery methods;

(d) Design: urban planning, master planning, building design, site design, interiors, safety and security measures;

(e) Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation;

(f) Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public;

(g) Materials and Methods: construction systems, products, finishes, furnishings, equipment;

(h) Pre-Design: land use analysis; programming, site selection, site and soils analysis, surveying;

(i) Preservation: historic, reuse, adaptation;

(5) CEH may be audited to verify compliance with these requirements. Evidence of compliance must be maintained by the architect for two years from the date of completion of the CEH. If selected for audit, the individual must provide evidence to verify completion of CEH requirements. Acceptable evidence of completion is documentary evidence issued by the AIA or other CEH provider verifying that the individual completed the continuing education activity. If audited:

(a) For renewal of registration, the individual will be notified in writing if the requirements have not been met, and shall have 60 days from the date of written notice to complete the required number of CEH and pay the late CEH fee in 806-010-0105(2)(b).

(b) For reinstatement of registration, the individual will be notified in writing if the requirements have not been met. Reinstatement will not be granted until CEH requirements have been met.

(6) Time spent on any continuing education activity may be used only once to meet CEH requirements for renewal or reinstatement of registration.

(7) The following continuing education activities do not qualify for meeting CEH requirements:

(a) Time spent in unstructured programs or self-directed study.

(b) Time spent on architectural educational tours of cities, buildings, or public places, unless there is a significant HSW component to the tour curriculum.

(c) Time spent in any teaching program sharing professional skills, such as the Architects in Schools (AIS) program.

(d) Time spent as a mentor for a person enrolled in the IDP.

(8) An individual may be granted full or partial exemption from CEH requirements if the individual submits acceptable documentation that one of the following exemption criteria has been met:

(a) Honorable active duty military service during the registration period;

(b) Individual hardship, which shall include health (certified by a medical doctor) or other good cause. The individual must provide any information requested by the board to substantiate the hardship. Individual hardship exemption is granted at the sole discretion of the board.

[ED. NOTE: Schedules & Forms referenced are available from the agency.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.125 & 671.080

Hist.: BAE 1-2000, f. & cert. ef. 2-23-00; BAE 2-2000, f. & cert. ef. 7-24-00; BAE 3-2001, f. & cert. ef. 10-4-01; BAE 3-2002, f. 7-10-02 cert. ef. 7-15-02; BAE 4-

2002, f. & cert. ef. 8-7-02; BAE 1-2003, f. & cert. ef. 1-15-03; BAE 5-2004, f. & cert. ef. 5-5-04; BAE 7-2006, f. & cert. ef. 12-13-06; BAE 2-2008, f. 3-7-08, cert. ef. 7-1-08; BAE 1-2010, f. & cert. ef. 4-6-10; BAE 3-2012, f. & cert. ef. 8-13-12; BAE 2-2014, f. & cert. ef. 4-24-14

DIVISION 20

RULES OF PROFESSIONAL CONDUCT

806-020-0010

Truthful Statements to the Board

A registered architect shall be forthright and candid in statements or written responses to the board or its representatives on matters pertaining to professional conduct. The signature of an Architect in all matters relating to Professional Conduct certifies to the best of the architect's knowledge, information and/or belief that the information furnished is true and that no information has been withheld.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 090, 671.125

Hist.: AE 1-1983, f. & ef. 1-12-83; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; BAE 6-2006, f. & cert. ef. 11-9-06

806-020-0020

Responsibility to the Public

The architect shall at all times recognize the primary obligation is to protect the health, safety, and welfare of the public in the practice of architecture. If, in the architect's professional judgment, health, safety, and welfare may be endangered, the employer or client shall be informed of the possible consequences. The architect shall also notify involved building officials and the Oregon Board of Architect Examiners.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.060

Hist.: AE 1-1983, f. & ef. 1-12-83; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 7-2001, f. & cert. ef. 10-24-01; BAE 6-2005, f. & cert. ef. 12-13-05

806-020-0030

Competence

(1) In practicing architecture, an Architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is applied by architects of good standing, practicing in the same locality.

(2) An Architect shall undertake to perform professional services only when the Architect, together with those whom the Architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(3) An Architect shall take into account applicable state and municipal building codes, laws and regulations. An Architect shall not knowingly prepare or stamp construction documents which are in violation of the codes, laws or regulations.

Stat. Auth.: ORS 671.125(2)

Stats. Implemented: ORS 671.125(2)

Hist.: AE 1-1983, f. & ef. 1-12-83; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96

806-020-0040

Conflict of Interest

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

(2) If an Architect has any business association or direct or indirect financial interest which is substantial enough to influence personal judgment in connection with performance of professional services, the Architect shall fully disclose in writing to the client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the Architect shall either terminate such association or interest or offer to give up the commission or employment.

(3) An Architect shall not solicit or accept compensation from material or equipment suppliers before or after the fact.

Stat. Auth.: ORS 671.125(2)

Stats. Implemented: ORS 671.125(2)

Hist.: AE 1-1983, f. & ef. 1-12-83; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96

806-020-0080

Misconduct

Under the provisions of ORS 671.090 and 671.220, an architect may be disciplined for misconduct in the practice of architecture if he or she:

(1) Signs or stamps drawings, specifications, reports or other professional work which were not prepared under the architect's direct control and supervision.

(2) Offers or accepts gifts, other than gifts of nominal value (e.g. reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client or governmental official in connection with a project in which the architect is interested.

(3) Engages in any conduct involving fraud or deceit which relates to the business or practice of architecture.

(4) Takes improper credit for work on an architectural project, such as by failing to:

(a) Accurately describe his or her role in the project;

(b) Name the architect or architectural firm of record on a project;

(c) List reference information in a prominent location and in close proximity to the credit given or claimed.

(5) Assists the application for registration of a person by falsely verifying the individual's education, training or experience.

(6) Makes any false statement or gives any false information in connection with an application for registration or for renewal of registration.

(7) Is convicted of any crime under circumstances that relate to the practice of architecture.

(8) Violates any federal or state statute or rule that relates to the practice of architecture.

(9) Practices architecture while the architect's ability to practice is impaired by alcohol or drugs.

(10) Engages in false, misleading or deceptive advertising, which may include, but is not limited to:

(a) Misleading, or attempting to mislead, existing or prospective clients or the public, through advertising or other means, about the results that can be achieved through the use of the registrant's services;

(b) Misleading, or attempting to mislead, existing or prospective clients or the public by suggesting that the registrant can achieve results by means that violate this code or the law;

(c) Failing to truthfully inform the client, employer, or public about personal qualifications, capabilities, or experience; and without exaggerated, misleading, deceptive, or false statements or claims;

(d) Taking credit for work performed under the direction of a former employer beyond the scope of one's actual personal role and contribution.

(11) Makes a substantial misrepresentation in the course of practice.

(12) Obtains or attempts to obtain compensation by fraud or deceit.

(13) Engages in any conduct that, through professional experience, is not an acceptable standard for architectural practice in Oregon.

(14) Practices architecture in Oregon while not holding an active Oregon license to practice architecture.

(15) Is the subject of disciplinary action taken by another jurisdiction.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.090(4) & 671.125

Hist.: AE 1-1983, f. & ef. 1-12-83; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 1-2004, f. & cert. ef. 1-28-04; BAE 6-2006, f. & cert. ef. 11-9-06

806-020-0085

Incompetency

Under the provisions of ORS 671.090(4), an architect is incompetent in the practice of architecture who has:

(1) Been adjudicated mentally incompetent by a court.

(2) Engaged in conduct which evidenced a lack of ability or fitness to discharge the duty and responsibility owed by the architect to a client or to the general public; or

(3) Engaged in conduct which evidenced a lack of knowledge of, or an inability to apply, the principles or skills of the architectural profession.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.090(4) & 671.125

Hist.: AE 1-1983, f. & ef. 1-12-83

806-020-0090

Gross Negligence

(1) Under the provisions of ORS 671.090(4) an architect shall be considered grossly negligent who has:

(a) Been found habitually guilty of neglect;

(b) Been found lacking in ordinary care and concern; and/or

(c) Been found extremely careless in the practice of architecture.

(2) Should the Board not discipline for a single act of Gross Negligence, the Board does not waive its right and duty to evoke sanctions against the architect for repeated acts of Gross Negligence.

Stat. Auth.: ORS 671

Stats. Implemented: ORS 671.090(4) & 671.125

Hist.: AE 1-1983, f. & ef. 1-12-83

