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**DIVISION 1**

**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' 2007-2009 Biennial Budget of \$660,000 covering the period July 1, 2007, through June 30, 2009. The Board Administrator will amend budgeted accounts as necessary, within the approved budget of \$660,000, 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

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

**806-001-0004**

**Rules of Procedure**

The Board adopts the January 1, 2006, 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

**806-001-0005**

**Model Rules of Procedure**

The Board adopts the January 1, 2006, 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

**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 Board adopts the list of accredited education programs in architecture as accredited and published by the National Architectural Accrediting Board (NAAB) as sources of approved education for registration.

(3) The Board adopts the requirements for the Intern Development Program (IDP) published by the National Council of Architectural Registration Boards (NCARB) as the approved internship experience required for registration.

(4) The Board adopts the Architectural 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 initial registration process outlined in OAR 806-010-0020; or

(b) the reciprocal registration process outlined 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

## 806-010-0020

### Registration Examination

(1) A person seeking registration by examination must present the Board with an appropriate application and fees, and a complete record demonstrating to the Board that the person has met the required accredited education, experience, and examination, as follows:

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

(b) After an IDP record is established with NCARB, a candidate may submit an application and examination fee to the Oregon Board.

(c) A candidate may begin taking the ARE only after the Board notifies them, in writing, that the application has been approved.

(d) In order to be evaluated for initial registration, an applicant must demonstrate the following:

(A) Successful completion of the IDP program; and

(B) Successful passing of all divisions of the ARE.

(e) After meeting the above requirements, approved candidates must sit for and pass a jurisprudence examination, attend an oral interview with the Board, and pay registration fees before registration may be granted.

(2) **IDP:** The Board requires completion of acceptable experience, as evaluated by NCARB and found within NCARB's Intern Development Program Guidelines. Requests for admittance to the IDP should be directed to NCARB.

(3) **ARE:** The Board requires successful completion of all divisions of the ARE. An application for examination made on forms provided by the Board and accompanied by a fee, as well as NCARB verification, must be received and approved by the Board prior to a candidate scheduling any division of the examination. A candidate may begin testing only after the candidate receives written approval from the Board.

(a) The intent of the ARE is to evaluate an applicant's competence in the protection of public health, safety and welfare to provide the architectural services of building design and construction systems; building systems; construction documents and services; programming, planning and practice; schematic design; site planning and design; and structural systems. The subject of life safety is the basic purpose of the ARE and this subject permeates the entire examination; the subject of energy conservation is an economic and welfare issue and as a subject is considered through the syncretical process of developing architecture. The ARE content is based on the knowledge and skills required of a newly registered architect, practicing independently, to provide architectural services. The ARE evaluates an applicant's competence in the provision of architectural services to protect the public health, safety, and welfare.

(b) **Grades:** The Board adopts the grading procedures established by NCARB. NCARB's test result findings are binding. Candidates will have no opportunity to review or challenge test results.

(A) Periodically the ARE is updated with a newer version. When this occurs, there will be a conversion between older and newer versions, and candidates who have not completed the ARE in one version must complete appropriate transitions to be considered as passing the ARE.

(B) To protect an examinee's right to control the distribution of his or her scores, the Board will not divulge test results to others, except at the specific written request of the examinee.

(c) **Five-Year Rolling Clock:** All divisions of the ARE must be passed within a consecutive five-year period of time, referred to as the "five-year rolling clock", with specific criteria to follow:

(A) The five-year rolling clock period begins on the date when the first successfully passed division is administered, and all ARE divisions must be completed during the five-year period that follows.

(B) If a candidate does not successfully complete all divisions of the ARE within the five-year window, the passing scores of earlier divisions will expire.

(C) Once the grade for a division expires and is considered invalid, examinees may retake the invalid division as long as all ARE divisions are validly passed within a consecutive five-year window.

(D) Divisions of the ARE passed prior to January 1, 2006, will not have to be retaken to meet the five-year rolling clock requirements. The rolling clock applies only to divisions passed on or after January 1, 2006.

(d) **Retakes:** Examinees may schedule the examination divisions, in any order of administration and on a time schedule of the examinee's choice, by appointment with the test centers. Examinees have unlimited opportunities to re-take divisions, except that a failed division cannot be rescheduled within the six month period following the date that the failed division was administered.

(4) **Completing Registration:** Once the application materials have been evaluated and a candidate demonstrates they have met the education, IDP, and ARE requirements, the candidate will be invited to continue with the final steps to registration.

(5) **Jurisprudence Examination (JE):** After a candidate has successfully completed the ARE and IDP, the candidate must sit for and pass the Board's JE covering Oregon statutes and rules governing the practice of architecture.

(a) The JE will be administered in the same city and on the same day as regularly scheduled Board meetings.

(b) Candidates who pass the JE will appear before the Board for an oral interview on the same day.

(c) Candidates who do not pass the JE will not be allowed any opportunity to review or challenge test results and will be required to reschedule the JE no sooner than the next regularly scheduled board meeting date.

(d) The JE will be scheduled for 60 minutes in length and a passing score of 84 percent is the minimum acceptable passing score. The only items candidates may bring into the exam site and may have available to them during the JE are copies of the Oregon rules and laws.

(6) **Oral Interview:** Candidates who successfully pass the JE must appear before the Board for an oral interview. The oral interview is scheduled to follow the JE held on regularly scheduled Board meeting dates, and is an opportunity for registrants to meet the Board and discuss the rules and laws in effect in Oregon.

(7) **Registration:** Upon successful completion of the requirements of this section and upon payment of the registration fee, the Board may grant a certificate of registration.

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

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.050 & 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 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

## 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

#### Reciprocal Registration Process

(1) Any registered or certified architect from another state or a territory, or Canadian Province who desires registration to practice in Oregon, must furnish an Oregon Board application and the applicant’s Council Record from NCARB. In addition, the applicant must provide evidence for all of the following:

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

(b) Successfully passing the ARE;

(c) If an architect has not been examined for seismic and lateral forces knowledge through successful completion of an NCARB examination in 1965 or later, the architect must then provide evidence of successfully completing the NCARB Division LF Lateral Forces examination;

(d) Verification of completion of NCARB’s IDP program or two years of consecutive and active practice in architecture in a Board-recognized jurisdiction after initial registration; and.

(e) The reciprocal application fee (See Schedule of Actual Fees, OAR 806-010-0105).

(2) **Jurisprudence Examination (JE):** After a candidate has completed the application process, the candidate must sit for and pass the Board’s JE covering Oregon statutes and rules governing the practice of architecture.

(a) The JE will be administered in the same city and on the same day as regularly scheduled Board meetings.

(b) Candidates who pass the JE will appear before the Board for an oral interview on the same day.

(c) Candidates who do not pass the JE will not be allowed any opportunity to review or challenge test results and will be required to reschedule the JE no sooner than the next regularly scheduled board meeting date.

(d) The JE will be scheduled for 60 minutes in length, and a passing score of 84 percent is the minimum acceptable passing score. The only items candidates may bring into the exam site and may have available to them during the JE are copies of the Oregon rules and laws.

(3) **Oral Interview:** Prior to registration, Candidates who successfully pass the JE must appear before the Board for an oral interview. The oral interview is scheduled to follow the JE held on regularly scheduled Board meeting dates, and is an opportunity for registrants to meet the Board and discuss the rules and laws in effect in Oregon.

(4) **Registration:** Upon successful completion of the requirements of this section and upon payment of the registration fee, the Board may grant a certificate of registration.

#### (5) Limits:

(a) Reciprocity applicants may use the “Architect” title only under the conditions outlined in OAR 806-010-0037 and ORS 671.065.

(b) Reciprocity applicants may not practice architecture in Oregon until such time as registration is granted by the Oregon Board.

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

### 806-010-0037

#### Architect Title

The title of “Architect” is a protected title and may be used only by certain qualified individuals and businesses, 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) Individuals may use the title of “Consulting Architect” only as prescribed by ORS 671.010 and 671.020(2).

(3) Individuals may use the title of “Foreign Architect” only as prescribed by ORS 671.010 and 671.020(3).

(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;

(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 prospective client(s) has been advised, in writing, by the applicant that the applicant may not commence the project until 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 OAR 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) Those 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.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.050, 671.0671.065, 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

### 806-010-0040

#### Certificates

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

(2) When a certificate previously issued has been lost or destroyed, a charge for a duplicate shall be made to cover the expense of such duplicate certificate. (See Schedule of Actual Fees, OAR 806-010-0105)

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

### 806-010-0045

#### Stamps

(1) Every registered architect must have a stamp bearing the name of the registrant, only, together with the city and state in which the architect’s principal office is located. The stamp may, but need



not, include the architect's license number issued by the Oregon Board. A facsimile of the design and the lettering of the stamp appears herewith: [Image not included. See. ED. NOTE.]

(2) The stamp authorized by the Board must be one of crimp type, rubber stamp type, and/or computer generated type.

(3) The stamp with the registrant's handwritten 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.

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

(5) "Direct control and supervision" as used in ORS 671.020(5) and 671.090(6) shall be considered to mean that the documents bearing the architect's stamp and signature were prepared under the responsible direction of the architect, that the architect has exercised directing, guiding and restraining power over the preparation of the documents and that the architect has exercised his or her professional judgment in all architectural matters embodied within the documents. This rule is not intended to preclude the use of current technology or the use of standard details and product specifications in accomplishing the above objectives.

(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.

(6) 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 architect must use his or her own title block, stamp, and signature, and must remove the title block, stamp, 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

## 806-010-0050

### Supervision

(1) Supervision as mentioned in ORS 671.010(6), and as related to the practice of architecture shall mean the administration of the construction contract which includes:

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

(b) Observation of construction and evaluation of the work;

(c) Review of contractor's submittals; and

(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 supervise all projects they stamp, with the exception of single-family residences. If the architect of record will not be providing the required supervision, he or she will forthwith advise in writing all involved permit issuing agencies of this fact as well as the Oregon Board of Architect Examiners.

(3) In accordance with ORS 671.010(6), supervision of the erection of non-exempt structures 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

## 806-010-0060

### Abandonment and Reinstatement of Practice

(1) **Inactive Status.** Unless otherwise provided by the Board, a licensee's certificate becomes inactive at the end of the grace periods, or on the 61st day following the renewal deadline date if registrant fails to meet renewal requirements as designated by statute or rule (including, but not limited to, failure to comply with the continuing professional education (CPE) program or failure to pay renewal fees or accrued penalties). A registrant may also request inactive status prior to the 61st day following the renewal deadline date. An inactive Oregon certificate prohibits an architect from practicing architecture in Oregon, as defined by statute and rule. An inactive Oregon certificate also prohibits use of the architect title in Oregon, as defined by statute and rule.

(2) The Board may reinstate an inactive licensee's certificate to practice architecture to active status from inactive status as provided in this rule:

(a) **Inactive for less than or equal to five years.** An inactive licensee whose certificate has been inactive in Oregon for less than, or equal to, five years may gain reinstatement to active status only after:

(A) Filing an application for reinstatement;

(B) Demonstrating current professional proficiency, as outlined under subsection (3)(a) or (3)(b) of this rule; and

(C) Paying the reinstatement fee (See Schedule of Actual Fees, OAR 806-010-0105).

(b) **Inactive over five years.** An individual who held a previously active license in Oregon whose license has been inactive for greater than five years, may gain reinstatement to active status only after:

(A) Filing a current reinstatement application;

(B) Payment of the reinstatement fee and the registration fee (See Schedule of Actual Fees, OAR 806-010-0105);

(C) Demonstration of current professional proficiency, as outlined under subsection (3)(b) or (3)(c) of this rule;

(D) Providing verification of meeting the National Council of Architect Registration Board (NCARB)'s seismic requirements, or the equivalent, as determined by this Board; and

(E) Passing a jurisprudence examination and oral interview by the Board.

(c) **"Architect Emeritus".** An Architect Emeritus seeking reinstatement of his or her Oregon registration that became inactive as an "Architect Emeritus" may gain reinstatement as follows:

(A) An Architect Emeritus in that status **for equal to or less than five years** may gain reinstatement to active status, at the discretion of the Board, only upon:

(i) Filing a reinstatement application;

(ii) Demonstration of current professional proficiency, as outlined in subsection (3) of this rule; and

(iii) Payment of the reinstatement fee.

(B) An Architect Emeritus in that status **for greater than five years** may gain reinstatement to active status only upon meeting the requirements listed in OAR 806-010-0060(2)(b).

(3) **"Current Professional Proficiency".** For purposes of this rule, current professional proficiency may be established by any one of the following:

(a) Submitting to the Board verifiable evidence of compliance with the aggregate continuing professional education (CPE) requirements for the reporting periods that the certificate was inactive in Oregon;

(b) Individuals registered in another jurisdiction that has a mandatory CPE requirement and is recognized by this Board may submit a copy of the certificate of architect registration, or equivalent documentation that demonstrates substantial compliance with Oregon's CPE requirements during the period that the individual's Oregon registration was inactive;

(c) Satisfying the requirements of OAR 806-010-0020 or 806-010-0035.

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

## 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(6) 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/firms may participate in a public architectural design competition in Oregon without first being registered by the Board if the individual/firm holds an active registration to practice

architecture in another jurisdiction recognized by the Board subject to all of the following:

(a) The individual/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 will not perform further architectural services on the project until registered by the Oregon 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 Oregon 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

## 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 shall 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.

(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 shall forfeit the firm registration and shall 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

## 806-010-0090

### Renewal of Architect Registration

(1) Beginning with the 2009 renewal, Architect registration certificate numbers issued by this Board ending in even numbers will expire on June 30th of even-numbered years; and certificate numbers ending in odd-numbers will expire on June 30th of odd-numbered years. To renew, certificate holders must:

(a) Submit a current Board renewal form, fully completed and received in the Board office on or before July 1st of the year in which the license 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 continuing professional education (CPE) requirements outline in OAR 806-010-0145 have been met.

(2) Registrants who fail to renew their registrations on or before July 1st of the year in which the registration expires (the renewal deadline) will be considered to be delinquent. Such a registrant may renew his or her certificate during the established grace periods by the Board's receipt of a complete renewal, as follows:

(a) Not later than July 31st of the year in which the registration expires, including payment of the renewal fee and any applicable late CPE reporting fee; or

(b) After July 31st, but before August 30th of the year in which the registration expires, including payment of the renewal fee, the late renewal fee, and any applicable late CPE reporting fee.

(3) On August 30th following the renewal deadline, the certificate of the architect who fails to pay the renewal fee, any applicable late renewal or late CPE reporting fees, or fails to provide a complete renewal application form to the Board office shall become inactive in Oregon. Reinstatement back to active status will 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

## 806-010-0095

### Filing of Current Mailing Address

Each person holding a certificate of registration to practice architecture in Oregon and each firm registered to practice architecture in Oregon shall file a proper and current mailing address with the Board at its office in Salem, and shall notify the Board in writing of all changes of mailing address within 60 days of such a change.

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.080

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

## 806-010-0105

### Schedule of Actual Fees

(1) Initial Registration:

(a) One year or less — \$75;

(b) More than one year to two years - \$150;

(2) Renewal:

(a) One year or less — \$100;

(b) More than one year to two years — \$200;

(c) Late Renewal — \$100;



(d) Obtaining CPE after deadline, but during grace period — \$100;

- (3) Examination Application Fee — \$75;
- (4) Reciprocal Application Fee — \$100;
- (5) Duplicate Wallet Card Certificate — \$25;
- (6) Firm Registration — \$100;
- (7) Firm Renewal — \$100;
- (8) Reinstatement — \$300;
- (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

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

## 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 of Architect Examiners, upon written request 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) Once granted “Architect Emeritus” status, the Architect Emeritus will no longer be required to pay the annual renewal fee to the Board of Architect Examiners.

(3) Although the Architect Emeritus granted such status may use the title “Architect Emeritus” following their name on any plaques, signs, letterhead and the like, the Architect Emeritus is no longer eligible to practice architecture in Oregon and may not so indicate.

(4) Should the Architect Emeritus wish to return to active practice, the Architect Emeritus must comply with the reinstatement requirements found in OAR 806-010-0060.

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

(6) The Board will issue a certificate to those receiving "Architect Emeritus" status signed by the Board Chair.

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

#### 806-010-0140

##### Use of Acronym, "AIA"

In accordance with ORS 671.020(1) & (4) and 671.030(1), the acronym, "AIA" may be used following a person's name providing the person using "AIA" is a member in good standing of the American Institute of Architects and is registered in good standing in a U.S. jurisdiction. The use of "AIA" shall not create intended or unintended misrepresentation regarding registration 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

#### 806-010-0145

##### Continuing Professional Education

(1) **CPE Required to Practice:** In order to continue to practice architecture in Oregon, every person holding an active certificate of registration with this Board must submit a complete report of CPE as part of the renewal process as outlined in OAR 806-010-0090.

(2) **Purpose and Scope:** These rules provide for a CPE program to insure that all architects remain informed of those technical subjects necessary to safeguard the health, safety, and welfare of the public. These rules shall apply to all architect certificate holders in Oregon.

(3) **Requirements:** To renew or reinstate registration, in addition to other requirements, an architect must have acquired CPE for each renewal period since the architect's last renewal, or be exempt from these CPE requirements.

(a) Within a two-year renewal cycle, a minimum of 24 CPE hours must be acquired in subjects that relate to safeguarding the health, safety, and welfare of the public.

(b) If an architect exceeds the CPE requirement in a renewal period, the architect may carry a maximum of 12 CPE hours forward into the next renewal period.

(c) Failure to comply with these requirements may result in non-renewal of the architect's registration, other disciplinary action, or both.

(4) **Initial Registration, Reissued Certificates, and during the Transition to two-year renewal cycles:** Registrants who receive an initial or reissued certificate to practice architecture in Oregon will comply with the CPE requirements on a pro-rated basis, calculated at one CPE hour per month, including the month of issuance or reissuance, until June 30th of the renewal cycle end.

##### (5) Reporting and Record Keeping:

(a) A registered architect shall complete and submit forms approved by the board certifying to the architect's having acquired the required CPE hours;

(b) An architect's submission may be selected for review by the board for verification of compliance with these requirements. Evidence of compliance shall be maintained by the architect for one renewal cycle beyond the period for which the form was submitted. If selected for the CPE review by the Board, the applicant must provide such evidence to verify attendance at reported CPE activities;

(c) If the board disallows any CPE hours, the architect shall have six months from notice of disallowance to make up the deficiency by acquiring the required number of CPE hours and reporting evidence of the completion of such hours to the Board. Such CPE hours shall not again be used for any subsequent renewal. No such allowance will be made if the board finds following notice and hearing that the architect willfully disregarded these requirements;

(d) Acceptable CPE activities will be reported in a minimum of one hour segments. One CPE hour will represent a minimum of 50 minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks, or administration matters related to courses of study;

(e) Failure to fulfill the CPE requirements and/or file the required renewal report, properly and completely, including all required signatures and fees, shall result in non-renewal of an architect's certificate of registration or disciplinary action, or both, unless a complete renewal has been received by the Board prior to the deadline and the minimum CPE requirements have been met.

(f) In addition to allowed carryover hours, CPE must be acquired during the renewal cycle outlined in OAR 806-010-0090.

(g) Any false statements or misrepresentations with respect to course attendance or any other aspect of continuing professional educational activity shall subject the architect to license revocation or other disciplinary action.

(h) CPE hours may be reported on a current Board renewal form or by submitting a transcript from the American Institute of Architects, Continuing Education Program, that document CPE credits were earned by the architect during the renewal period.

(6) **Activities:** The following suggested list may be used by all registrants in determining the types of activities, which may fulfill CPE requirements. (Refer to section (5) for reporting and record keeping procedures.)

(a) CPE hours in attendance at short courses or seminars, in HSW subjects related to the practice of architecture and sponsored by colleges or universities.

(b) CPE hours in attendance at technical presentations in HSW subjects related to the practice of architecture which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the American Institute of Architects, Construction Specifications Institute, Construction Products Manufacturers Council or similar professional organizations.

(c) CPE hours acquired in structured self-study courses such as those sponsored by NCARB, AIA, or similar organizations, and dealing with HSW subjects related to the practice of architecture.

(d) A maximum of three CPE hours may be claimed as preparation time for each class hour spent teaching architectural courses or seminars in HSW subjects. College or University faculty may not claim CPE hours for teaching regular curriculum courses.

(e) CPE hours spent in architectural research in HSW subjects and has been published or formally presented to the profession or public.

(f) Reading designated articles or completing structured coursework in HSW subjects found in architectural journals or on web sites and receiving a certificate of completion issued by the provider. The professional journal articles dated before two years prior to the date of testing will not be allowed as acceptable CPE.

(g) Taking and passing college or university credit courses in HSW subject matter and dealing with architectural subjects. Each semester hour of credit awarded by the college or university each term will equal 15 CPE hours. Each quarter hour of credit awarded by the college or university each term will equal 10 CPE hours;

(h) CPE hours spent in professional service to the public which draws upon the registrant's professional expertise on boards and commissions that are charged with the protection of the health, safety, and welfare of the public, such as: serving on councils or commissions, planning commissions, building code advisory boards, budget committees, parks commissions, or urban renewal boards or committees;

(7) **Activities Not Allowed:** The purpose of the CPE requirement for license renewal in Oregon is to require architects to obtain regular and continual education in subjects that relate to the health, safety, and welfare of the public during the course of their professional life. As such, the following CPE hours are not allowed:

(a) Time spent on the same CPE, even if obtained on different dates, may be used only once during a renewal period to meet the renewal/CPE requirements.

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



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

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

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

(8) **Exemptions:** A registered architect may be exempt from Oregon's CPE requirements if the architect submits acceptable documentation that for not less than 18 months of the current renewal cycle the architect has met one of the following exemption criteria:

(a) Has served honorably on active duty in the military service;

(b) During the full period covered by this Board's renewal, the architect was actively registered as an architect in another Board-recognized jurisdiction that has a mandatory CPE requirement for renewal of an architect's registration;

(c) **Special Exemption** — The board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The architect must provide any information requested by the Board to assist in substantiating hardship cases. This 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

## 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