

ARCHITECTURAL EXAMINING BOARD[193B]

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CHAPTER 1
DESCRIPTION OF ORGANIZATION
[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

193B—1.1(544A,17A) Duties. The board shall enforce the provisions of Iowa Code chapter 544A and shall maintain a roster of all registered architects and a roster of all business entities authorized to practice architecture in the state.

1.1(1) *President.* The president shall preside at all meetings, shall appoint all committees, shall sign all certificates, and shall otherwise perform all duties pertaining to the office of the president.

1.1(2) *Vice president.* The vice president shall, in the absence or incapacity of the president, exercise the duties and possess the powers of the president. The vice president shall sign all certificates.

1.1(3) *Secretary.* The secretary shall sign all certificates.

1.1(4) *Administrative secretary.* The division may employ an administrative secretary who will maintain all necessary records of the board and perform all duties in connection with the operation of the board office. The division administrator or designee shall sign vouchers for payment of board obligations.

193B—1.2(544A,17A) Office of the board. The mailing address of the board shall be: Iowa Architectural Examining Board, 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

193B—1.3(544A,17A) Meetings. Meetings of the board are regularly scheduled for the second Tuesday of January, March, May, July, September, and November. Meetings may be postponed, canceled, or rescheduled by the president for the convenience of the board. Board members shall be informed of meetings by the administrative secretary in writing at least one week before the scheduled date of the meeting.

193B—1.4(544A,17A) Certificates. Certificates issued to successful applicants shall contain the registrant's name, state registration number and the signatures of the board president, vice president and secretary. All registrations are renewable biennially on July 1, with registrants whose last names begin with the letters A-K renewing in even-numbered years and registrants whose last names begin with the letters L-Z renewing in odd-numbered years as provided in rule 193B—2.5(17A,272C,544A).

The board shall give notice by certified mail, return receipt requested, to the holder of a certificate of registration who has failed to renew. The certificate of registration may be reinstated in accord with rule 193B—2.4(544A,17A).

193B—1.5(544A,17A) Definitions. Rescinded IAB 10/3/01, effective 11/7/01.

These rules are intended to implement Iowa Code sections 544A.5, 544A.8 to 544A.10, and 272C.4.

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CHAPTER 2 REGISTRATION

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

193B—2.1(544A,17A) Definitions. The following definitions apply as used in Iowa Code chapter 544A, and this chapter of the architectural examining board rules, unless the context otherwise requires.

“*Applicant*” means an individual who has submitted an application for registration to the board.

“*Architectural Intern*” means an individual who holds a professional degree from an NAAB-accredited program, has completed or is currently enrolled in the NCARB Intern Development Program and intends to actively pursue registration by completing the Architect Registration Examination.

“*ARE*” means the current Architect Registration Examination, as prepared and graded by the National Council of Architectural Registration Boards (NCARB).

“*Examination*” means the current Architect Registration Examination (ARE) accepted by the board.

“*IDP*” means Intern Development Program.

“*IDP applicant*” means an individual who has completed the IDP training requirements set forth in the NCARB Handbook for Interns and Architects and has submitted an application for registration to the board.

“*Inactive*” means that an architect is not engaged in Iowa in any practice for which a certificate of registration is required.

“*Intern Architect*” has the same meaning as “Architectural Intern.”

“*Issuance*” means the date of mailing of a decision or order or the date of delivery if service is by other means unless another date is specified in the order.

“*NAAB*” means the National Architectural Accrediting Board.

“*NCARB*” means the National Council of Architectural Registration Boards.

“*NCARB Handbook for Interns and Architects*” means the most current edition of a document by the same title published by the National Council of Architectural Registration Boards. The document outlines the requirements for examination and registration as an architect and is available through the National Council of Architectural Registration Boards, 1801 K Street NW, Suite 1100, Washington, D.C. 20006; NCARB’s Web site www.ncarb.org; the architectural examining board or the state law library.

“*Retired*” means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

193B—2.2(544A,17A) Application by reciprocity. Applicants for registration are required to make application to the National Council of Architectural Registration Boards (NCARB) for a certificate. A completed state application form (available on the board’s Web site) and a completed NCARB certificate shall be filed in the board office before an application will be considered by the board.

2.2(1) Registration requirements. The board or its executive officer may waive examination requirements for applicants who, at the time of application, are registered as architects in a different jurisdiction, where the applicant’s qualifications for registration are substantially equivalent to those required of applicants for initial registration in this state. All such applicants who hold an active NCARB certificate shall be deemed to possess qualifications that are substantially equivalent to those required of applicants for initial registration in this state.

2.2(2) Applicants seeking architectural commission in Iowa. A person seeking an architectural commission in this state may be admitted to this state for the purpose of offering to provide architectural services, and for that purpose only, without first being registered in this state if:

- a. The person holds an NCARB certificate; and
- b. The person holds a current and valid registration issued by a registration authority recognized by this state; and
- c. The person notifies the board in writing on a form provided by the board that the person:

- (1) Holds an NCARB certificate and a current and valid registration issued by a registration authority recognized by this state,
 - (2) Is not currently registered in this state but will be present in this state for the purpose of offering to provide architectural services on a temporary basis, and
 - (3) Has no previous or pending disciplinary action by any registration authority; and
 - d. The person delivers a copy of the notice referred to in paragraph “c” to every potential client to whom the person offers to provide architectural services; and
 - e. The person provides the board with a sworn statement of intent to apply immediately to the board for registration if selected as the architect for a project in this state.
- The person is prohibited from actually providing architectural services until the person has been issued a valid registration in this state.

2.2(3) Board refusal to issue registration. The board may refuse to issue a certificate of registration to any person otherwise qualified upon any of the grounds for which a certificate of registration may be revoked or suspended or may otherwise discipline a registrant based upon a suspension, revocation, or other disciplinary action taken by a licensing authority in this or another jurisdiction. For purposes of this subrule, “disciplinary action” includes the voluntary surrender of a registration to resolve a pending disciplinary investigation or proceeding. A certified copy of the record or order of suspension, revocation, voluntary surrender, or other disciplinary action is prima facie evidence of such fact.
[ARC 7737B, IAB 5/6/09, effective 6/10/09]

193B—2.3(544A,17A) Application for registration by examination.

2.3(1) To be admitted to the examination, an applicant for registration shall have completed the eligibility requirements of the education standards for NCARB certification which include a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) and shall be enrolled in the NCARB Intern Development Program. NCARB shall notify the testing service of the applicant’s eligibility prior to the applicant’s scheduling of an examination.

2.3(2) Documentation of IDP training units shall be submitted on IDP report forms, published by NCARB, verified by signatures of registered architects serving as (1) the intern architect’s supervisor in accordance with the requirements outlined in the NCARB Handbook for Interns and Architects, and (2) the intern architect’s mentor, usually outside the intern’s firm, with whom the intern has met for guidance and evaluation of the intern’s progress in the IDP. The completed IDP report form shall demonstrate attainment of an aggregate of the minimum number of value units in each training area and shall be submitted to NCARB for evaluation.

2.3(3) All eligibility requirements shall have been verified and satisfied in accordance with the NCARB Handbook for Interns and Architects. The Handbook is available through NCARB, the architectural examining board or the state law library.

2.3(4) Applicants who have previously passed any portion of formerly required NCARB examinations will be granted credit for those portions passed in accordance with procedures established by NCARB. Applicants who have passed one or more but not all divisions of the ARE by January 1, 2006, shall have five years to pass all remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if all remaining divisions have not been passed. The rolling five-year period shall commence after January 1, 2006, on the date when the first division that has been passed is administered. Applicants who have passed no divisions of the ARE by January 1, 2006, shall be governed by the above rolling five-year requirement. The rolling five-year period shall commence on the date when the first division that has been passed is administered.

2.3(5) To be eligible for registration, all applicants shall have passed all divisions of the ARE prepared and provided by NCARB, have completed the NCARB Intern Development Program, and have attained an NCARB council record. A completed NCARB council record shall be transmitted to and filed in the board office. Upon receipt of the council record, the board shall provide the applicant with an application for registration form. The board shall issue a registration number to the applicant upon receipt of the completed application form and appropriate fee.

2.3(6) The board may refuse to issue a certificate of registration to any person otherwise qualified upon any of the grounds for which a registration may be revoked or suspended or may otherwise discipline a registrant based upon a suspension, revocation, or other disciplinary action taken by a licensing authority in this or another jurisdiction. For purposes of this subrule, “disciplinary action” includes the voluntary surrender of a registration to resolve a pending disciplinary investigation or proceeding. A certified copy of the record or order of suspension, revocation, voluntary surrender, or other disciplinary action is prima facie evidence of such fact.

193B—2.4(544A,17A) Examination. Examinations for registration as an architect shall be conducted by the board or its authorized representative.

2.4(1) Content and grading of the examination. The board shall make use of the ARE prepared and graded by NCARB under a plan of cooperation with the architectural examining boards of all states and territories of the United States.

2.4(2) Testing service. The board may make use of a testing service selected by NCARB to administer the examination, provided the examination is held in at least one location within the boundaries of this state.

193B—2.5(17A,272C,544A) Renewal of certificates of registration.

2.5(1) Active status. Certificates of registration expire biennially on June 30. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 193B—2.6(544A,17A).

a. A registrant whose last name begins with the letter A through K shall renew in even-numbered years, and a registrant whose last name begins with the letter L through Z shall renew in odd-numbered years.

b. It is the policy of the board to mail to each registrant a notice of the pending expiration date at the registrant’s last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

c. Upon the board’s receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board’s executive secretary shall issue a new certificate of registration reflecting the next expiration date, unless grounds exist for denial of the application.

d. If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation which is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board’s decision as provided in 193—subrule 7.40(1).

e. When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not

complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 193—subrule 7.40(1).

f. The board may notify a registrant whose certificate of registration has expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

g. A registrant who continues to practice architecture in Iowa after the registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

2.5(2) Inactive status. This subrule establishes a procedure under which a person issued a certificate of registration as an architect may apply to the board to register as inactive. Registration under this subrule is available to a certificate holder residing within or outside the state of Iowa who is not engaged in Iowa in any practice for which a certificate of registration as an architect is required. A person eligible to register as inactive may, as an alternative to such registration, allow the certificate of registration to lapse. During any period of inactive status, a person shall not use the title "architect" or any other title that might imply that the person is offering services as an architect by such an action in violation of Iowa Code section 544A.15. The board will continue to maintain a data base of persons registered as inactive, including information which is not routinely maintained after a certificate has lapsed through the person's failure to renew. A person who registers as inactive will accordingly receive renewal applications, board newsletters and other mass communications from the board.

a. Affirmation. The renewal application form shall contain a statement in which the applicant affirms that the applicant will not engage in any of the practices in Iowa that are listed in Iowa Code section 544A.16 without first complying with all rules governing reinstatement to active status. A person in inactive status may reinstate to active status at any time pursuant to rule 193B—2.8(544A).

b. Renewal. A person registered as inactive may renew the person's certificate of registration on the biennial schedule described in 193B—2.5(17A,272C,544A). This person shall be exempt from the continuing education requirements and will be charged a reduced renewal fee as provided in 193B—2.11(544A,17A). An inactive certificate of registration shall lapse if not timely renewed.

c. Permitted practices. A person may, while registered as inactive, perform for a client, business, employer, government body, or other entity those services which may lawfully be provided by a person to whom a certificate of registration has never been issued. Such services may be performed as long as the person does not in connection with such services use the title "architect" or any other title restricted for use only by architects pursuant to Iowa Code section 544A.15 (with or without additional designations such as "inactive). Restricted titles may be used only by active architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education.

d. Prohibited practices. A person who, while registered as inactive, engages in any of the practices described in Iowa Code sections 544A.15 and 544A.16 is subject to disciplinary action.

2.5(3) Retired status. A person registered as retired who does not reasonably expect to return to the workforce in any capacity for which a certificate of registration is required due to bona fide retirement or disability may use the title "architect retired" in the context of non-income-producing personal activities.

193B—2.6(544A,17A) Reinstatement of lapsed certificate of registration to active status. An individual may reinstate a lapsed certificate of registration to active status as follows:

2.6(1) If the individual's registration has been lapsed for up to 24 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

a. Option 1. The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of 12 contact hours (8 hours in public protection subjects) of continuing education requirements for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 in addition to the 24 hours (16 hours in public protection subjects) which should have been reported on the June 30 renewal date on which the applicant failed to renew. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. Option 2. The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

2.6(2) If an individual's registration has been lapsed for more than 24 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

a. Option 1. The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration, up to a maximum of \$750;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of 12 contact hours (8 hours in public protection subjects) of continuing education requirements for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 up to a maximum of 48 contact hours (32 hours in public protection subjects). The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. Option 2. The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

193B—2.7(544A,17A) Reinstatement of lapsed certificate of registration to inactive status. An individual may reinstate a lapsed certificate of registration to inactive status as follows:

1. Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750;

2. Pay the current renewal fee;

3. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of lapsed registration.

193B—2.8(544A) Reinstatement from inactive status or retired status to active status.

2.8(1) An individual may reinstate an inactive registration or retired registration to active registration as follows:

a. Pay the current active registration fee. If reinstating to active status at a date that is less than 12 months from the next biennial renewal date, one-half of the current active registration fee shall be paid.

b. Submit documented evidence of completion of 24 contact hours (16 contact hours in public protection subjects) of continuing education in compliance with requirements in 193B—Chapter 3. The hours used to reinstate to active status cannot again be used to renew.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the person shall not be required to report continuing education.

(2) At the first biennial renewal date of July 1 which is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the person shall report 12 hours of previously unreported continuing education.

2.8(2) An individual shall not be allowed to reinstate to inactive status from retired status.

193B—2.9(544A,17A) Finding of probable cause for unlicensed practice. The board may find probable cause to file charges for unlicensed practice if the individual continues to offer services defined as the practice of architecture outlined in Iowa Code section 544A.16 while using the title “architect,” “architectural designer,” or similar designation during the period of lapsed registration.

193B—2.10(544A) Practice by business entities. Before engaging in the practice of architecture in this state, a foreign or domestic business corporation, a foreign professional corporation, a partnership, or sole proprietorship shall acquire an Authorization to Practice Architecture as a Business Entity from the board as provided in Iowa Code section 544A.21.

2.10(1) Application for the authorization shall be made to the board on forms prescribed by the board and shall be accompanied by the proper fee as provided in rule 193B—2.11(544A,17A). The application shall include but not be limited to the following:

- a.* Name and address of the business entity;
- b.* Type of business entity, the federal identification number of the business entity or social security number if a sole proprietorship;
- c.* Names, addresses, and titles of the registered agent if a corporation, and of all officers, directors, partners, beneficial owners, or other principals of the business entity, or of the sole proprietor;
- d.* Name and address of each registered architect in responsible charge of the practice of architecture on behalf of the business entity in the state of Iowa;
- e.* Signature of an officer of a corporation, a partner of a partnership, or the sole proprietor.

2.10(2) A domestic professional corporation or professional limited liability company shall file with the board an application for Authorization to Practice Architecture as a Business Entity along with a copy of its annual report to the secretary of state.

2.10(3) A sole proprietorship shall file with the board an application for Authorization to Practice Architecture as a Business Entity only if practicing under an impersonal or fictitious name.

2.10(4) Upon approval of the Authorization to Practice Architecture as a Business Entity, the business entity shall not be required to apply for renewal of the authorization.

2.10(5) The business entity shall send notice to the board within 90 days of any change in name, address, registered agent if a corporation, officers, directors, partners, beneficial owners, or other principals of the business entity or any change in the name or address of each registered architect in responsible charge of the practice of architecture on behalf of the business entity in the state of Iowa.

2.10(6) A business entity which, after receiving authorization to practice architecture, is not in compliance with Iowa Code section 544A.21 or these rules as a result of a change in ownership or personnel shall take corrective action to bring the business entity back into compliance as soon as possible or apply to modify or amend the authorization. The board may grant a reasonable period of time, up to 90 days unless an extension is requested, for an entity to take such corrective action. Failure to comply within a period of time deemed reasonable by the board shall result in the suspension or revocation of the authorization to practice architecture as a business entity.

2.10(7) A business entity that loses its authorization by cancellation or other board action shall immediately cease to conduct architectural practice in the state of Iowa.

2.10(8) When a business entity is issued a new federal identification number, a new application for authorization must be filed with the board.

193B—2.11(544A,17A) Fee schedule. Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to
the testing service selected by NCARB

Initial registration fee	\$ 50
(plus \$5 per month until renewal)	
Reciprocal application and registration fee	\$200
Biennial renewal fee	\$200
Biennial renewal fee (inactive)	\$100
Biennial renewal fee (retired)	\$ 50
Reinstatement of lapsed individual registration (per month)	\$ 25
Duplicate wall certificate fee	\$ 50

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CHAPTER 3
CONTINUING EDUCATION
[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

193B—3.1(544A) Continuing education. The following rules, adopted by the Iowa architectural examining board, are in compliance with Iowa Code chapter 544A and section 272C.2 requiring professional and occupational licensees to participate in a continuing education program as a condition of registration renewal.

3.1(1) Definitions. The following definitions apply as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“Contact hour” means one continuous instructional hour spent in either structured educational activities or individually planned activities intended to increase the architect’s knowledge and competence in public protection subjects and related practice subjects.

“Individually planned educational activities” means educational activities in which the teaching methodology primarily consists of the architect personally addressing public protection subjects or related practice subjects which are not systematically presented by others, including reading or writing articles on such subjects, studying or researching building types, designs or building systems, rendering services to the public, advancing the profession’s and public’s understanding of the practice of architecture and the like.

“Not engaged in active practice” means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

“Public protection subjects” means technical and professional subjects which the board deems appropriate to safeguard directly the public’s health, safety and welfare. Such subjects include building design, environmental or land use analyses, life safety, architectural programming, site and soils analyses, accessibility, structural systems considerations, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration and the like.

“Related practice subjects” means technical and professional subjects other than public protection subjects that the board deems appropriate to safeguard indirectly the public’s health, safety, and welfare. Such subjects include building cost analysis, construction contract negotiation, construction phase office procedures, project management, review of state registration laws including rules of professional conduct.

“Retired from active practice” has the same meaning as “not engaged in active practice.”

“Structured educational activities” means educational activities in which the teaching methodology consists primarily of systematic presentation of public protection subjects or related practice subjects by qualified individuals or organizations including monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in planned manner.

3.1(2) To renew registration, in addition to other requirements, an architect must have acquired continuing education for each 24-month period since the architect’s last renewal of initial registration, as the case may be, or be exempt from these continuing education requirements, as provided below. Failure to comply with these requirements may result in nonrenewal of the architect’s registration or other disciplinary action, or both.

a. Within any 24-month biennial renewal period during which 24 contact hours must be acquired, at least 16 contact hours shall be public protection subjects acquired in structured educational activities (all 24 hours may be acquired in such subjects and activities). Eight contact hours may be in related practice subjects acquired through either individually planned activities or structured education activities. A maximum of 2 contact hours annually (4 contact hours biennially) may be claimed for serving as a mentor or sponsor for the NCARB Intern Development Program. Hours acquired in any 24-month period may not be carried over to a subsequent 24-month period. Continuing education hours need not be acquired within this jurisdiction, but may be acquired at any location.

b. Reporting and record keeping. A registered architect shall complete and submit forms prescribed or accepted by the board certifying to the architect's having acquired the required continuing education hours. Architects' forms 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 two years after the period for which the form was submitted. If the board disallows any continuing education hours, unless the board finds following notice and hearing that the architect willfully disregarded these requirements, then the architect shall have six months from notice of such disallowance to make up the deficiency by acquiring the required number of contact hours. Such contact hours shall not again be used for the next renewal.

3.1(3) An architect who holds registration in Iowa for less than 12 months from the date of initial registration, shall not be required to report continuing education hours at the first registration renewal. An architect who holds registration in Iowa for more than 12 months, but less than 24 months from the date of initial registration, shall be required to report 12 contact hours (including 8 hours in public protection subjects) earned in the preceding 12 months at the first registration renewal.

3.1(4) The following suggested list may be used by all registrants in determining the types of activities which may fulfill continuing education requirements:

a. Contact hours in attendance at short courses or seminars, dealing with architectural subjects and sponsored by colleges or universities.

b. Contact hours in attendance at technical presentations on architectural subjects 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 organizations devoted to architectural education may qualify.

c. Contact hours in attendance at short courses or seminars, relating to business practice or new technology and offered by colleges, universities, professional organizations or system suppliers.

d. Three preparation hours for each class hour spent teaching architectural courses or seminars. College or university faculty may not claim credit for teaching regular curriculum courses.

e. Contact hours spent in professional service to the public which draws upon the registrant's professional expertise on boards and commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards, or code study committees.

f. Contact hours spent in architectural research which is published or is formally presented to the profession or public.

g. Contact hours spent in architectural self-study courses such as those sponsored by the American Institute of Architects, National Council of Architecture Registration Boards (NCARB), or similar organizations.

h. College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal 15 contact hours. A quarter hour shall equal 10 contact hours.

i. Contact hours spent in educational tours of architecturally significant buildings, where the tour is sponsored by college, university or professional organizations.

3.1(5) A registered architect shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required affidavit that for not less than 21 months of the preceding two-year period of registration, the architect (one of the following):

a. Has served honorably on active duty in the military service.

b. Is the resident of another state or district having a continuing education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein.

c. Is a government employee working as an architect and assigned to duty outside the United States.

3.1(6) Architects who so attest on their affidavit that they are retired from active practice or are not engaged in active practice may maintain their registration and the title of architect. Such architects may, however, reenter practice only after satisfying the board of their proficiency. Proficiency may be established by any one of the following:

a. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice.

b. Retake the architectural registration examination.

c. Fulfill alternative reentry requirements determined by the board which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

3.1(7) The board shall have authority to make exceptions for reasons of individual hardship including health (certified by a medical doctor) or other good cause.

This rule is intended to implement Iowa Code section 272C.2.

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CHAPTER 4
RULES OF CONDUCT

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

193B—4.1(544A,17A) Rules of conduct. Failure by a registrant to adhere to the provisions of Iowa Code sections 272C.10 and 544A.13 and the following rules of conduct shall be grounds for disciplinary action.

4.1(1) Definitions. The following definition applies as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

“Official copy” means technical submission for purposes of required approval.

4.1(2) Competence.

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

b. In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of the regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of these laws and regulations.

c. An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

d. No person shall be permitted to practice architecture if, in the board’s judgment upon receipt of medical testimony or evidence, the person’s professional competence is substantially impaired by physical or mental disabilities.

4.1(3) Conflict of interest.

a. An 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 (such disclosures and agreement to be in writing) by all interested parties.

b. If an architect has any business association or direct or indirect financial interest which is substantial enough to influence judgment in connection with the architect’s performance or professional services, the architect shall fully disclose, in writing, to the client or employer the nature of the business association or financial interest, and if the client or employer objects to the association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

c. An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing the products.

d. When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

4.1(4) Full disclosure.

a. An architect, making public statements on architectural questions, shall disclose when compensation is being received for making the statements.

b. An architect shall accurately represent to a prospective or existing client or employer the architect’s qualifications and the scope of the architect’s responsibility in connection with work for which the architect is claiming credit.

c. If, in the course of work on a project, an architect becomes aware of a decision taken by the employer or client against the architect’s advice which violates applicable state or municipal building laws and regulations and which will, in the architect’s judgment, adversely affect the safety to the public of the finished project, the architect shall:

1. Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations.

2. Refuse to consent to the decisions, and,

3. In circumstances where the architect reasonably believes that other decisions will be taken, notwithstanding the architect's objection, terminate the architect's services with reference to the project.

d. An architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for registration or renewal of registration.

e. An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience or character.

f. An architect possessing knowledge of a violation of these rules by another architect shall report the knowledge to the board.

4.1(5) *Compliance with laws.*

a. An architect shall not, in the conduct of architectural practice, knowingly violate any state or federal criminal law.

b. An architect shall neither offer nor make any payment 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 architect is interested.

c. An architect shall comply with the registration laws and regulations governing the architect's professional practice in any United States jurisdiction.

4.1(6) *Professional conduct.*

a. Each office maintained for the preparation of drawings, specifications, reports or other professional work shall have an architect resident regularly employed in that office having responsible control of such work.

b. An architect shall not sign or seal drawings, specifications, reports or other professional work for which the architect does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of professional work prepared by the architect's consultants, registered under this or another professional registration law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed that portion, has coordinated its preparation and intends to be responsible for its adequacy.

c. An architect shall neither offer nor make any gifts to any public official with the intent of influencing the official's judgment in connection with a project in which the architect is interested. Nothing in this rule shall prohibit an architect from providing architectural services as a charitable contribution.

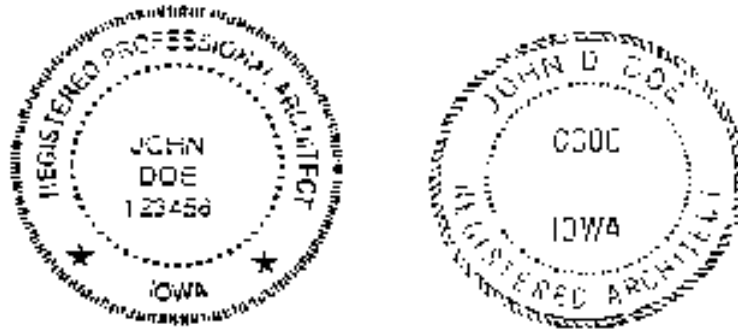
d. An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

Failure by a registrant to adhere to these rules of conduct shall cause the registration to be reviewed by the board and shall, at the discretion of the board, be cause for a reprimand, suspension or revocation of the registration.

4.1(7) *Seal and certificate of responsibility.*

a. Each architect shall procure a seal with which to identify all technical submissions issued by the architect for use in Iowa as provided in Iowa Code section 544A.28.

b. Description of seal: The diameter of the outside circle shall be approximately 1¾ inches. The seal shall include the name of the registered architect and the words "Registered Architect". The Iowa registration number and the word "Iowa" shall be included. The seal shall substantially conform to the samples shown below:



- c. A legible rubber stamp, electronic image or other facsimile of the seal may be used.
- d. Each technical submission submitted to a building official, hereinafter referred to as the official copy, shall contain an information block on its first page or on an attached cover sheet with application of a seal by the architect in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature shall be applied only to a final technical submission. Each official copy of a technical submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block shall display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional shall be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block will substantially conform to the sample shown below:

S E A L	<p>I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered architect under the laws of the state of Iowa.</p> <hr/> <p style="text-align: center;">Printed or typed name</p> <hr/> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;">Signature</td> <td style="width: 40%; border: none;">Date</td> </tr> </table> <hr/> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;">Registration expires</td> <td style="width: 40%; border: none;">Date issued</td> </tr> </table> <p>Pages or sheets covered by this seal: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>	Signature	Date	Registration expires	Date issued
Signature	Date				
Registration expires	Date issued				

- e. The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature. An electronic signature as defined in or governed by Iowa Code chapter 554D meets the signature requirements of this rule if it is protected by a security procedure, as defined in Iowa Code section 554D.103(14), such as digital signature technology. It is the licensee’s responsibility to ensure, prior to affixing an electronic signature to a technical submission, that security procedures are adequate to (1) verify that the signature is that of a specific person and (2) detect any changes that may be made or attempted after the signature of the specific person is affixed. The seal implies responsibility for the entire technical submission unless the area of responsibility is clearly identified in the information accompanying the seal.
- f. It shall be the responsibility of the architect who signed the original submission to forward copies of all changes and amendments to the technical submission, which shall become a part of the

official copy of the technical submission, to the public official charged with the enforcement of the state, county, or municipal building code.

g. An architect is responsible for the custody and proper use of the seal. Improper use of the seal shall be grounds for disciplinary action.

h. The seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the responsible control of the individual named on that seal.

4.1(8) Communications. An architect shall, when requested, respond to communications from the board within 30 days of the mailing of such communication by certified mail. Failure to respond to such communication may be grounds for disciplinary action against the architect.

This rule is intended to implement Iowa Code chapters 17A and 544A.

193B—4.2(272C) Impaired licensee review committee. Rescinded IAB 10/3/01, effective 11/7/01.

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CHAPTER 5 EXCEPTIONS

193B—5.1(544A) Definitions. The following definitions apply as used in Iowa Code chapter 544A, and this chapter of the architectural examining board rules, unless the context otherwise requires.

“Accessory buildings” means one or more buildings separate from, but accessory to, a main building, including, but not limited to, a garage or storage building serving a main building.

“Agricultural building” means a structure designed to house farm implements, hay, grain, poultry, livestock or other agricultural products. For the purpose of this definition, this structure shall not contain habitable space or a place of employment where agricultural products are processed or treated or packaged; nor shall it be a place used by the public.

“Alter” or *“alteration”* means any change, addition or modification to an existing building in its construction or occupancy.

“Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

“Commercial” or *“commercial use”* means any of the following:

- A building used for buying, selling or exchange of goods or services,
- Drinking and dining establishments having an occupant load of fewer than 50,
- Wholesale and retail stores,
- Office buildings,
- Printing plants,
- Factories and workshops, and
- Buildings or portions of buildings having rooms used for educational purposes beyond the twelfth grade, with fewer than 50 occupants in any room.

“Commercial” does not include the other uses described herein:

- Accessory buildings,
- Educational buildings,
- Factory-built buildings,
- Governmental-use buildings,
- Industrial-use buildings,
- Institutional-use buildings,
- Hazardous-use buildings,
- Light industrial,
- Places of assembly,
- Residential dwellings, and
- Warehouses.

“ Dwelling unit ” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, or cooking and sanitation, for not more than one family, or a congregate residence, such as a group home for ten or fewer persons.

“ Educational use ” means a building used for educational purposes through the twelfth grade for more than 12 hours per week or more than 4 hours in any one day, and any building used for day-care purposes for more than six children.

“ Factory-built buildings ” means buildings that have been designed, engineered, fabricated and wholly or partly assembled in a manufacturing facility for assembly and installation on a building site. A preengineered building utilizing standard building components assembled on the building site is not considered a “factory-built building.” Such factory-built buildings, in order to qualify for the exception established by Iowa Code section 544A.18, must either:

1. Not exceed limitations on size and use established by Iowa Code section 544A.18, or
2. The seal applied by a professional engineer or architect shall apply to the entire assembly, not a specific element of the assembly.

“*Family dwelling unit*” is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family. Congregate residences, such as group homes, are not “family dwelling units.”

“*Governmental use*” means a building or portion of a building owned or occupied by a municipal, county, state, federal, or other public agency including, but not limited to, municipal fire and police stations and libraries.

“*Gross floor area*” means the aggregate floor area of an entire building enclosed by and including the surrounding exterior walls, and including the aggregate total area of existing, new and additional construction which is physically connected by enclosed space.

“*Habitable space (room)*” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered “habitable space.”

“*Industrial use*” means any of the following:

- A building used for the manufacturing, fabrication, or assembly of goods or materials including aircraft hangars;
- Open parking garages;
- Helistops;
- Ice plants;
- Power plants;
- Pumping plants;
- Cold storage and creameries; and
- Factories and workshops.

“*Institutional use*” means any of the following:

- Nurseries for the full-time care of children under the age of six, accommodating more than five persons;
- Hospitals;
- Sanitariums;
- Nursing homes;
- Homes for children six years of age or over, accommodating more than five persons;
- Mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of persons are similarly restrained;
- Group homes; and
- Adult day-care facilities.

“*Light industrial*” means buildings used solely to house industrial use that are not more than one story in height and not exceeding 10,000 square feet in gross floor area, or are not more than two stories in height and not exceeding 6,000 square feet in gross floor area.

“*Nonstructural alterations*” means modifications to an existing building which do not include any changes to structural members of a building, or do not modify means of egress, handicap accessible routes, fire resistivity or other life safety concerns.

“*Occupancy*” means the purpose for which a building, or part thereof, is used or intended to be used.

“*Office use*” means a building housing a commercial use.

“*Outbuildings*” has the same meaning as “accessory buildings.”

“*Place of assembly of people or public gathering*” means a building or a portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining, or awaiting transportation.

“*Residential use*” includes hotels, apartment houses, dwellings, and lodging houses.

“*Story*” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet (1829 mm) above grade for more than 50 percent of the total perimeter or is more than 12 feet (3658 mm) above grade at any point, such usable or unused under-floor space shall be considered a story.

“*Story, first*” means the lowest story of a building which qualifies as a story, as defined herein, except that the floor level in a building having only one floor level shall be classified as a first story, provided such floor is not more than 4 feet (1219 mm) below grade for more than 50 percent of the total perimeter, or not more than 8 feet (2438 mm) below grade at any point.

“*Structural members*” consists of building elements which carry an imposed load of weight and forces in addition to their own weight including, but not limited to, loads imposed by forces of gravity, wind, and earthquake. Structural members include, but are not limited to, footings, foundations, columns, load-bearing walls, beams, girders, purlins, rafters, joists, trusses, lintels, and lateral bracing.

“*Structure*” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“*Use*” has the same meaning as “occupancy.”

“*Warehouses*” or “*warehouse use*” means a building used for the storage of goods or materials.

193B—5.2(544A) Exceptions. An architect registered in this state is required to perform professional architectural services for all buildings except those listed below. Persons who are not registered architects may perform planning and design services in connection with any of the following:

5.2(1) Detached residential buildings containing 12 or fewer family dwelling units of not more than three stories and outbuildings in connection with the buildings.

5.2(2) Buildings used primarily for agricultural purposes including grain elevators and feed mills.

5.2(3) Nonstructural alterations to existing buildings which do not change the use of a building:

a. From any other use to a place of assembly of people or public gathering.

b. From any other use to a place of residence not exempted by subrule 5.2(1).

c. From an industrial or warehouse use to a commercial or office use not exempted by subrule 5.2(4).

5.2(4) Warehouses and commercial buildings not more than one story in height, and not exceeding 10,000 square feet in gross floor area; commercial buildings not more than two stories in height and not exceeding 6,000 square feet in gross floor area; and light industrial buildings.

5.2(5) Factory-built buildings which are not more than two stories in height and not exceeding 20,000 square feet in gross floor area or which are certified by a professional engineer registered under Iowa Code chapter 542B.

5.2(6) Churches and accessory buildings, whether attached or separate, not more than two stories in height and not exceeding 2,000 square feet in gross floor area.

193B—5.3(544A) Building use takes priority over size. In all cases when applying the exceptions outlined in Iowa Code section 544A.18 and rule 193B—5.2(544A), the use of the building takes priority over the size. For example, a place of assembly or governmental use is not a commercial use, and would not constitute an exception even if the building is not more than one story in height and does not exceed more than 10,000 square feet in gross floor area.

193B—5.4(544A) Exceptions matrix. The following matrix is compiled to illustrate the exceptions outlined in Iowa Code section 544A.18 and rule 193B—5.2(544A). The laws and rules governing the Practice of Engineering are not illustrated herein.

BUILDINGS NEW CONSTRUCTION			
Building Use Type	Description	Architect Required	Architect May Not Be Required
Agricultural Use	Including grain elevators and feed mills		X

BUILDINGS NEW CONSTRUCTION			
Building Use Type	Description	Architect Required	Architect May Not Be Required
Churches and accessory buildings whether attached or separate	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area		X
	Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	More than two stories in height	X	
Commercial Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
	Two stories in height, greater than 6,000 square feet of gross floor area	X	
	More than two stories in height	X	
Detached Residential Use	One, two or three stories in height, containing 12 or fewer family dwelling units		X
	More than 12 family dwelling units	X	
	More than three stories in height	X	
	Outbuildings in connection with detached residential buildings		X
Educational Use		X	
Governmental Use		X	
Industrial Use		X	
Institutional Use		X	
Light Industrial Use			X
Places of assembly		X	
Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
	One story in height, greater than 10,000 square feet in gross floor area	X	
	More than one story in height	X	
Factory-Built Buildings	Any height and size, if certified by a professional engineer licensed under Iowa Code chapter 542B		X
	One or two stories in height, up to a maximum of 20,000 square feet in gross floor area		X
	One or two stories in height, greater than 20,000 square feet in gross floor area	X	
	More than two stories in height	X	
	More than 20,000 square feet in gross floor area	X	

ALTERATIONS TO EXISTING BUILDINGS			
Alteration Type	Description	Architect Required	Architect May Not Be Required
Structural alterations to exempt buildings	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X

ALTERATIONS TO EXISTING BUILDINGS					
Alteration Type	Description		Architect Required	Architect May Not Be Required	
Structural alterations to nonexempt buildings	Modifications which change the structural members, means of egress, handicap accessible path, fire resistivity or other life safety concerns		X		
Nonstructural alteration	Which does not modify means of egress, handicap accessible path, fire resistivity or other life safety concerns			X	
	Which maintains the previous type of use			X	
Nonstructural alteration which changes the use of the building from any other use to:	A place of assembly of people or public gathering		X		
	Governmental use		X		
	Educational use		X		
	Hazardous use		X		
	A place of residence exempted	and is one, two or three stories in height and contains not more than 12 family dwelling units		X	
	A place of residence not exempted otherwise	and is more than three stories in height	X		
and containing more than 12 family dwelling units		X			
Nonstructural alterations which change the use of the building from industrial or warehouse to:	Commercial or office use	and is one story in height and not greater than a maximum of 10,000 square feet in gross floor area		X	
		and is one story in height and greater than 10,000 square feet in gross floor area	X		
		and is two stories in height and not greater than a maximum of 6,000 square feet in gross floor area		X	
		and is two stories in height and greater than 6,000 square feet in gross floor area	X		
		and is more than two stories in height	X		
		and is greater than 10,000 square feet of gross floor area	X		
ALTERATIONS TO EXISTING BUILDINGS (CONT.)					
Nonstructural alterations to:	Agricultural Use	Including grain elevators and feed mills		X	
		Churches and Accessory Building Uses	One or two stories in height, up to a maximum of 2,000 square feet in gross floor area	X	
			Any number of stories in height, greater than 2,000 square feet in gross floor area	X	
	Commercial Use	More than two stories in height	X		
		One story in height, up to a maximum of 10,000 square feet in gross floor area	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
			One story in height, greater than 10,000 square feet in gross floor area	X	
			Two stories in height, up to a maximum of 6,000 square feet in gross floor area		X
			Two stories in height, greater than 6,000 square feet in gross floor area	X	
	More than two stories in height		X		
	Detached Residential Buildings	One, two or three stories in height, containing 12 or fewer family dwelling units	More than 12 family dwelling units	X	
			More than three stories in height	X	
				X	

ALTERATIONS TO EXISTING BUILDINGS				
Alteration Type	Description		Architect Required	Architect May Not Be Required
		Outbuildings in connection with detached residential buildings		X
	Educational Use		X	
	Governmental Use		X	
	Industrial Use		X	
	Institutional Use		X	
	Light Industrial Use			X
	Places of Assembly		X	
	Warehouse Use	One story in height, up to a maximum of 10,000 square feet in gross floor area		X
		One story in height, greater than 10,000 square feet in gross floor area	X	
		More than one story in height	X	
	Factory-Built Buildings	Any height and size if entire building is certified by a professional engineer licensed under Iowa Code chapter 542B		X
		One or two stories in height, up to a maximum of 20,000 square feet of gross floor area		X
		One or two stories in height, greater than 20,000 square feet in gross floor area	X	
		More than two stories in height	X	
		More than 20,000 square feet in gross floor area	X	

These rules are intended to implement Iowa Code section 544A.18.

[Filed 9/12/01, Notice 6/27/01—published 10/3/01, effective 11/7/01]

CHAPTER 6
DISCIPLINARY ACTION AGAINST REGISTRANTS

[Previously Ch 4; Ch 5, IAB 3/2/83]

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

[Prior to 10/3/01, see 193B—Chapter 5]

193B—6.1(544A,272C) Disciplinary action. The architectural examining board has authority in Iowa Code chapters 544A, 17A and 272C to impose discipline for violations of these chapters and the rules promulgated thereunder.

193B—6.2(544A,272C) Investigation of complaints. The board shall, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigators designated by the president shall cause an investigation to be made into the allegations of the complaint. If the board determines that the complaint does not present facts which constitute a basis for disciplinary action, the board shall take no further action.

193B—6.3(544A,272C) Peer investigative committee. A peer investigative committee may be appointed by the president to investigate a complaint. The committee members will consist of one or more architects, serve at the discretion of the president, and shall have been registered to practice in Iowa for at least five years. The committee will review and determine the facts of the complaint and make a report to the board in a timely manner.

193B—6.4(544A,272C) Investigation report. Upon completion of the investigation, the investigator(s) shall prepare for the board's consideration a report containing the position or defense of the registrant to determine what further action is necessary. The board may:

1. Order the matter be further investigated.
2. Allow the registrant who is the subject of the complaint an opportunity to appear before a committee of the board for an informal discussion regarding the circumstances of the alleged violation.
3. Determine there is no probable cause to believe a disciplinary violation has occurred and close the case.
4. Determine there is probable cause to believe that a disciplinary violation has occurred.

193B—6.5(544A,272C) Informal discussion. If the board considers it advisable, or if requested by the affected registrant, the board may grant the registrant an opportunity to appear before the board or a committee of the board for a voluntary informal discussion of the facts and circumstances of an alleged violation. The registrant may be represented by legal counsel at the informal discussion. The registrant is not required to attend the informal discussion.

Unless disqualification is waived by the registrant, board members who personally investigated a disciplinary complaint are disqualified from making decisions at a later formal hearing. Because board members generally rely upon staff, investigators, auditors, peer review committees, or expert consultants to conduct investigations, the issue rarely arises. An informal discussion, however, is a form of investigation because it is conducted in a question-and-answer format. In order to preserve the ability of all board members to participate in board decision making, registrants who desire to attend an informal discussion must therefore waive their right to seek disqualification of a board member or staff based solely on the board member's or staff's participation in an informal discussion. Registrants would not be waiving their right to seek disqualification on any other ground. By electing to attend an informal discussion, a registrant accordingly agrees that participating board members or staff are not disqualified from acting as a presiding officer in a later contested case proceeding or from advising the decision maker.

Because an informal discussion constitutes a part of the board's investigation of a pending disciplinary case, the facts discussed at the informal discussion may be considered by the board in the

event the matter proceeds to a contested case hearing and those facts are independently introduced into evidence. The board may seek a consent order at the time of the informal discussion. If the parties agree to a consent order, a statement of charges shall be filed simultaneously with the consent order.

193B—6.6(544A,272C) Decisions. The board shall make findings of fact and conclusions of law and may take one or more of the following actions:

6.6(1) Dismiss the charges.

6.6(2) Revoke the architect's registration. In the event of a revocation, the registrant shall not be allowed to remain a partner or shareholder of a business entity if the law requires all partners or shareholders of such entity to be registered architects.

6.6(3) Suspend the registrant's registration as authorized by law.

6.6(4) Impose civil penalties, the amount which shall be set at the discretion of the board but which shall not exceed \$1000. Civil penalties may be imposed for any of the disciplinary violations specified in Iowa Code sections 544A.13 and 544A.15 and these rules. Factors the board may consider when determining whether to assess civil penalties and the amount to assess include:

- a. Whether other forms of discipline are being imposed for the same violation.
- b. Whether the amount imposed will be a substantial deterrent to the violation.
- c. The circumstances leading to the violation.
- d. The severity of the violation and the risk of harm to the public.
- e. The economic benefits gained by the licensee as a result of the violation.
- f. The interest of the public.
- g. Evidence of reform or remedial action.
- h. Time lapsed since the violation occurred.
- i. Whether the violation is a repeat offense following a prior cautionary letter, disciplinary order, or other notice of the nature of the infraction.
- j. The clarity of the issues involved.
- k. Whether the violation was willful and intentional.
- l. Whether the registrant acted in bad faith.
- m. The extent to which the registrant cooperated with the board.
- n. Whether the registrant practiced architecture with a lapsed, inactive, suspended or revoked certificate of registration.

6.6(5) Impose a period of probation, either with or without conditions.

6.6(6) Require reexamination, using one or more parts of the examination given to architectural registrant candidates.

6.6(7) Require additional professional education, reeducation, or continuing education.

6.6(8) Issue a citation and a warning.

6.6(9) Issue a consent order.

Voluntary surrender of registration is considered as disciplinary action.

These rules are intended to implement Iowa Code section 544A.13 and chapter 272C.

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CHAPTER 7
DISCIPLINARY ACTION—UNLICENSED PRACTICE

[Previously Ch 4; Ch 5, IAB 3/2/83]

[Prior to 7/13/88, see Architectural Examiners, Board of[80]]

[Prior to 10/3/01, see 193B—Chapter 5]

193B—7.1(544A,272C) Disciplinary action. The architectural examining board has authority in Iowa Code chapters 544A, 17A and 272C to impose discipline for violations of these chapters and the rules promulgated thereunder.

193B—7.2(544A,272C) Investigation of complaints. The board shall, upon receipt of a complaint in writing, or may, upon its own motion, pursuant to other evidence received by the board, review and investigate alleged acts which the board reasonably believes constitute cause under applicable law or administrative rules. In order to determine if probable cause exists for a hearing on a complaint, the investigators designated by the president shall cause an investigation to be made into the allegations of the complaint. If the board determines that the complaint does not present facts which constitute a basis for disciplinary action, the board shall take no further action.

193B—7.3(544A) Civil penalties against nonregistrant. The board may impose civil penalties by order against a person who is not registered as an architect pursuant to Iowa Code chapter 544A based on the unlawful practices specified in Iowa Code section 544A.15(3). In addition to the procedures set forth in Iowa Code section 544A.15(3), this rule shall apply.

7.3(1) The notice of the board's intent to impose a civil penalty required by Iowa Code section 544A.15(3) shall be served upon the nonregistrant by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure 56.1. Alternatively, the nonregistrant may accept service personally or through authorized counsel. The notice shall include the following:

- a. A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b. Reference to the particular sections of the statutes and rules involved.
- c. A short, plain statement of the alleged unlawful practices.
- d. The dollar amount of the proposed civil penalty.
- e. Notice of the nonregistrant's right to a hearing and the time frame in which hearing must be requested.
- f. The address to which written request for hearing must be made.

7.3(2) Nonregistrants must request hearing within 30 days of the date the notice is mailed, if served through restricted certified mail to the last-known address, or within 30 days of the date of service, if service is accepted or made in accordance with Rule of Civil Procedure 56.1. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service.

7.3(3) If a request for hearing is not timely made, the board chair or the chair's designee may issue an order imposing the civil penalty described in the notice. The order may be mailed by regular first-class mail or served in the same manner as the notice of intent to impose civil penalty.

7.3(4) If a request for hearing is timely made, the board shall issue a notice of hearing and conduct a hearing in the same manner as applicable to disciplinary cases against registered architects.

7.3(5) In addition to the factors set forth in Iowa Code section 544A.15(3), the board may consider the following when determining the amount of civil penalty to impose, if any:

- a. The time lapsed since the unlawful practice occurred.
- b. Evidence of reform or remedial actions.
- c. Whether the violation is a repeat offense following a prior warning letter or other notice of the nature of the infraction.
- d. Whether the violation involved an element of deception.
- e. Whether the unlawful practice violated a prior order of the board, court order, cease and desist agreement, consent order, or similar document.

- f.* The clarity of the issue involved.
- g.* Whether the violation was willful and intentional.
- h.* Whether the nonregistrant acted in bad faith.
- i.* The extent to which the nonregistrant cooperated with the board.

7.3(6) A nonregistrant may waive the right to hearing and all attendant rights and enter into a consent order imposing a civil penalty at any stage of the proceeding upon mutual consent of the board.

7.3(7) The notice of intent to impose civil penalty and order imposing civil penalty are public records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Architectural Registration Boards, and other entities. Hearings shall be open to the public.

These rules are intended to implement Iowa Code section 544A.15.

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CHAPTER 8
PETITION FOR RULE MAKING AND FOR DECLARATORY ORDER

Rescinded IAB 10/3/01, effective 11/7/01

CHAPTER 9
WAIVERS OR VARIANCES FROM RULES

Rescinded IAB 10/3/01, effective 11/7/01