

Arkansas Architectural Act

Rules and Regulations



Issued by
Arkansas State Board of Architects
101 East Capitol Avenue
Suite 110
Little Rock, Arkansas 72201-3822

Rules and Regulations



Issued by
Arkansas State Board of Architects
101 East Capitol Avenue
Suite 110
Little Rock, Arkansas 72201-3822

© Copyright 2005
State of Arkansas

All Rights Reserved

Rules and Regulations

CHAPTER ONE: RULES AND REGULATIONS

	<i>Page</i>
SECTION I SCOPE; DEFINITIONS	7
A. PURPOSE	7
B. SEVERABILITY	7
C. TERMS DEFINED BY STATUTE	7
D. TERMS DEFINED HEREIN	7
SECTION II GENERAL PROVISIONS	8
A. BOARD OPERATIONS	8
B. BOARD SEAL	9
C. PUBLIC INFORMATION	9
D. COMMUNICATION; PROHIBITION OR IMPROPER CONTACTS	9
E. NCARB	9
F. AVAILABILITY OF FORMS	9
SECTION III APPLICATION FOR REGISTRATION	9
A. SUBMISSION OF APPLICANTS	9
B. SUPPLEMENTAL MATERIAL	9
C. FILING FEES	10
D. REGISTRATION STANDARDS	10
SECTION IV CONTINUING EDUCATION	10
A. PURPOSE	10
B. POLICY AND ADMINISTRATION	10
C. SCOPE AND EXEMPTIONS	10
D. REQUIREMENTS	11
E. ACCEPTANCE OF CONTINUING EDUCATION HOURS	11
F. AUDITS	12
G. NONCOMPLIANCE AND SANCTIONS	12
SECTION V RECIPROCAL REGISTRATION	12
A. INFORMATION REQUIRED	12
B. REGISTRATION PROHIBITED	12
SECTION VI EXAMINATION	13
A. GENERAL	13
B. APPLICATIONS	13
C. FORMAT	13
D. SCHEDULES	13
E. REPORTING	13
F. GRADING	13
G. CONDITIONS	13
H. RE-EXAMINATION	13
I. SCORE REPORTING AND REVIEWS	14
J. FEES	14
K. DISABLED EXAMINEES	14
SECTION VII REGISTRATION	14
A. ISSUANCE	14
B. DURATION	14
C. RENEWAL	14
D. NOT TRANSFERABLE	14
E. REVOCATION, SUSPENSION, CANCELLATION OR NONRENEWAL OF REGISTRATION	14
F. EMERITUS REGISTRATION REQUIRED	15
G. EMERITUS READMISSION TO ACTIVE PRACTICE	15
H. REISSUANCE	15

	<i>Page</i>
SECTION VIII ORGANIZATIONAL PRACTICE	15
A. PERMISSION TO PRACTICE ARCHITECTURE IN CORPORATE OR PARTNERSHIP FORM	15
B. DESIGN AND USE OF ARCHITECTS SEAL	16
C. UNAUTHORIZED USE OF ARCHITECT'S SEAL	18
D. ARCHITECT'S CONSULTANTS	18
SECTION IX RULES OF PROFESSIONAL CONDUCT	18
A. COMPETENCE	18
B. CONFLICT OF INTEREST	18
C. COMPLIANCE WITH LAWS	18
D. PROFESSIONAL CONDUCT	19
E. AMENDMENTS	19
F. ADMINISTRATION OF CONSTRUCTION CONTRACTS	19

CHAPTER TWO: RULES OF PROCEDURE

	<i>Page</i>
SECTION I RULES UNDER THE ARKANSAS ARCHITECTURAL ACT AND NOTICE - HEARINGS	21
A. RULES UNDER THE PRACTICE ACT	21
B. NOTICE - HEARING	21
SECTION II PRIOR RULES	21
PRIOR RULES - VALID	21
SECTION III RULE MAKING	21
SECTION IV VIOLATION OF RULES	21
SECTION V ORDER	21
A. ORDER - EFFECTIVE ONLY IN WRITING	21
B. EFFECTIVE DATE	21
C. ORDER MAY BE EFFECTUATED	21
D. ORDER FORMULATED UPON ADJUDICATION	22
SECTION VI DECLARATORY ORDER - RULES	22
A. DECLARATORY ORDER - PETITION FOR	22
B. PROMPT DISPOSITION	22
C. STATUS	22
SECTION VII ADJUDICATION	22
A. REASONABLE NOTICE	22
B. EVIDENCE MAY BE PRESENTED	22
C. STIPULATION/SETTLEMENT/CONSENT OR DEFAULT NOT PROHIBITED	22
D. RECORD	22
E. FINDINGS OF FACT	22
SECTION VIII ADJUDICATION - DECISIONS	22
A. FINAL DECISION	22
B. SERVICE OF COPY - DECISION	23
C. EXEMPTION	23
SECTION IX HEARING OFFICER	23
A. HEARINGS	23
B. RIGHT OF COUNSEL	23
C. IMPARTIALITY	23
D. POWER AND DUTIES OF PRESIDING OFFICIAL	23
E. BURDEN OF PROOF	23
F. EVIDENCE EXCLUDED	23
G. EVIDENCE ADMITTED	23
H. OBJECTIONS	23
I. EVIDENCE MAY BE WRITTEN	23
J. CROSS EXAMINATION	24
K. OFFICIAL NOTICE	24
SECTION X PROCEDURE ON DENIAL, SUSPENSION OR REVOCATION	24
A. GROUNDS FOR DISCIPLINE	24
B. PROCEEDINGS	24
C. METHOD OF SERVING NOTICE OF HEARING	25
D. VENUE OF HEARING	25
E. HEARINGS PUBLIC	25
F. RIGHTS OF PERSONS ENTITLED TO HEARING	25
G. POWERS OF THE BOARD IN CONNECTION WITH HEARING	26
H. RULES OF EVIDENCE	26
I. FEES - WITNESSES	26
J. MANNER AND TIME OF RENDERING DECISION	26
K. SERVICE OF WRITTEN DECISION	26
L. CONTENTS OF DECISION	26
M. JUDICIAL REVIEW	26

SECTION XI JUDICIAL REVIEW	Page 26
A. SERVICE	26
B. STAY OF ORDER	26
SECTION XII ENFORCEMENT	27
A. CIVIL ACTION	27
B. CRIMINAL ACTION	27

CHAPTER ONE

RULES AND REGULATIONS

SECTION 1 SCOPE; DEFINITIONS

- A. **PURPOSE**
These Rules and Regulations of the Arkansas State Board of Architects are set forth for the purpose of interpreting and implementing the Arkansas Architectural Act, Arkansas Code Annotated 17-15-101 et. seq. establishing the Board, and conferring upon its responsibility for registration of architects and the regulation of the practice of architects.
- B. **SEVERABILITY**
If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.
- C. **TERMS DEFINED BY STATUTE**
Terms defined in the Arkansas Architectural Act, Arkansas Code Annotated 17-15-101 et. seq. shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.
- D. **TERMS DEFINED HEREIN**
As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

Applicant

An individual who has submitted an application for registration to the Board.

Architect

“Architect” means a person who is technically and legally qualified to practice architecture.

A.R.E.

The current Architect Registration Examination prepared by NCARB.

CEH

One continuing education hour (CEH) shall represent a minimum of fifty (50) minutes of actual course time.

EESA

Education Evaluation Services for Architects, a program administrated by Educational Credential Evaluators, Inc., a private organization not affiliated with NCARB or any of it's members.

Emeritus Architect

A registrant who has retired from the active practice of architecture who is 65 years of age or older. At the discretion of the Board, a registrant of any age who has become incapacitated may be granted emeritus status. An emeritus architect may use the title “architect” but may not practice architecture as defined in Arkansas Code Annotated §17-15-102(5)(A)(i).

Examination

The current Architect Registration Examination (A.R.E.), as accepted by the Board.

IDP

Intern Development Program.

NAAB
The National Architectural Accrediting Board.

NCARB
The National Council of Architectural Registration Boards.

Original Documents
Version of drawings and/or sets of specifications from which all lawful copies are made.

Principal
An individual who is (a) a registered architect and (b) in charge of an organization's architectural practice, either alone or with other registered architects.

Responsible Control
That amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the control of such submissions throughout their preparation.

Technical Submissions
Designs, drawings, specifications, studies, and other technical reports prepared in the course of practicing architecture.

VU
Value unit, used to calculate the hours of training earned by IDP applicants.

SECTION II GENERAL PROVISIONS

A. BOARD OPERATIONS

1. Headquarters - Little Rock at location designated by Board.
2. Officers - President, Vice President, Secretary-Treasurer, Members. Term of office for officers is 1 year beginning October 1.
3. Employees - Director, Board Administrator, Executive Secretary and/or other employees as deemed necessary by the Board.
4. Fiscal year - July 1 through June 30.
5. Regular meetings - At the discretion of the Board and not less than twice annually. Exact dates to be determined by President.
6. Special meetings - at call of President or any 2 members.
7. Place of meetings - in State of Arkansas, where directed by President or by the 2 members who call a special meeting.
8. Notice of meetings - by Director or Board Administrator at direction of President or members calling meeting at least 10 days prior to meeting, unless such notice waived by all members.
9. Records and Reports - Secretary-Treasurer is responsible but may designate actual preparation to staff.
 - a. Minutes and official reports.
 - b. Register of applicants, examinations, certifications and renewals.
 - c. Correspondence.
 - d. Receipts and disbursements.
10. Funds - collected and deposited to account of Board by Secretary-Treasurer, except as he or she may delegate these duties to staff.
11. Bonds - Secretary-Treasurer, Director and staff as required by the Board or State of Arkansas.
12. Depository - Checking and savings accounts in a financial institution chartered in State of Arkansas.

13. Disbursements - by signature of any two of the following: President, Executive Director, Board Administrator, Secretary-Treasurer and Executive Secretary.

B. BOARD SEAL

Seal of Board - as designated in 1939. This seal shall be applied to all registrations issued by the Board.



C. PUBLIC INFORMATION

The Board shall, at its offices, maintain a roster of duly registered architects and business entities subject to SECTION VIII, A., open to public inspection, which shall show each registered architect or entity's business name, registration or certificate or authorization number, and last known mailing address. A roster of all licensed architects shall be published on the web site.

D. COMMUNICATION; PROHIBITION OR IMPROPER CONTACTS

Prior to the filing of an application, and after the final Board action on an application, verbal and written communication with individual Board members or any member of the Board's staff shall be freely permitted; provided, however, that in no event is any member of the Board or its staff authorized to give any indication of what specific actions the Board may take upon the merits of any application which may be filed with it. General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the Board in evaluating applications. While an application for registration or an enforcement proceeding is pending before the Board, no one shall initiate any written or oral communication with individual Board members concerning the matter; but inquiries may be made orally or in writing to the Board staff or in writing to the Board.

E. NCARB

1. The Board shall maintain membership in NCARB and pay the necessary costs thereof.
2. The Board shall keep up-to-date information on the recommended policies adopted from time to time by NCARB.
3. The Board shall cooperate with NCARB in establishing uniform standards of architectural registration throughout the United States and abroad.

F. AVAILABILITY OF FORMS

Any forms prepared in accordance with these regulations shall be available upon request made in person or by writing to the Board. If the Board amends any such forms, the Board staff shall mail a copy of each such amended form to all individuals whose applications are pending and are affected by such amendment.

**SECTION III
APPLICATION FOR REGISTRATION**

A. SUBMISSION OF APPLICANTS

Every individual seeking a registration shall submit an application to the Board, accompanied by a photograph and the filing fee established in Section III C.

B. SUPPLEMENTAL MATERIAL

Material submitted to supplement any previously filed application must include copies of the originally submitted application and all material filed with that application.

C. FILING FEES

Every applicant shall include with his/her application a nonrefundable filing fee determined in accordance with the schedule set forth as follows:

1. Application for examination and registration.....	\$350.00
2. Application for reciprocal registration.....	\$350.00
3. Application for registration of Certificate of Authorization.....	\$400.00
4. Renewal of individual certificate (in state).....	\$100.00
5. Renewal of individual certificate (out of state).....	\$150.00
6. Renewal of Certificate of Authorization.....	\$350.00
7. Emeritus License.....	\$ 25.00
8. Late payment fee per month, not to exceed \$250.00 in a year.....	\$ 50.00

D. REGISTRATION STANDARDS

1. To be granted registration, an applicant must:
 - a. Be of good moral character, as verified by employers and registered architects.
 - b. After January 1, 1985, hold a professional degree in architecture from a degree program that has been accredited by NAAB not later than two years after termination of enrollment or successfully complete the Broadly Experienced Architect (BEA) process with NCARB and awarded an NCARB Certificate; if prior to January 1, 1985, the applicant must have 12.5 years of combined education and experience until January 1, 1985.
 - c. Have satisfied the IDP requirements in accordance with current NCARB standards. IDP requirements are waived for applicants who have received NCARB certification prior to July 1984 or have been NCARB certified and actively practiced architecture for three years or more.
 - d. Have passed the Examination.
 - e. Completed an affidavit supplied by the Board attesting to have read and understood the Arkansas Architectural Act and Rules and Regulations.
 - f. Successfully passed the jurisprudence test on the Arkansas Architectural Act and Rules and Regulations of the Board.
2. In evaluating records, the Board shall apply the current education and training standards, except that an applicant who qualified under the standards current at the time of his/her application shall be evaluated by those standards.
3. In evaluating records, the Board may, prior to granting a registration, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical registration requirements set forth above.

**SECTION IV
CONTINUING EDUCATION**

A. PURPOSE

These rules provide for a continuing education program to insure that all registered architects remain informed of those technical and professional subjects, which the Board deems appropriate to safeguard life, health, and promote the public welfare. Statutory Authority: Code of Arkansas 1995, Act 784

B. POLICY AND ADMINISTRATION

A Continuing Education Committee shall consist of all members of the Arkansas State Board of Architects. The Committee shall have the following duties:

1. To exercise general supervisory authority over the administration of these rules.
2. To establish regulations consistent with these rules.
3. To organize sub-committees and delegate executive authority.
4. To exercise final authority with respect to accepting or rejecting continuing education activities for credit.

C. SCOPE AND EXEMPTIONS

1. SCOPE: These rules shall apply to every Arkansas registered architect as a condition for renewal of registration on an annual basis.

2. EXEMPTIONS: A registrant may be exempt from participating in the continuing education program required by these rules for one of the following reasons:
 - a. A first time new registrant by examination or first time reciprocal registrant shall be exempt for his/her first renewal period.
 - b. Registrant is an emeritus status architect, as defined in Section I D.
 - c. Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days during the annual report period.
 - d. Registrants of another NCARB jurisdiction with either a mandated or voluntary program, provided that same jurisdiction accepts Arkansas continuing education requirements as satisfying their continuing education requirement, and the registrant certifies by affidavit and annual report that all requirements of that jurisdiction for current continuing education compliance and registration have been met.
 - e. A Registrant experiencing physical disability, illness or other extenuating circumstances may request exemption from the continuing education requirements. The Registrant shall provide supporting documentation for the Board's review. The Board on an individual basis will consider such hardship cases. The request for a hardship must be received in the Board office by June 1 of each year.

D. REQUIREMENTS

1. Each Arkansas registered architect shall complete a minimum of twelve (12) continuing education hours each fiscal year, beginning August 1, 1997. One continuing education hour (CEH) shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for meals, breaks, or business/administration matters related to courses of study.
 - a. Registrants shall complete a minimum of twelve (12) CEH's in structured course study. Structured course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study. Structured activities do not include reading magazine articles.
2. Topics for the twelve (12) continuing education hours shall meet the following requirements:
 - a. Eight (8) CEH's (minimum) shall include the study of relevant technical and professional architectural subjects related to safeguarding life, health, property, and promoting public welfare.
 - b. Four (4) CEH's (maximum) may consist of elective topics related to any other area in the practice or architecture.

E. ACCEPTANCE OF CONTINUING EDUCATION HOURS

1. Continuing education credits shall be measured in CEH and shall be computed as follows:
 - a. Attending seminars, lectures, presentations, workshops, or courses shall constitute one CEH for each hour of attendance.
 - b. Successfully completing tutorials, short courses, correspondence courses, televised or videotaped courses, monographs and other self-study courses shall constitute the CEH recommended by the program sponsor.
 - c. Teaching or instructing a qualified seminar, lecture, presentation, or workshop shall constitute two (2) CEH for each contact hour spent in the actual first time presentation. Teaching credit shall be valid for teaching a seminar or course in its initial presentation only. TEACHING CREDIT SHALL NOT APPLY TO FULL-TIME FACULTY AT A COLLEGE, UNIVERSITY, OR OTHER EDUCATIONAL INSTITUTION.
 - d. Successfully completing one or more college or university semester or quarter hours in architectural subjects shall satisfy the continuing education hours for the year in which the course was completed.
2. Any structured program in health, safety, and welfare contained in the record of an approved professional registry will be accepted by the board as fulfilling the continuing education requirements of these rules. The board approves the American Institute of Architects as a professional registry, and contact hours listed in structured health, safety, and welfare in the American Institute of Architects Continuing Education Services (AIA/CES) Transcript of Continuing Education Activities will be accepted by the board for both resident and non-resident

architects. The Registrant shall provide individual participant documentation from a person other than the participant for record keeping and reporting.

3. Each registrant at renewal of registration time shall submit an affidavit attesting to the registrant's fulfillment of continuing education requirements during the preceding period of one fiscal year ending July 31. No carry-over of continuing education hours from previous year is permitted. Affidavits with an accompanying report concerning registrant's methods of completion of requirements shall be submitted on a form provided by the Committee.
4. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary action.

F. AUDITS

1. Each affidavit shall be reviewed by the Committee and may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of one (1) year after submission in the event the Registrant is selected for audit.
2. The Committee may, upon audit for verification of compliance, disallow claimed credit for continuing education hours. The registrant shall have ninety (90) calendar days after notification of disallowance of credits to substantiate the original claim or earn other CEH credit, which fulfills minimum requirements. If the Board determines that the information supplied on the continuing education report form is false or misleading, the architect may be subject to disciplinary action.

G. NONCOMPLIANCE AND SANCTIONS

Failure to fulfill the continuing education requirements, or file the annual report, properly completed and signed, by July 31 shall result in a penalty of two hundred fifty dollars (\$250.00) per month for a maximum of one thousand dollars (\$1,000) each year in addition to the renewal fee and late payment fees. At the discretion of the Board, a temporary renewal of license may be issued for up to ninety (90) days. Documentation of completion of continuing education credits shall be submitted to the Board within the ninety (90) day period. Failure to comply with the Continuing Education requirements may result in revocation of your license.

SECTION V RECIPROCAL REGISTRATION

A. INFORMATION REQUIRED

1. Application accompanied by NCARB Certificate evidencing that qualifications for original registration are equivalent to those required in Arkansas on the date of original registration.
2. Before registration, Board may, at its discretion require individual applicants to appear before Board when record does not clearly indicate the applicant is qualified for registration in Arkansas.

B. REGISTRATION PROHIBITED

One or more of the following acts shall be sufficient to prevent applicant from being considered for registration and license.

1. Practicing architecture without registration or license in a state, territory, district or zone of U.S. in violation of a law governing such practice.
2. Conviction of a felony, subject to Arkansas Act 280 of 1973.
3. Submitting a misstatement or misrepresentation of fact in connection with an application for examination registration.
4. Committing an act prohibited by a provision of the Arkansas Architectural Act or the Rule and Regulations of this Board in effect at that time.

SECTION VI EXAMINATION

A. GENERAL

Applicants for registration by examination must submit to and pass the Architect Registration Examination as outlined below. All such applicants must be 21 years of age and must have been approved as a candidate for the examination by the Board. A pre-requisite for making application to the Architect Registration Examination is completing the Intern Development Program Training Requirement, in accordance with the IDP guidelines developed under the auspices of the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects and administered by the NCARB.

B. APPLICATIONS

The Board shall consider the application packet for the exam if the following items are contained therein:

1. The completed Arkansas application form, and
2. An NCARB Council Record documenting the following:
 - a. A professional degree in architecture from a school or college of Architecture on the list of accredited schools issued by the National Architecture Accrediting Board (NAAB); and
 - b. Completion of the Intern Development Program (IDP) Training Requirement, or satisfaction of the Canadian Intern Program; and
3. The Board reserves the right at any time to require that an applicant produce substantiation for all or any part of the verified record of experience which he/she asserts as been attained. The board may, prior to admission to the examination, require substantiation of the quality and character of the training notwithstanding that fact that the applicant has complied with the technical training requirements set forth herein;

C. FORMAT

The Board will select a test vendor who will administer the A.R.E. as prepared by NCARB. The test will be administered to all candidates who have been approved by the Board in accordance with the training and education requirements pertaining to registration by examination. The examination will be administered in compliance with those methods and procedures recommended by NCARB and adopted by the Board.

D. SCHEDULES

Examinations will be administered in compliance with NCARB Guidelines to approved candidates only. The NCARB Data Center will send candidates information on the procedure for scheduling a test session, the test content, and instructions on taking the computer based examination after it receives the candidate eligibility notification from the Board.

E. REPORTING

Approved candidates shall appear personally for exams at the designated date, time and place, as specified by the Test Vendor.

F. GRADING

The Architect Registration Examination shall be graded in accordance with the methods and procedures recommended by the NCARB. In order for an examination candidate to achieve registration, all sections of the examination must be passed with the minimum score specified by the NCARB.

G. CONDITIONS

The Test Vendor will monitor the computer exam in strict compliance with the procedures approved by the NCARB.

H. RE-EXAMINATION

A candidate is allowed unlimited retakes of the A.R.E.

I. SCORE REPORTING AND REVIEWS

Once the scores are released, the Board will advise each candidate of his/her score. A score of PASS must be achieved by the exam candidate on all divisions of the A.R.E. in order for that candidate to be considered for initial registration.

J. FEES

Each examination candidate shall pay a three hundred fifty dollars (\$350.00) one-time application fee to the Board. The examination fees for each division of the A.R.E. will be established by NCARB and paid directly to the test vendor by the candidate.

K. DISABLED EXAMINEES

Requests for modifications to the examination to accommodate physical or other disabilities must be made in writing to the Board. A physician's report must accompany such a request by a diagnostic specialist, along with supporting data, confirming to the Board's satisfaction, the nature and extent of the disability. After receipt of the request from the applicant, the Board may require that the applicant supply further information and/or that the applicant appears personally before the Board. It shall be the responsibility of the applicant to timely supply all further information as the Board may require. The Board shall send their recommendations for modifications to NCARB for a final determination. NCARB has the final authority with regard to any modifications for the examination.

SECTION VII REGISTRATION

A. ISSUANCE

A Certificate of Registration shall be issued to individuals meeting all requirements of the Act and Rules and Regulations of the Board. The certificate shall bear the name and registration number of the architect. Every architect certified by NCARB, but unlicensed in Arkansas, shall apply to the Board for licensing within thirty (30) days after notification of selection (whether notified orally or in writing) as the Architect by the client/owner. Such architect shall be licensed in Arkansas prior to signing a contract or engaging in the practice of architecture, as defined by the Act.

B. DURATION

Certificates of registration shall expire on July 31 of each year and shall become invalid on August 1 unless renewed. All renewals must be either received in the Board office by the close of business on July 31 or postmarked by July 31. Renewal may be effected at any time during the month of July by payment of the renewal fee as provided in SECTION VII, C. Only renewal forms which contain the completed renewal application, continuing education report form demonstrating compliance with continuing education requirements and the required renewal fees will be processed.

C. RENEWAL

1. Certificates of registration for individuals and corporations which have expired or have been revoked due to non-payment of the annual renewal fee, may be reinstated through the payment of the renewal fee in effect at the time plus a penalty of fifty dollars (\$50.00) per month for the first three (3) months the certificates have expired or have been revoked. Thereafter, an additional penalty of one hundred dollars (\$100.00) for the balance of one (1) year for a maximum penalty of two hundred fifty dollars (\$250.00).
2. A registrant who does not properly renew their license may not practice architecture after the expiration of the license. A registrant who continues to practice on an expired license will be subject to disciplinary sanctions as the Board deems appropriate.

D. NOT TRANSFERABLE

A registration shall not be transferable.

E. REVOCATION, SUSPENSION, CANCELLATION OR NONRENEWAL OF REGISTRATION

1. Upon notice of the Board, certificates of registration suspended, revoked, or refused by the Board to renew for cause, as defined in E.2 of this Section, shall be surrendered immediately in the manner prescribed by that notice.

2. Cause defined. Cause shall be defined as any violation of the Arkansas Architectural Act and/or the Board's current Rules and Regulations. Cause shall also be defined as not meeting the continuing education requirements, suspension or revocation of a license, or NCARB withdrawing the certification of the individual Registrant.

F. EMERITUS REGISTRATION REQUIRED

Registrants, who are retired from the active practice of architecture who are 65 years of age or older, may request emeritus status by filing the application showing compliance with this Section. Emeritus status licensees are exempt from continuing education requirements unless they reactivate their license to active status in accordance with Section G of this Section.

G. EMERITUS READMISSION TO ACTIVE PRACTICE

1. Emeritus persons may be readmitted to the active practice upon proper application and completion of twenty-four (24) hours of continuing education hours. For individuals who have been on emeritus status for one year, they must complete twelve (12) hours of continuing education hours.
2. Fees required. An emeritus licensee seeking readmission to active practice shall pay all applicable fees, not to exceed the current license fees.

H. REISSUANCE

1. An individual whose license has lapsed due to nonpayment of fees and/or failure to comply with continuing education requirements may be renewed, at any time within three (3) years, from the date of cancellation of the license. Prior to reinstatement of the license, the individual must show compliance with the Act and the Board's current Rules and Regulations and make payment to the Board the fees, which would have been accrued since the time of cancellation and which would have been paid at the time of reinstatement, together with the amount of penalties outlined in Section VII C.
2. Registrants who have allowed their registration to lapse for a period of three (3) or more years must re-apply through the means of which the initial license was granted.
3. The examining body, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, providing that no charges of violation of this act are pending in any court of record in this state and that three (3) or more members of the examining body vote in favor of reissuance.

**SECTION VIII
ORGANIZATIONAL PRACTICE**

A. PERMISSION TO PRACTICE ARCHITECTURE IN CORPORATE OR PARTNERSHIP FORM

1. Any corporation (which term as used herein shall include any professional corporation) and any partnership, whether organized under the laws of this or any other jurisdiction, may not offer to engage in or engage in the practice of architecture in the State of Arkansas until such corporation or partnership has obtained a certificate of authorization issued by the Board and shall be valid until December 31st.
2. The Board shall issue a certificate of authorization to a corporation, partnership, or limited liability association upon receipt of the materials listed below, and upon ascertaining that the conditions set forth in Arkansas Act 270 have been met.
 - a. An application on a form approved by the Board.
 - (1) In case of a corporation, the application shall be signed by the corporation president and secretary, and shall include the following information: the jurisdiction under which such corporation is organized, the name and resident addresses, and states of registration and registration numbers or each director; and the identity of each director engaging in the practice of architecture in Arkansas.
 - (2) In the case of a partnership, the application shall be signed by a general partner who is a registered architect, and shall include the following information: the jurisdiction under which such partnership is organized; the name and resident addresses, and states or registration and registration numbers of each general partner; and the identity of each general partner engaging in the practice of architecture in Arkansas.

- b. In the case of a corporation, a copy of the corporation's articles of incorporation or similar charter document certified by the secretary of state of the jurisdiction on which the corporation is organized; provided however, that, subject to SECTION VIII, A., 3., articles of organization need not be re-submitted if the corporation is seeking renewal of a certificate of authorization.
- c. A fee of Four Hundred dollars (\$400.00).
- 3. a. It shall be unlawful to practice architecture in an office not under the day to day supervision of a registered architect.
- b. It shall be unlawful for an architect to falsely represent himself as being in responsible control of architectural work or to permit his seal or facsimile thereof, to be used by another for any purpose.
- c. A firm engaged in the practice of architecture in Arkansas must employ one (1) or more persons registered to practice architecture in Arkansas who is in full authority and responsible control of the firm's architectural practice. Persons in full authority and responsible control shall mean regularly employed persons in that office in an unrestricted, unchecked, and unqualified control of, and legally accountable for the actions of such architectural practice.
- d. Any office maintained for the preparation of drawings, specifications, reports, and other professional work shall have in that office an architect duly registered with this Board, in full authority and responsible control, having direct knowledge and responsible control of such work.
- g. Each firm shall provide and maintain the current mailing address and physical address of its main office and each office located in Arkansas.
- h. If any change occurs in any of the information provided to the Board pursuant to SECTION VIII, A., 2., a., b. and 3.g during the period for which certificate of authorization is granted, such change shall be reported to the board within thirty (30) days after the effective date of such change.
- 4. The Board may revoke, suspend, or cancel a certificate of authorization granted pursuant to SECTION VIII if any officer, director or employee of a corporation or any general partner or employee of a partnership violates any provision of Arkansas Act 270, "Arkansas Architectural Act" or these regulations; provided, however, that it shall be an affirmative defense to show that such individual as not acting as an agent of the corporation or the partnership at the time such violation occurred.

B. DESIGN AND USE OF ARCHITECTS SEAL

Pursuant to Arkansas Act 270, known as the "Arkansas Architectural Act" and subject to SECTION VII, A., and SECTION VIII, A., 2., each registered architect shall procure a seal which shall contain the name of the registered architect; license registration number; and the words:

"REGISTERED ARCHITECT - ARKANSAS"

This seal shall comply in all respects in size and format with the description of the design requirements as set forth below:

- 1. SEAL DESIGN REQUIREMENTS
 - a. Design - metal impression, rubber stamp or printed, 2 concentric circles 1 1/2" and 1" diameter. Space between bearing words "Registered Architect" and "Arkansas". Space within inner circle bearing names and registration numbers as follows:
 - (1) For a registered corporation, the corporation name and registered number.
 - (2) For a partnership, the partnership name and registration numbers of partners.
 - (3) Individual - name and registration number.
 - b. Any method that legibly reproduces the architect's seal is permitted.
- 2. USE OF ARCHITECT SEAL
 - a. Architects shall affix their seal, actual signature, and date of affixation to all original contract documents, including index sheets identifying all drawings covered, cover and index pages identifying all specifications pages covered. Presentation documents (renderings, drawings used to communicate conceptual information only) are not required to be sealed, signed, or dated.

- b. Contract documents considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall bear the architect's name and be conspicuously marked to clearly indicate the documents are for interim review and not intended for bidding, permit, or construction purposes.
- c. Those sheets or pages prepared by consultants (structural, mechanical, electrical, etc.) retained by the architect shall bear the seal and registration number of the consultant responsible therefor.
- d. Once documents bearing the architect's seal are issued from the architect's office, the seal shall not be removed except as follows: If the architect's client requests electronic drawing files that would be used as reference documents, the following statement shall be substituted for the seal:

THE RECORD COPY OF THIS DRAWING IS ON FILE AT THE OFFICES OF (NAME OF FIRM), (ADDRESS OF FIRM). THIS ELECTRONIC DOCUMENT IS RELEASED FOR THE PURPOSES OF REFERENCE, COORDINATION, AND/OR FACILITY MANAGEMENT. THIS ELECTRONIC DOCUMENT OR MODIFICATIONS THEREOF SHALL NOT BE USED FOR CONSTRUCTION.
- e. Nothing precludes the use of prototypical documents provided the architect:
 - (1) Has written permission to revise and adapt the prototypical documents from the person who either sealed the prototypical documents or is the legal owner of the prototypical documents. The term "legal owner" shall mean the person who provides the architect with a letter that he or she is the owner of the documents and has the written permission to allow the use thereof; and
 - (2) Has reviewed the prototypical documents and made necessary revisions to bring the design documents into compliance with applicable codes, regulations, and job specific requirements; and
 - (3) Has independently performed and maintains on file necessary calculations; and
 - (4) After reviewing, analyzing, and making revisions and/or additions, has issued the documents with the architect's title block and seal. By applying the seal, the architect assumes professional responsibility as the architect of record; and
 - (5) The seal and name of the architect who originally developed the prototypical documents may remain on the construction documents, provided the original architect is licensed in the State of Arkansas and provided the original architect who prepared the prototypical documents agrees, in writing, to the use of the documents for the construction project by a second architect. The original architect assumes the professional responsibility for the content of the prototypical documents.
 - (6) Maintains design control over the use of site adapted documents just as if they were the original design.
- f. The term "prototypical documents" shall mean model documents of buildings that are intended to be built in several locations with substantially few changes and/or additions except those required to adapt the documents to each particular site.
- g. Except as noted in Section (e) no architect shall affix the seal and signature to contract documents developed by others.
- h. No person, other than the architect represented, shall use or attempt to use the prescribed seal or shall modify documents bearing such seal, without first obtaining the written authority of the architect represented, and clearly indicating on the documents the extent of the modifications made.
- i. On original documents, the use of signature reproductions such as rubber stamps or computer generated signatures or other facsimiles shall be permitted.
- j. If, in the course of his or her work on a project, an architect becomes aware of a course of action taken against the architect's advise, which may violate applicable state or local building laws and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public of the finished project, the architect shall:
 - (1) Report the course of action in writing to the owner, to the local building officials, and to other responsible parties; and
 - (2) Refuse to consent to the course of action.
- k. Authorized use of the prescribed seal is an individual act whereby the architect must personally inscribe the seal. The architect is responsible for its security when not in use.

C. UNAUTHORIZED USE OF ARCHITECT'S SEAL

1. Registered architects whose seal appears on drawings or specifications prepared by persons who are not registered or not under the architect's direct supervision will be deemed to have aided or abetted in the practice of architecture a person not duly authorized to practice architecture.
2. Registered architects whose seal appears on drawings or specifications bearing names of persons not so registered, unless they are identified as the Engineer or Consultant, will be deemed to have aided or abetted in the practice of architecture a person not duly authorized to practice architecture.
3. Registered architects whose seal appears on drawings or specifications which unlicensed persons have contracted to prepare or furnish will be deemed to have aided or abetted in the practice of architecture a person not duly authorized to practice architecture.

D. ARCHITECT'S CONSULTANTS

The architect is not required to seal and sign documents prepared and sealed by the licensed consultants except when indexes and cover sheets contain certain description of work performed by the architect as well as the architect's consultants.

**SECTION IX
RULES OF PROFESSIONAL CONDUCT**

A. COMPETENCE

1. In engaging in the practice of architecture, a registered architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill, which are ordinarily applied by registered architects of good standing, practicing in the same locality.
2. In designing a project, a registered architect shall endeavor to take into account all applicable state and municipal building laws and regulations. While a registered architect may rely on the advise of other professionals (e.g. attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advise a registered architect shall not knowingly design a project in violation of such laws and regulations.
3. A registered architect shall undertake to perform professional services only when education, training and experience in the specific technical areas involved qualify him or her, together with those whom the registered architect may engage as consultants.
4. No individual shall be permitted to engage in the practice of architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

B. CONFLICT OF INTEREST

1. A registered architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by all interested parties. The disclosure and agreement shall be in writing.
2. The architect shall fully disclose in writing to the architect's employer or client any business association or direct or indirect financial interest which could influence the architect's judgment or decisions in connection with the architects' services. Should the employer or client object 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 in return for specifying or endorsing their products and materials.
4. When acting as the interpreter of building contract documents and the judge of contract performance, a registered architect shall render decisions impartially, favoring neither party to the contract.

C. COMPLIANCE WITH LAWS

1. A registered architect shall not knowingly violate any state or federal criminal law relating to the practice of architecture.
2. An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registered architect is interested.

3. An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

D. PROFESSIONAL CONDUCT

1. Except as provided under Section VIII D (e), An architect shall not sign or seal contract documents unless the documents were prepared by the architect or under the architect's supervisory control; provided, however, that in the case of portions of such contract documents prepared under the direct supervision of another registered architect employed by the first architect (or his or her firm), the architect may sign and seal those portions of the contract documents if the architect has reviewed such portions and has coordinated their preparation.
2. An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the registered architect is interested.
3. An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.
4. Any office offering architectural services shall have an architect resident and regularly employed in that office.
5. An architect may sign and seal technical submissions only if the technical submissions were
 - a. Prepared by the architect; or
 - b. Prepared by persons under the architect's responsible control; or
 - c. Prepared by another registered architect in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions.
6. If in the course of his/her work on a project, an architect becomes aware of a decision taken by his/her employer or client, against the architect's advice, which violates applicable state or local building laws and regulations and which will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall
 - a. Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or local building laws and regulations,
 - b. Refuse to consent to the decision, and
 - c. In circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, said architect may terminate his/her services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

E. AMENDMENTS

1. If, following a hearing held in accordance with the Arkansas Administrative Procedures Act, a registrant is found guilty of fraud, deceit, gross negligence, incompetence, misconduct or careless practice or is found to be in violation of any provisions found in Section IX A through F, the Board may revoke the license; suspend the license; decline to renew the license of the registrant; issue the registrant a reprimand which will become a part of the registrant's permanent record, levy a civil penalty and any other reasonable action deemed appropriate by the Board of Architects.
2. The Rules and Regulations may be amended in accordance with the Arkansas Administrative Procedure Act.
3. All former Rules and Regulations of the State Board of Architects pertaining to procedure, conduct and practice are hereby repealed.

F. ADMINISTRATION OF CONSTRUCTION CONTRACTS

1. If, under Arkansas law, an Architect must prepare or supervise and control the preparation of the architectural plans and specifications for a new building or the alteration of or an addition to an existing building, construction observation for the project shall be conducted by an Architect or by a person working under the Supervision and Control of an Architect. For purposes of this Subchapter, "construction observation" means the administration of the portion of the

construction contract described and documented in the architectural plans and specifications, including the following services:

- a. Visiting the construction site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the building permit was issued;
 - b. Processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and
 - c. Notifying an Owner and the Building Official of any code violations; changes which affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code, major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions which he/she identifies as constituting a hazard to the public, which he/she observes in the course of performing his/her duties.
2. The Owner of any real property, who allows a Project to be constructed on such real property and the construction requires the services of an architect, shall be engaged in the practice of architecture unless such Owner shall have employed or shall have caused others to have employed a registered architect to furnish Construction Contract Administration services with respect to such Project.

CHAPTER TWO

RULES OF PROCEDURE

SECTION I

RULES UNDER THE ARKANSAS ARCHITECTURAL ACT AND NOTICE - HEARINGS

A. RULES UNDER THE PRACTICE ACT

This exposition of the Rules of Procedure formulated under the Administrative Procedure Act, as amended ACA 25-15-201 et. seq., does not effect a repeal of the provisions of the Act, its amendments and related laws, except insofar as these Rules of Procedure were formulated under provisions of law which specifically contravenes provisions of the Act, its amendments and related laws.

B. NOTICE - HEARING

Any such rule shall be made or amended only after a hearing upon notice as set forth in these Rules of Procedure.

SECTION II

PRIOR RULES

PRIOR RULES - VALID

Rules of the Board formulated previously are declared to be still in force until amended and certified to the Arkansas Register.

SECTION III

RULE MAKING

In any case of rule making, every person has a right to seek to cause the Board to act to make a rule. Every person also has the right to seek to cause an incorrect rule to be corrected.

SECTION IV

VIOLATION OF RULES

Willful violation of any rule of the Board, in addition to any other penalty provided by law, shall subject the violator to such denial, suspension and/or revocation of approval of a license to practice architecture as may be applicable.

SECTION V

ORDER

A. ORDER - EFFECTIVE ONLY IN WRITING

Orders of the Board shall be effective only when in writing.

B. EFFECTIVE DATE

Each order shall contain in effective date and shall concisely state:

1. Its intent or purpose;
2. The grounds on which it is based;
3. The pertinent provision of law.

C. ORDER MAY BE EFFECTUATED

An order may be given by service upon or delivery to the person ordered by mail, postage prepaid, addressed to the person at his principal place of business or his home as last of record with the Board. An order may also be served by any officer authorized to serve legal process or by any member of the Board or any employee of the Board. An attempt to serve notice at the last address of record in the Board office shall constitute official notice.

- D. ORDER FORMULATED UPON ADJUDICATION
There shall be an order formulated upon each adjudication made by the Board or its hearing officer.

**SECTION VI
DECLARATORY ORDER - RULES**

- A. DECLARATORY ORDER - PETITION FOR
Any person who alleges a rule, or its possible application, may injure or threaten to injure him, his business or property may file a petition for a declaratory order as to the applicability of any rule to be enforced by the Board.
- B. PROMPT DISPOSITION
Such petition shall be promptly considered and a prompt disposition shall be made.
- C. STATUS
Declaratory orders shall have the same status as agency orders formulated upon adjudication.

**SECTION VII
ADJUDICATION**

- A. REASONABLE NOTICE
All parties shall be afforded opportunity for hearing after reasonable notice. (See Section XI, subsection B.2. (b)(3.). infra.)
- B. EVIDENCE MAY BE PRESENTED
Opportunity shall be afforded all people interested in the action to respond and present evidence and argument on all issues involved.
- C. STIPULATION/SETTLEMENT/CONSENT OR DEFAULT NOT PROHIBITED
Nothing in these rules shall prohibit informal disposition by stipulation, settlement, consent order or default.
- D. RECORD
The record shall include:
1. All pleadings, motions, and intermediate rulings;
 2. All evidence received or considered, including on request of any party a transcript of all proceedings or any part;
 3. A statement of matters officially noticed;
 4. Offers of proof, objections and rulings;
 5. Proposed findings and exceptions;
 6. All staff memoranda or data submitted to the hearing officer in connection with any staff consideration of the matter.
- E. FINDINGS OF FACT
Findings of fact shall be based exclusively on the evidence received and on matters officially noticed.

**SECTION VIII
ADJUDICATION - DECISIONS**

- A. FINAL DECISION
1. In every case of adjudication there shall be a final decision, or order, which shall be in writing (or stated in the record).
 2. The final decision shall include findings of fact and conclusions of law each separately stated.
 3. The findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying evidence supporting the findings.
 4. If any party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.

B. SERVICE OF COPY - DECISION

Parties shall be served either personally or by mail with a copy of any decision or orders.

C. EXEMPTION

Where a formal hearing before a hearing officer has been held at which the parties were given proper notice and at which opportunity was offered to them to be present in person and by counsel to present testimony, briefs and argument, a proposal for decision will not be required.

**SECTION IX
HEARING OFFICER**

Where convenient and appropriate, a hearing officer may be appointed to take testimony and prepare the record for the consideration of the Board. The hearing officer may conduct hearings at any place within the State of Arkansas. In the conduct of such hearings the hearing officer shall preside and have the power and duties of a presiding official as set forth in SECTION X, D. The decision on the record made by the hearing officer shall be made by a majority of the members of the Board.

A. HEARINGS

In every case of adjudication, and in cases of rule making where rules are to be made after hearing, there shall be a hearing.

B. RIGHT OF COUNSEL

Any person compelled to appear before the Board or a hearing officer shall have the right to counsel.

C. IMPARTIALITY

Every member of the Board present shall conduct her/himself in an impartial manner and the presiding official may withdraw if she/he deems her/himself disqualified. Any party may file an affidavit of personal bias or disqualification which shall be ruled upon by the Board and granted if it is timely, sufficient and filed in good faith.

D. POWER AND DUTIES OF PRESIDING OFFICIAL

1. The presiding officer of the hearing shall have power to:
2. Administer oaths and affirmations;
3. Maintain order;
4. Rule on all questions arising during the course of the hearing;
5. Hold conferences for the settlement or simplification of the issues;
6. Make or recommend decisions;
7. Generally, to regulate and guide the course of the proceedings.

E. BURDEN OF PROOF

The proponent of a rule or order shall have burden of proof.

F. EVIDENCE EXCLUDED

Irrelevant, immaterial and unduly repetitious evidence shall be excluded.

G. EVIDENCE ADMITTED

Any other evidence, oral or documentary, not privileged, may be received if it is of a type commonly relied upon by reasonable prudent individuals in the conduct of their affairs.

H. OBJECTIONS

Objections to evidence may be made and shall be noted of record.

I. EVIDENCE MAY BE WRITTEN

When a hearing can be so expedited (and the interests of the parties will not be prejudiced) any part of the evidence may be received in written form.

J. CROSS EXAMINATION

Parties shall have the right to conduct such cross-examination as may be required for a full, true disclosure of the facts.

K. OFFICIAL NOTICE

Official notice may be taken of judicially recognizable facts and of generally recognized technical or scientific facts peculiarly within the Board's specialized knowledge.

1. Parties shall be notified of material so noticed (including any staff memoranda or data).
2. Parties shall be afforded a reasonable opportunity to show the contrary.

**SECTION X
PROCEDURE ON DENIAL, SUSPENSION OR REVOCATION**

A. GROUNDS FOR DISCIPLINE

The Board shall have sole authority over architects to deny or suspend any license to practice issued by the Board or applied for in accordance with the provisions of the Act, or to otherwise discipline a licensee upon the following determination:

1. That the holder of the registration or certificate of license is practicing in violation of this chapter or of the proper rules and regulations of the examining body governing this chapter;
2. That the license or certificate has been obtained by fraud or misrepresentation or the person named therein has obtained it by fraud or misrepresentation;
3. That any money, except the regular fees provided for, have been paid for the license or certificate;
4. That the holder of the license or certificate is falsely impersonating a practitioner or former practitioner of a like or different name or is practicing under an assumed or fictitious name;
5. That the holder of the license or certificate has been guilty of a felony;
6. That the holder of the license or certificate has aided or abetted, in the practice of architecture, any person not duly authorized to practice architecture under the provisions of this chapter;
7. That the holder of the license or certificate has been guilty of fraud or deceit or of gross negligence or misconduct in the practice of architecture;
8. That the holder of the certificate has been guilty of gross incompetence or recklessness in the designing or construction of buildings;
9. That the holder of the license or certificate affixed, or permitted to be affixed, his/her seal or name to any plans, specifications, drawings or related documents which were not prepared by him/her or under his/her responsible supervisory control;
10. That the holder of the license or certificate has been adjudged mentally incapable by a court of competent jurisdiction.

B. PROCEEDINGS

Proceedings shall be as follows:

1. Opportunity for licensee or applicant to have hearing. Every licensee or applicant for a licensee shall be afforded notice and an opportunity to be heard before the Board. The Board shall have authority to take any action the effect of which would be to:
 - a. Deny permission to take an examination for licensing for which application has been duly made;
 - b. Deny a license after examination for any cause other than failure to pass an examination;
 - c. Withhold the renewal of a license for any cause;
 - d. Suspend a license;
 - e. Revoke a license.
2. Notice of action or contemplated action by the Board - Requests for Hearing - Notice of Hearing
 - a. When the Board contemplates taking any action of a type specified in paragraphs a. and b. of subsection B.1. supra, it shall give written notice to the applicant including a statement:
 - (1) That the applicant has failed to satisfy the Board of his or her qualifications to be examined or to be licensed, as the case may be;
 - (2) Indicating in what respects the applicant has failed to satisfy the Board; and
 - (3) That the applicant may secure a hearing before the Board by depositing in the mail within twenty (20) days after service of said notice, a registered letter addressed to the

Board containing a request for a hearing. In any proceedings of the Board involving the denial of a duly made application to take an examination, or refusal to issue to license after an applicant has taken and passed an examination, the burden of satisfying the Board of the applicant's qualifications shall be upon the applicant.

- b. When the Board contemplates taking any action of a type specified in subsection c, d, and e of subsection B, 1, supra, it shall give a written notice to the licensee through the Board's attorney, which contains a statement:
 - (1) That the Board has sufficient evidence which, if not rebutted or explained, will justify the Board in taking the contemplated action;
 - (2) Indicating the general nature of the evidence, and detailed allegations of violation of ACA 17-15-308 the licensee is charged with;
 - (3) That a hearing will be held on a date certain, no sooner than twenty (20) days after the mailing of the notice, and at that hearing the Board will receive evidence.
- c. When the Board shall summarily suspend a license pending a hearing as authorized in subsection B.2 supra, it shall give written notice of a general nature of the evidence and detailed allegations of violation of ACA 17-15-308 the licensee is charged with:
 - (1) That the Board has sufficient evidence which, if not rebutted or explained, will justify revocation of the license by the Board;
 - (2) Indicating the general nature of the evidence against the licensee;
 - (3) That, based on the evidence indicated, the Board has determined that the continuation of practice of the occupation or profession of the licensee will cause an immediate hazard to the public and has therefore suspended the license of the licensee effective as of the date such notice is served;
 - (4) The Board will then set an immediate hearing for a full evidentiary presentation by the licensee and the Board.
- d. In any hearing before the Board involving the suspension or revocation of a license, the burden shall be on the Board to present competent evidence to justify the action taken or proposed by the Board.

C. METHOD OF SERVING NOTICE OF HEARING

Any notice required by subsection B.2., above, may be served either personally or by an officer authorized by law to serve process, or by registered mail or certified mail, with return receipt requested, directed to the licensee or applicant at his or her last known address as shown by the records of the Board. If notice is served personally, it shall be deemed to have been served at the time when the officer delivers the notice to the person addressed. Where notice is served by registered mail, it shall be deemed to have been served on the date borne by the return receipt showing delivery of the notice to the addressee or refusal of the addressee to accept the notice. An attempt to serve notice at the last address of record shall constitute official notice.

D. VENUE OF HEARING

Board hearings held under the provisions of this rule shall be conducted at the Board office or elsewhere in Pulaski County. The hearings may be held anywhere within Arkansas if the person whose license is involved and the Board agree that the hearing should be held at some place outside Pulaski County.

E. HEARINGS PUBLIC

Use of Hearing Office - All hearings under this section shall be open to the public. At all such hearings at least a quorum of the Board shall be present to hear and determine the matter.

F. RIGHTS OF PERSONS ENTITLED TO HEARING

A person entitled to be heard pursuant to this section shall have the right to:

- 1. Be represented to counsel;
- 2. Present all relevant evidence by means of witnesses and books, and paper and documents;
- 3. Examine all opposing witnesses on any matter relevant to the issues;
- 4. Have subpoenas and subpoenas duces tecum issued to compel the attendance of witnesses and the production of relevant books, papers and documents upon making written request therefor to the Board; and

5. Have a transcript of the hearing made at his or her own expense as provided in Section VIII. D., hereof.

G. POWERS OF THE BOARD IN CONNECTION WITH HEARING

In connection with any hearing held pursuant to the provisions of this section, the Board or its hearing officer shall have power:

1. Have counsel to develop the case;
2. Administer oaths to develop the case;
3. Take testimony;
4. Examine Witnesses;
5. Have a transcript of the hearing made at the expense of the Board; and
6. Direct a continuance of any case.

H. RULES OF EVIDENCE

In proceedings held pursuant to this rule, the Board may admit any evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent men in the conduct of serious affairs. The Board may in their discretion exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

I. FEES - WITNESSES

Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a Circuit Court.

J. MANNER AND TIME OF RENDERING DECISION

After a hearing has been completed, the members of the Board shall proceed to consider the case and as soon as practicable shall render their decision. If the hearing was conducted by a hearing officer, the decision shall be rendered by the Board at a meeting where a quorum of the members of the Board are present and participating in the decision. In any case the decision must be rendered within ninety (90) days after the hearings.

K. SERVICE OF WRITTEN DECISION

Within a reasonable time after the decision is rendered the Board shall serve upon the person whose license is involved a written copy of the decision, either personally or by registered mail. If the decision is sent registered mail, it shall be deemed to have been served on the date borne on the return receipt.

L. CONTENTS OF DECISION

The decision of the Board shall contain:

1. Findings of Fact made by the Board.
2. Conclusions of Law reached by the Board;
3. The order of the Board based upon these Findings of Fact and Conclusions of Law; and
4. A statement informing the person whose license is involved of his right to request a judicial review and the time within which such request must be made.

M. JUDICIAL REVIEW

Judicial review of proceedings under this rule shall be governed by the Administrative Procedure Act or other applicable law.

**SECTION XI
JUDICIAL REVIEW**

A. SERVICE

Service shall be had by serving a copy of the petition upon the Board and all other parties of record either by personal service or by mail.

B. STAY OF ORDER

Filing of the petition shall not automatically stay enforcement of the Board decision. The Board, upon its own action, or the reviewing court may stay the order upon such terms as may be just.

**SECTION XII
ENFORCEMENT**

A. CIVIL ACTION

The Board may institute (civil) suit or other legal proceedings as may be required for enforcement of any provisions of ACA 17-15-101, seq., as amended and related acts.

B. CRIMINAL ACTION

If the Board has reason to believe that any person has violated any provisions of the Act, as amended, or related acts for which criminal prosecution would be in order, it shall so inform the prosecuting attorney in whose district any such purported violation may have occurred.