



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
**BOARD OF LICENSURE OF ARCHITECTS,
LANDSCAPE ARCHITECTS AND INTERIOR
DESIGNERS**
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Janet T. Mills
Governor

Anne L. Head
Commissioner

**Public Board Meeting
Tuesday, May 30, 2023
AGENDA**

Location: 221 State Street, Augusta, ME 04330

Time: 9:00 a.m.

Room: Central Conference Room

Information regarding virtual attendance to this meeting will be posted on the Board's website at:
[Board of Licensure for Architects, Landscape Architects and Interior Designers - Board Meeting Information | Office of Professional and Occupational Regulation \(maine.gov\)](#)

Join Microsoft Teams Meeting
Join on your computer, mobile app or room device
[Click here to join the meeting](#)

Meeting ID: 281 465 626 065

Passcode: MVFKzY

Or call in (audio only)
[+1 207-209-4724](#) US, Portland

Phone Conference ID: 976 206 649#

I. CALL TO ORDER

II. AGENDA MODIFICATIONS

III. MINUTES REVIEW AND APPROVAL

Review and Approval of March 21, 2023 Minutes

IV. ADMINISTRATOR'S REPORT

- A. Presentation of Basis Statement and Summary and Response to Comments for proposed rulemaking:
Repeal and Replace:
- Chapter 10, Definitions
 - Chapter 12, Licensure of Architects
 - Chapter 13, Licensure of Landscape Architects

FAX: (207)624-8637


PRINTED ON RECYCLED PAPER
TTY users call Maine Relay 711

PHONE: (207)624-8524

- Chapter 17, Grounds for Disciplinary Action
- Chapter 18, Documentation

Repeal:

- Chapter 15, Application for Licensure
- Chapter 19, Incorporation by Reference

Potential to vote to adopt.

B. Mutual Recognition Agreements

V. PUBLIC COMMENT

Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board, except for any open application or complaint. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.

VI. MEETING SCHEDULE

Next meeting scheduled for July 18, 2023

VII. ADJOURNMENT

**BOARD OF LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS
AND INTERIOR DESIGNERS
BOARD MEETING MINUTES
March 21, 2023**

MEMBERS PRESENT:

William Bisson, Chair
Cinderella Norris, Vice-Chair
R. Michael Pullen, Complaint Officer

MEMBERS ABSENT:

Lori LaRochelle

STAFF PRESENT:

Catherine Pendergast, Administrator
Samantha Morgan, AAG
Regina Ritchie, Licensing Supervisor
Elizabeth Moulton, Office Specialist I

Location: Virtual Meeting Via Zoom

Start: 9:02 a.m.

Adjourn: 10:10 a.m.

CALL TO ORDER

The meeting was called to order by Chair Bisson at 9:02 a.m.

AGENDA MODIFICATIONS

None

MINUTES REVIEW AND APPROVAL

A motion was made by Pullen and seconded by Norris to approve the minutes of the January 17, 2023 meeting as presented. Pullen, Bisson, and Norris voted affirmative. Unanimous.

COMPLAINT PRESENTATIONS

None

APPLICATION REPORTS

The Board reviewed the December 2022 and January 2023 monthly reports.

ADMINISTRATOR'S REPORT

- A. Board Rule Review - The Board continued discussion of proposed changes to Board Rules. Kristin Racine, staff attorney for the Office of Professional and Occupational Regulation, provided information previously requested by the Board. With Board recommended changes, a motion was made by Pullen and seconded by Norris to initiate APA rulemaking for revised Chapters 10: Definitions; Repeal and Replacement of Chapters 12: Licensure of Architects and 13: Licensure of Landscape Architects; Repeal of Chapter 15: Application for Licensure; revised Chapter 17: Grounds for Disciplinary Action; revised Chapter 18: Documentation and repeal of Chapter 19: Incorporation by Reference. Pullen, Bisson, and Norris voted affirmative. Unanimous.
- B. Remote Participation Policy - A motion was made by Norris and seconded by Pullen to accept the proposed policy. Pullen, Bisson, and Norris voted affirmative. Unanimous.
- C. UK Reciprocity Correspondence – The Board requested additional information on the National Council of Architectural Registration Boards (NCARB) Mutual Recognition Agreements with other countries for review at the next meeting.

PUBLIC COMMENT

Steven Ribble made comment on the Remote Participation Policy. Roo Collins made public comment regarding the UK Mutual Recognition Agreement.

MEETING SCHEDULE

The next meeting is currently scheduled for May 16, 2023.

ADJOURN

A motion was made by Pullen and seconded by Norris to adjourn. Unanimous.
Being no further business, the meeting was adjourned at 10:10 a.m.

DRAFT



May 19, 2023

Catherine Pendergast
Maine State Board of Licensure of Architects, Landscape Architects and Interior Designers
35 State House Station
Augusta, ME 04333-0035

Re: Comment on Chapter 12: Licensure of Architects

Dear Board of Licensure Architects, Landscape Architects and Interior Designers,

Please accept these comments from the Maine Chapter of the American Institute of Architects (AIA Maine) in support of the board's rulemaking to repeal and replace several chapters of the board's rules, particularly with respect to Chapter 12, Licensure of Architects. We appreciate the careful work the board has undertaken on this issue and would like to thank the board for initiating rules to ensure that the Board of Licensure of Architects, Landscape Architects and Interior Designers' licensure requirements more closely align with the requirements of the National Council of Architectural Registration Board (NCARB) for architect licensure.

This rulemaking would allow architect exam applicants to apply directly to the NCARB, while still allowing for alternate pathways to licensure. Currently, there are four ways an architect can get licensed in Maine:

- Through an NCARB degree;
- 9 years of experience without an NCARB degree, but a related 4-year degree;
- 11 years of experience with a non-related 4-year degree; or
- 13 years of experience without any education.

This change would have all applicants go through NCARB, more for their experience and references compared to the more current language of NCARB. This would add another pathway to licensure without eliminating an architect's ability to get licensed in Maine through the current pathways.

We support this proposal, as it would likely streamline the entire process. The architect would have to set up an NCARB record to track their experience, and Maine currently has its own way to track experience, so the process should be seamless. AIA Maine fully supports any pathway to making licensure an easier process for architects, so long as it does not hinder an applicant from choosing one of the current four options to get licensed in Maine.

Thank you for your time and consideration,

Elizabeth Frazier

May 18, 2023

Catherine E. Pendergast
Board Manager
Maine State Board for Licensure of Architects,
Landscape Architects, and Interior Designers
35 State House Station
Augusta, ME 04333-0035

RE: Proposed Rules 2023-P076 to P082

Dear Ms. Pendergast:

On behalf of the 15,000 members of the American Society of Landscape Architects (ASLA), I want to express our appreciation for the opportunity to comment on the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers' proposed rules to align the Board's landscape architecture licensure requirements more closely with the Council of Landscape Architectural Registration Boards (CLARB) model language for landscape architect licensure.

ASLA, a stakeholder in the landscape architecture profession's regulation, supports the efforts of regulatory bodies in all 50 states and the District of Columbia to adopt uniform licensure standards. While we commend the State Board for proposing amended rules that are in alignment with CLARB's Uniform Licensure Standard for Landscape Architecture ("Uniform Standard"), we do not support the rules permitting landscape architecture candidates the opportunity to acquire all their experience under the direct supervision of a "licensed professional in a related field"—architect or professional engineer.

Therefore, we respectfully request the proposed rules be amended to require at least half of the required years of experience be under the direct supervision of a licensed landscape architect. ASLA believes practical experience, under the guidance and supervision of a licensed landscape architect is necessary to provide real-world application of learned knowledge and skills and that Maine should continue to require a substantial portion of a candidate's experience come under the direct supervision of a licensed landscape architect.

While practice overlap exists with architects and professional engineers, licensed landscape architects have their own unique knowledge, skills, and abilities. As currently proposed, an applicant could obtain all their required experience under the direct supervision of an architect or professional engineer. Thus, weakening the regulatory

intent of “landscape architecture experience,” and would place Maine’s experience rules out of alignment with the majority of U.S. States and the District of Columbia.

Addressing our concern, we suggest the following amendments to Chapter 13—
Licensure of Landscape Architects:

3(1)(B) Demonstrating completion of two (2) years of experience in the regulated practice of landscape architecture, with a minimum of one (1) year under the direct supervision of a licensed landscape architect, and up to one (1) year of the remaining experience under the direct supervision of ~~or~~ a licensed professional in a related field;

3(2)(B) Demonstrating completion of four (4) years of experience in the regulated practice of landscape architecture, with a minimum of two (2) years under the direct supervision of a licensed landscape architect, and up to two (2) years of the remaining experience under the direct supervision of ~~or~~ a licensed professional in a related field;

3(3)(B) Demonstrating completion of six (6) years of experience in the regulated practice of landscape architecture, with a minimum of three (3) years under the direct supervision of a licensed landscape architect, and up to three (3) years of the remaining experience under the direct supervision of ~~or~~ a licensed professional in a related field;

3(4) Experience Only. An applicant may qualify for licensure as a landscape architect by:

(A) Demonstrating completion of eight (8) years of experience in the regulated practice of landscape architecture, with a minimum of at least four (4) years under the direct supervision of a licensed landscape architect, and up to four (4) years of the remaining experience under the direct supervision of ~~or~~ a licensed professional in a related field;

Section 4(B) ~~All~~ A minimum of half of the experience in the regulated practice of landscape architecture must be performed under the direct supervision of a licensed landscape architect, and the remaining amount under the direct supervision of ~~or~~ a licensed professional in a related field.

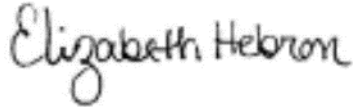
Additionally, in our initial review of the proposed revisions, we found the following language **in Section 3(1)(A)** to be unclear.

“...not later than two (2) years after the degree was received;”

Upon further evaluation, we gather the clause establishes that for a degree to be considered an “accredited degree,” the program must have obtained accreditation no later than two years after the degree was received. If that is the case, we would recommend crafting language that may provide a greater amount of clarity.

Once again, thank you for the opportunity to provide comments and recommendations on the proposed regulations. We stand in support of your intent to amend the rules of the state board to reduce regulatory burdens and unnecessary paperwork, while maintaining the essential duty of protecting the public’s health, safety, and welfare. For questions regarding our recommendations, please feel free to contact me at ehbron@asla.org or 202-216-2324 or Bradley Rawls at brawls@asla.org or 202-898-2370.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Hebron". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Elizabeth Hebron
Director, State Government Affairs

cc: President, Boston ASLA



May 18, 2023

Catherine E. Pendergast
Board Manager
Maine State Board for Licensure of Architects,
Landscape Architects, and Interior Designers
35 State House Station
Augusta, ME 04333-0035

RE: Proposed Rules 2023-P076 to P082

Dear Ms. Pendergast:

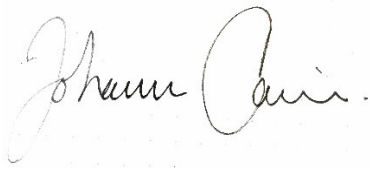
On behalf of the Boston Society of Landscape Architects (BSLA), thank you for this opportunity to share our full support for the National ASLA's comment letter on Proposed Rules 2023-P076 to P082. The Boston Society of Landscape Architects serves as the Maine and Massachusetts chapter of the American Society of Landscape Architects. We support and promote licensure of the profession and connect, convene, and celebrate our professionals as they create safe, resilient, and equitable environments in Maine and beyond.

We firmly believe that practical experience, under the guidance and mentorship of a licensed landscape architect, is crucial for emerging professionals to apply their acquired knowledge and skills in real-world scenarios. Therefore, we support National ASLA's comments calling for amendments to the proposed rule to ensure that Maine licensure candidates continue to acquire a substantial portion of their required experience under the direct supervision of a licensed landscape architect.

While we acknowledge the overlapping areas of practice with architects and professional engineers, it is essential to recognize that licensed landscape architects possess their own unique expertise. This unique expertise includes the design of nature-based solutions and land-based systems knowledge; the design of the intersection of people and nature: design for plants and other living systems as well as for humans, from individuals to large groups and communities, taking into account seasonal and climatic change. Allowing applicants to fulfill their experience requirement solely under the direct supervision of an architect or professional engineer weakens the regulatory intent of "landscape architecture experience" and creates a misalignment with the majority of U.S. states and the District of Columbia, including Massachusetts.

Therefore, we respectfully request the proposed rules be amended, as stipulated in the National ASLA's comment letter. As the landscape architect practice leaders of Maine, we believe that ideally, all of the years of experience should be completed under the supervision of a licensed landscape architect (and with remote work, this is more feasible now than in prior eras). We are willing to support National ASLA's request that at least half of the required years of experience must be completed under the direct supervision of a licensed landscape architect. This revision ensures that aspiring landscape architects receive comprehensive training and mentorship specific to the field, guaranteeing the highest standards of landscape architecture competence and professionalism. We appreciate the opportunity to provide comments and we look forward to your careful consideration of ASLA's proposed rule amendments.

Sincerely,

A handwritten signature in black ink, reading "Johanna Cairns". The signature is fluid and cursive, with a small dot at the end.

Johanna Cairns, ASLA

BSLA Maine Section Co-Chair

A handwritten signature in black ink, reading "Steven Mansfield". The signature is fluid and cursive, with a small dot at the end.

Steven Mansfield, ASLA

BSLA Maine Section Co-Chair

A handwritten signature in black ink, reading "Luisa Oliveira". The signature is fluid and cursive, with a small dot at the end.

Luisa Oliveira, ASLA

President, Boston Society of Landscape Architects (BSLA)

COMPARISON BETWEEN CURRENT AND PROPOSED RULES

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

Chapter 10: DEFINITIONS

Summary: This chapter defines specialized terms used throughout the board’s rules.

1. Definitions

As used in the board’s rules, unless the context otherwise indicates, the following words have the following meanings:

1. **ARE.** “ARE” means ~~Architect~~Architectural Registration Examination.
2. **CACB.** “CACB” means Canadian Architectural Certification Board.
3. **CIDA.** “CIDA” means Council for Interior Design Accreditation.
4. **CLARB.** “CLARB” means Council of Landscape Architectural Registration Boards.
5. ~~5. — [deleted]~~
6. ~~6. — Diversified experience in landscape architecture. “Diversified experience in landscape architecture” means documented involvement in site analysis, site programming, design, construction documentation, code research, cost estimation and field observation across a range of project scales, project types and project settings.~~
5. ~~7. —~~ **Direct Supervision.** “Direct supervision” means supervision through personal contact and/or remote communication (e.g., e-mail, online markups, webinars, internet) such that the supervisor has control over the work of the supervisee and has sufficient professional knowledge of the supervised work so that the supervisor can determine that the supervisee understands and is performing their work within the professional standard of care.
6. **LAAB.** “LAAB” means Landscape Architectural Accreditation Board.
7. ~~8. —~~ **LARE.** “LARE” means Landscape Architect Registration Examination.
8. ~~9. —~~ **Licensee.** “Licensee” means an architect, landscape architect or certified interior designer who is licensed by the board.

9. ~~10.~~ **NAAB.** “NAAB” means National Architectural Accrediting Board.
10. ~~11.~~ **NCARB.** “NCARB” means National Council of Architectural Registration Boards.
11. ~~12.~~ **NCIDQ.** “NCIDQ” means National Council of Interior Design Qualification.
- ~~13~~12. **Prototypical building.** “Prototypical building” means any commercial building or space within a commercial building that is intended to be constructed in multiple locations, and in fact then has been constructed in multiple locations, and which conveys an owner’s intended uniform business program, plan or image.
- ~~14~~13. **Prototypical building construction documents.** “Prototypical building construction documents” means technical submissions for prototypical buildings. Prototypical building construction documents do not comprise a final, comprehensive set of design and construction documents because a prototypical building also requires adaptations for local conditions, including site conditions, and may require additional design as well.
- ~~15~~14. **Regionally-accredited institution.** “Regionally-accredited institution” means an educational institution accredited by a regional institutional accrediting agency recognized by the U.S. Department of Education, or a Canadian educational institution accredited by a provincial ministry of education.
15. **Year of full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.
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STATUTORY AUTHORITY: 32 ~~MRSA~~M.R.S. § 214(1)

EFFECTIVE DATE:

~~June 3, 2009~~ ~~filing 2009-221~~

AMENDED:

~~November 5, 2012~~ ~~filing 2012-303~~

Chapter 12: LICENSURE OF ARCHITECTS

Summary: This chapter sets forth the educational qualifications, experience and examination ~~requirement necessary~~ requirements for licensure as an architect.

1. Overview

Applicants for licensure by examination must satisfy the requirements of at least one of the pathways to licensure as set forth in this Chapter.

2. Incorporation by Reference

The board hereby incorporates the following guidelines and standards into the board's rules by reference:

1. Architectural Experience Program Guidelines, © 2020 National Council of Architectural Registration Boards, effective May 2020 (hereinafter referred to as "NCARB Architectural Experience Program Guidelines"); and
2. NCARB Education Standard contained in Education Guidelines, © 2021 National Council of Architectural Registration Boards, effective January 2021 (hereinafter referred to in board rules as "NCARB Education Standard").

These publications are available from the National Council of Architectural Registration Boards, 1801 K Street, NW, Suite 700K, Washington, DC 20006, and are accessible online at www.ncarb.org.

2. Examination

~~Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.~~

2. ~~Qualifying Education~~

1. The examination for architects is the ARE administered by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each

division of the ARE. The time, place and manner of examination and the standards for a passing grade shall be as determined by NCARB, including but not limited to any decisions regarding requests for testing accommodations.

2. Those individuals who wish to take the ARE shall contact NCARB directly to obtain exam eligibility.
3. Notwithstanding Section 2(2) of this Chapter, there is no requirement that an individual has fully completed the education and experience or experience alone required for licensure before sitting for any division of the ARE.

3. Pathways to Licensure

1. Professional Degree ~~in Architecture From an~~ from NAAB Accredited Program. An applicant may qualify for licensure as an architect by:
 - ~~A. The applicant received~~
 - A. Providing evidence of receiving a Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in the United States and the degree program was accredited by NAAB not later than two (2) years after the degree was received;
 - ~~B. The applicant received a~~
and
 - B. Demonstrating completion of the NCARB Architectural Experience Program (AXP);
and
 - C. Demonstrating a passing grade on each division of the ARE.
2. Professional Degree in Architecture from a Program Accredited or Certified by CACB. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving one of the following:
 - i. A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in Canada and the degree program was accredited by CACB not later than two (2) years after the degree was received; ~~or~~
 - ~~C. The applicant received a~~
or
 - ii. A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from a Canadian university that was certified by CACB;
and

B. Demonstrating at least three (3) years' full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of either:

i. The Canadian provincial Internship in Architecture Program, as verified by the applicant's Canadian Experience Record Book;

or

ii. The NCARB Architectural Experience Program (AXP);

and 2.—

C. Demonstrating a passing grade on each division of the ARE.

Professional Degree ~~in Architecture From a~~ Non-Accredited Program

3. ~~The. An~~ applicant ~~received~~ may qualify for licensure as an architect by:

A. Providing evidence of receiving a professional degree from an architectural degree program that was neither accredited nor certified ~~as described in Section 2(1) of this chapter~~, but which ~~satisfied~~ substantially satisfies the credit hour and area distribution requirements for coursework set forth in the NCARB Education Standard ~~contained in NCARB Education Guidelines (NCARB July 2016);~~

3. ~~Pre-Professional Degree in Architectural Studies~~

The applicant received
and

B. Demonstrating at least three (3) years of full time architectural work experience and under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

4. Pre-Professional Degree. An applicant may qualify for licensure as an architect by:

A. Providing evidence of receiving a 4-year baccalaureate degree with a concentration in architecture that is a component of an NAAB-accredited, CACB-accredited or CACB-certified professional degree program, including but not limited to:

Bachelor of Science in Architecture, Architectural Studies, or a major in architecture, or a Bachelor of Fine Arts in Architecture;

~~—Bachelor of Science in Architecture~~

~~—Bachelor of Science in Architectural Studies~~

~~—Bachelor of Science with a major in architecture~~

~~—Bachelor of Fine Arts in Architecture~~

4. ~~Degree in Field Other Than Architecture~~

~~The applicant received a bachelor degree or higher from a regionally accredited institution in a field other than architecture.~~

3. ~~Qualifying Experience~~

1. ~~NCARB Architectural Experience Program~~

~~The applicant completed the NCARB Architectural Experience Program as verified by the applicant's NCARB Record.~~

2. ~~Canadian Internship~~

~~The applicant completed the Canadian provincial Internship in Architecture Program, as verified by the applicant's Canadian Experience Record Book.~~

3. ~~Office Experience~~

~~The applicant acquired practical
and~~

B. Demonstrating at least nine (9) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

5. Degree in Field Other than Architecture. An applicant may qualify for licensure as an architect by:

A. Providing evidence of receiving a bachelor's degree or higher in a field other than architecture;

and

A.B. Demonstrating at least eleven (11) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession; and ~~can demonstrate completion of the minimum experience required in each of the categories outlined in the NCARB Architectural Experience Program Guidelines (NCARB June 2016). (AXP);~~

~~For purposes of this subsection, "direct supervision" means supervision through personal contact or through a mix of personal contact and remote communication (e.g. e-mail, online markups, webinars, internet) such that the supervisor has control over the work of the supervisee and has sufficient professional knowledge of the supervised work so that the supervisor can determine that the supervisee understands and is performing his or her work experience within the professional standard of care.~~

~~4. Education and~~ and

C. Demonstrating a passing grade on each division of the ARE.

Experience: Pathways to Licensure

Only. An applicant ~~shall demonstrate an acceptable combination of education and experience, or experience alone, as described in the 4 pathways to~~ may qualify for licensure ~~contained in this section.~~

~~1. Professional Degree and Experience~~

~~The applicant received a professional degree in architecture from an accredited or non-accredited program and completed the qualifying experience outlined in Section 3 of this chapter.~~

~~2. Pre-Professional Degree and Experience~~

~~The applicant received a pre-professional degree in architectural studies and completed 9 years of qualifying experience.~~

~~3. Degree in Field Other than Architecture as an architect with~~ and ~~Experience~~

~~The applicant received a bachelor degree or higher in a field other than architecture and completed 11 years of qualifying experience.~~

~~4. Experience Alone~~

~~6. The applicant has~~ no post-secondary baccalaureate or higher degree ~~and completed by:~~

~~A. Demonstrating at least thirteen (13) years of qualifying experience, full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);~~

~~5.~~
~~and~~

~~B. Demonstrating a passing grade on each division of the ARE.~~

Application for Examination

~~The current examination for architects is the Architect Registration Examination developed by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the ARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by NCARB. Passing grades shall be as determined by NCARB.~~

4. ~~6.~~ Licensure without Examination (Reciprocity)

1. With NCARB Certificate

~~An architect license may be issued without examination to an applicant who is currently licensed in another state~~**Form of Application** ~~and holds a current and valid NCARB certificate.~~**Record**

2. Without NCARB Certificate

~~An applicant for licensure as an architect license may be issued without examination to an~~ applicant shall submit an application on a form provided by the board and any fees required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

An applicant shall provide all evidence of satisfying the requirements for licensure to NCARB and direct NCARB to transmit their NCARB record directly to the board. The board reserves the right to require an applicant to submit other information needed to evaluate the application and qualifications for licensure.

An applicant who is currently licensed in another state graduated from a non-accredited program or who earned their degree in a foreign country provided that the board determines that the requirements for licensure may be required, at the applicant's expense, to obtain an NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB, to determine whether the applicant's professional education substantially

satisfied the credit hour and area distribution requirements for coursework set forth in the ~~other state or foreign country at the~~ NCARB Education Standard.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

75. Display of License Number

1. Advertising and Promotional Materials

An architect shall display the legend "Maine Licensed Architect" in all advertising and promotional materials published by or on behalf of the named architect that relate to architectural services for Maine-located projects. Such materials include but are not limited to ~~telephone directories, newspaper and magazine advertisements, and web sites~~ contained in print media, websites, and social media platforms.

2. Correspondence and Business Cards

An architect shall display the legend "Maine Licensed Architect" on the architect's business card and beneath the architect's name on all professional correspondence, proposals and solicitations signed by or on behalf of the named architect for Maine-located projects.

STATUTORY AUTHORITY: 32 ~~MRS~~M.R.S. §§ 214(1) and 220(1)(B)

EFFECTIVE DATE:

~~June 3, 2009 — filing 2009-223~~

AMENDED:

~~November 5, 2012 — filing 2012-304~~

~~February 13, 2017 – filing 2017-017~~

Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS

Summary: This chapter sets forth the educational qualifications, experience and examination ~~requirement necessary~~ requirements for licensure as a landscape architect.

1. Overview

~~Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, landscape architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.~~

Applicants for licensure by examination must satisfy the requirements of at least one of the pathways to licensure as set forth in this Chapter.

2. Examination

1. The current examination for landscape architects is the LARE administered by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE. The time, place and manner of examination and the standards for a passing grade shall be as determined by CLARB, including but not limited to any decisions regarding requests for testing accommodations.

2. ~~Qualifying Education~~ Exam Eligibility.

A. CLARB

Those individuals qualifying for licensure through the pathway set forth in Section 3(1.—~~First~~) of this Chapter who wish to take the LARE shall contact CLARB directly to obtain exam eligibility.

B. Application for Examination

Individuals qualifying for licensure through the pathway set forth in Sections 3(2)-(4) of this Chapter who wish to take the LARE shall submit an application on a form approved by the Board, submit any required fee as

set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation, and submit other information as requested.

3. Notwithstanding Section 2(2) of this Chapter, there is no requirement that an individual has fully completed the education and experience or experience alone required for licensure before sitting for any division of the LARE.

3. Pathways to Licensure

1. Professional Degree ~~in Landscape Architecture~~ from an Accredited Program. An applicant may qualify for licensure as a landscape architect by:

The applicant received

- A. Providing evidence of receiving a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was accredited by LAAB or the Canadian Society of Landscape Architects Accreditation Council. ~~Any degree awarded less than two years prior to the accreditation of the program will be accepted as an accredited degree. Any degree awarded after a program has ceased to be accredited will not be accepted as an accredited degree. not later than two (2) years after the degree was received;~~

2. ~~Non-Accredited Landscape Architecture Degree Programs; Graduate Degrees in Other Design Disciplines~~

A. ~~The applicant received~~
and

- B. Demonstrating completion of two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- C. Demonstrating a passing grade on each division of the LARE.

2. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as a landscape architect by:

- A. Providing evidence of receiving a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was not accredited ~~as described in Section 2(1) of this chapter;~~

and

- B. Demonstrating completion of four (4) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and ~~B. The applicant received:~~

- ~~(1) A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution and the degree program was accredited by NAAB not later than 2 years after the degree was received;~~
- ~~(2) A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in Canada and the degree program was accredited by CACB not later than 2 years after the degree was received; or~~
- ~~(3) A Bachelor of Architecture, Master of Architecture or equivalent degree from a Canadian university that was certified by CACB.~~

~~C. The applicant received a degree in civil engineering from an academic institution accredited by ABET.~~

~~3. Other Bachelor Degree~~

~~The applicant received a bachelor~~

~~C. Demonstrating a passing grade on each division of the LARE.~~

3. Other Professional Degrees. An applicant may qualify for licensure as a landscape architect by:

A. Providing evidence of a bachelor's degree or higher from a regionally-accredited institution in a field other than landscape architecture, ~~architecture or civil engineering;~~

and

B. Demonstrating completion of six (6) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

~~1. and Qualifying Experience~~

~~Qualifying experience consists of:~~

~~Diversified~~

~~C. Demonstrating a passing grade on each division of the LARE.~~

4. Experience Only. An applicant may qualify for licensure as a landscape architect by:

- ~~1. Demonstrating completion of eight (8) years of experience in landscape architecture lawfully practicing as a principal;~~
- A. ~~Diversified experience in the regulated practice of~~ landscape architecture under the direct supervision of a licensed landscape architect ~~lawfully authorized to practice; or~~ a licensed professional in a related field;

~~and Diversified~~

- B. Demonstrating a passing grade on each division of the LARE.

4. Experience in the Regulated Practice of Landscape Architecture

- A. For the purposes of this Chapter, “experience directly related to in the regulated practice of landscape architecture,” means that an applicant must gain experience in the following areas:
 - i. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
 - ii. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
 - iii. Design: includes stakeholder process, master planning, and site design; and
 - iv. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

~~A.B. All experience in the regulated practice of landscape architecture must be performed under the direct supervision of a civil engineer, licensed landscape architect or credentialed planner; a licensed professional in a related field.~~

- ~~2. 50% of the applicant’s experience teaching in a LAAB-accredited program;~~

~~50% of the applicant’s~~

5. Application for Licensure

1. Form of Application and CLARB Record

A. An applicant for licensure as a landscape architect shall submit an application on a form provided by the board and any fees required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

B. An applicant qualifying for licensure through the pathway set forth in Section 3(1) of this chapter shall provide all evidence of satisfying the requirements for

licensure to CLARB and transmit their CLARB record directly to the board. The board reserves the right to require an applicant to submit other information needed to evaluate the application and qualifications for licensure.

C. An applicant qualifying for licensure through the pathways set forth in Sections 3(2)-(4) of this chapter shall provide, in addition to the application and fee required by Section 5(1)(A), as applicable:

i. Academic transcripts demonstrating satisfaction of applicable degree requirements;

~~3. —~~ii. Evidence of completion of the requisite years of experience in landscape architecture directly related to on-site construction, maintenance or installation procedures; or

50% of the applicant's non-diversified experience in the regulated practice of landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice, civil engineer, licensed architect or urban or regional planner.; and

~~For purposes of this section, "direct supervision" means that degree of supervision by a person overseeing the work of another, where both perform their work in the same office, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.~~

~~Qualifying experience is further subject to the evaluation criteria contained in "Standard of Eligibility for Council Certification," Section 3.3.3—3.3.7 (CLARB 2006).~~

~~Education and Experience:—~~ iii. Proof of passage of all divisions of the LARE.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

7. ~~Pathways to Licensure~~

~~An applicant shall demonstrate an acceptable combination of education and experience as described in the 4 pathways to licensure contained in this section.~~

1. ~~Landscape Architecture Degree From Accredited Program and~~ Experience

~~The applicant received a first professional degree in landscape architecture from an accredited program and completed~~

~~A. Two years of qualifying experience other than practice as a principal, of which at least 1 year consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

~~B. Five years of diversified experience in landscape architecture lawfully practicing as a principal.~~

~~2. Landscape Architecture Degree From Non-Accredited Program/Other Graduate Design Degree and Experience~~

~~The applicant received a landscape architecture degree from a non-accredited program, or a graduate degree in another design discipline, and completed~~

~~A. Three years of qualifying experience other than practice as a principal, of which at least 2 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

~~B. One year of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.~~

~~3. Other Bachelor Degree and Experience~~

~~The applicant received a bachelor degree or higher from a regionally-accredited institution in a field other than landscape architecture, architecture or civil engineering and completed~~

~~A. Five years of qualifying experience other than practice as a principal, of which at least 4 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

~~B. Three years of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.~~

~~4. Experience Alone~~

~~The applicant has no post-secondary baccalaureate or higher degree and has completed 12 years of qualifying experience other than practice as a principal, at least half of which consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice.~~

2. ~~Examination~~

~~The current examination for landscape architects is the Landscape Architecture Registration Examination developed by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by CLARB. Passing grades shall be as determined by CLARB.~~

3. ~~Licensure Without Examination (Reciprocity)~~

1. ~~With CLARB Certificate~~

~~A landscape architect license may be issued without examination to an applicant who —~~

~~A. — Holds a current and valid CLARB certificate; and~~

~~B. — Obtained the CLARB certificate through having passed an examination described in Section 5 of this chapter.~~

2. ~~Without CLARB Certificate~~

~~A landscape architect license may be issued without examination to an applicant who is currently licensed in another state or foreign country provided that the board determines that the requirements for licensure in the other state or foreign country at the time of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter.~~

Display of Licensed Status

1. ~~Advertising and Promotional Materials~~

A landscape architect shall display the legend "Maine Licensed Landscape Architect" in all advertising and promotional materials published by or on behalf of the named landscape architect that relate to landscape architectural services for Maine-located projects. Such materials include but are not limited to ~~telephone directories, newspaper and magazine advertisements, and web sites~~sprint media, web sites, and social media platforms.

2. ~~Correspondence and Business Cards~~

A landscape architect shall display the legend "Maine Licensed Landscape Architect" on the landscape architect's business card and beneath the landscape architect's name on all professional correspondence, proposals and solicitations signed by or on behalf of the named landscape architect for Maine-located projects.

STATUTORY AUTHORITY: 32 ~~M.R.S.~~M.R.S. §§ 214(1) and 220(2)(B)

EFFECTIVE DATE:

~~June 3, 2009 — filing 2009-224~~

AMENDED:

~~November 5, 2012 — filing 2012-305~~

Chapter 15: APPLICATION FOR LICENSURE

Summary: This chapter sets forth the license application process and references the license fees established by the Office of Professional and Occupational Regulation.

1. Application for Licensure

1. Form of Application

An applicant for licensure as an architect, landscape architect or interior designer shall apply to the board on forms provided by the board. The applicant shall submit proof of education and experience in the form specified by the board and shall submit all other information required by the board.

1. Completeness

The board will not act on an application until the application is complete. Incomplete applications may be returned to the applicant. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be denied.

2. Educational Equivalency: Architects

An architect applicant who graduated from a non-accredited program described in Chapter 12, Section 2(2) shall submit with the application, for review by the board, an evaluation report from the Education Evaluation Services for Architects stating that the applicant's professional education met the NCARB Education Requirements.

3. Foreign Applicants

- A. — An architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation from Educational Evaluation Services for Architects, if requested by the board, and translations of any documents deemed necessary by the board to properly evaluate the architect's experience.
- B. — A landscape architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation, if requested

by the board, and translations of any documents deemed necessary by the board to properly evaluate the landscape architect's experience.

2. ~~Examination [Architects and Landscape Architects Only]~~

1. ~~**Architects.** A person applying for licensure as an architect by examination may register for examination only after an application has been preliminarily approved by the board.~~

A. ~~Candidates seeking licensure via the pathway outlined in Chapter 12, Section 4(1) of these rules shall be eligible for the examination upon completion of the qualifying education outlined in Chapter 12, Section 2(1) (2), or enrollment in a NAAB-accredited degree program approved by the board. Such applicants shall have started the Architectural Experience Program by establishing an NCARB record.~~

B. ~~All other candidates shall complete the requirements outlined in Chapter 12, Section 4(2) (4) to be eligible for the examination.~~

~~The license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

2. ~~**Landscape Architects.** A landscape architect license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

3. ~~Fees~~

~~The applicant shall remit the application, examination and license fees required by Chapter 10, Section 4(4) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."~~

STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009-226~~

AMENDED:

~~February 13, 2017 filing 2017-018~~

Chapter 17: GROUNDS FOR DISCIPLINARY ACTION

Summary: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial or nonrenewal of a license.

1. Introduction

The board may take disciplinary action against a licensee, or may deny or refuse to renew a license, for any of the reasons described in this chapter, for any violation of the board's rules, or for any violation described in 10 ~~MRSA-§~~M.R.S. § 8003(5-A)(A).

1. Fraud, Deceit or Misrepresentation in Obtaining a License

The practice of fraud, deceit or misrepresentation in obtaining a license includes, but is not limited, to:

1. Falsification or misrepresentation of the education or experience of the applicant;
2. Falsification or misrepresentation of a recommendation or report offered or submitted to the board;
3. Cheating on a license examination;
4. Withholding or misrepresenting any information requested on an application, including any information regarding criminal or disciplinary action taken by any state against an applicant; or
5. Impersonating another applicant.

2. Fraud, Deceit or Misrepresentation in the Practice of Architecture, Landscape Architecture or Certified Interior Design

The practice of fraud, deceit or misrepresentation in the practice of architecture, landscape architecture or certified interior design includes, but is not limited, to:

1. Assisting the application for licensure of an applicant known by the architect, landscape architect or certified interior designer to be unqualified for licensure with respect to education, training, experience or character;

2. Practicing or attempting to practice, or aiding another to practice, beyond the scope of the license held;
3. Misrepresenting the type or status of license held or qualifications to practice;
4. Committing or aiding another to commit fraud, deceit or corruption in billing or payment; or
5. Impersonating another licensee.

3. Negligence in the Practice of Architecture, Landscape Architecture or Certified Interior Design

Negligence in the practice of architecture, landscape architecture or certified interior design includes, but is not limited, to:

1. Failure to act with reasonable diligence, care and competence;
2. Failure to apply the technical knowledge or skill which is ordinarily applied by an architect, landscape architect or certified interior designer in Maine; or
3. Failure to design a project that complies with all applicable federal, state and municipal building laws and regulations. While an architect, landscape architect or certified interior designer may rely on the advice of other professionals (e.g., attorneys and engineers), the licensee shall not knowingly design a project in violation of such laws and regulations once such advice has been obtained.

4. Incompetence in the Practice of Architecture, Landscape Architecture or Certified Interior Design

Incompetence in the practice or architecture, landscape architecture or certified interior design includes, but is not limited to:

1. Undertaking professional services that the architect, landscape architect or certified interior designer lacks the education, training, experience or skill to perform, unless the architect, landscape architect or certified interior designer associates with, consults or employs other professionals with the necessary qualifications or abilities.

~~2. Sealing of Technical Submissions Prepared in the Absence of Direct Knowledge/Involvement and Control of an Architect or Landscape Architect~~

~~An architect or landscape architect may not seal technical submissions that were prepared in fact by another person unless:~~

~~1. Prototypical Building Documents~~

~~A. The technical submissions are prototypical building documents; and~~

~~A. The sealing architect or landscape architect has reviewed the work of the other person and has integrated such work into the licensee's own technical submissions; or~~

~~2. Non-Prototypical Building Documents~~

~~The sealing architect or landscape architect has:~~

~~A. Familiarized him/herself with the client's goals through meetings, telephone calls or program documents prior to his/her further preparation of technical submissions;~~

~~B. (1) Coordinated preparation of the technical submissions;~~

~~(1) Had significant and controlling personal involvement in the technical submissions; or~~

~~(2) Integrated the work into the licensee's own technical submissions; and~~

~~C. Thoroughly reviewed the technical submissions upon completion.~~

~~A review (or review and correction) of completed technical submissions by a licensee who has not complied with subparagraph (1), (2) or (3) above does not meet the requirements of this subsection.~~

~~This section does not apply to technical submissions prepared by an architect or landscape architect in practice with or previously employed by the same firm as the sealing architect or landscape architect, or where a former client of the architect or landscape architect who prepared technical submissions has made a bona fide decision to obtain further professional services from the sealing architect or landscape architect.~~

5. Conflict of Interest

Conflict of interest includes, but is not limited to:

1. Accepting compensation for professional services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
2. Failing to disclose in writing to a client or employer any business association or direct or indirect financial interest which may influence the licensee's judgment in connection with the licensee's performance of professional services, or which may create an appearance of impropriety. If such a business association or financial interest exists, the licensee shall fully disclose the nature of the business association or financial interest to the licensee's client or employer in writing. If the client or employer objects, the licensee shall either terminate the business association or financial interest or offer to give up the commission or employment. Notwithstanding the foregoing, violations of Section 7(3) of this chapter cannot be cured by disclosure.

3. Soliciting or accepting compensation from material or equipment suppliers in return for specifying or endorsing their products.

6. Disclosure Obligations of Architects, Landscape Architects and Certified Interior Designers

Architects, landscape architects and certified interior designers have the following disclosure obligations:

1. An architect, landscape architect or certified interior designer making public statements on architectural or design questions shall disclose when the licensee is being compensated for making such statements and identify the client on whose behalf the statements were made;
2. An architect, landscape architect or interior designer shall accurately represent to a prospective or existing client or employer the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is taking credit;
3. If, in the course of a licensee's work on a project, the licensee becomes aware of a decision taken by the licensee's employer or client against the licensee's advice, which decision violates applicable federal, state or municipal laws and regulations, and which decision will, in the licensee's judgment, materially and adversely affect the safety to the public of the finished project, the licensee shall:
 - A. Report the decision to the local building inspector or other public official charged with enforcement of the applicable federal, state or municipal laws or regulations;
 - B. Refuse to consent to the decision; and
 - C. In circumstances where the licensee reasonably believes that other such decisions will be taken notwithstanding the licensee's objection, terminate the licensee's services with respect to the project unless the matter is resolved by other means. A termination made pursuant to this subsection shall not be grounds for disciplinary action against the licensee.

7. Misconduct

Misconduct of an architect, landscape architect or certified interior designer includes, but is not limited to:

1. Failure to comply with the licensing or certification laws or rules governing the licensee's professional practice in any United States jurisdiction; and
2. Offering or giving any gifts, other than gifts of nominal value (e.g., reasonable entertainment or hospitality) with the intent of influencing the judgment of an

existing or prospective client in connection with a project in which the licensee is interested.

STATUTORY AUTHORITY: 32 ~~M.R.S.~~ §214(1)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009 228~~

Chapter 18: DOCUMENTATION

Summary: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five (5) years.

~~1. Technical Submissions in Electronic Form~~

1. Sealing of Technical Submissions Prepared in the Absence of Direct Knowledge/Involvement and Control of an Architect or Landscape Architect

An architect, or landscape architect ~~or certified interior designer~~ may ~~rely upon~~ not seal technical submissions ~~received that were prepared in electronic form (e.g., portable document format), including the seals reproduced thereon, fact by another person unless:~~

1. Prototypical Building Construction Documents

- A. The technical submissions are prototypical building construction documents; and
- B. The sealing architect or landscape architect has reviewed the work of the other person and has integrated such work into the licensee's own technical submissions; or

2. Non-Prototypical Building Construction Documents

The sealing architect or landscape architect has:

- A. Familiarized themselves with the client's goals through meetings, telephone calls or program documents *prior to* the same extent as their physical counterparts. further preparation of technical submissions;
- B. (1) Coordinated preparation of the technical submissions;
(2) Had significant and controlling personal involvement in the technical submissions; or
(3) Integrated the work into the licensee's own technical submissions; and

C. Thoroughly reviewed the technical submissions upon completion.

A review (or review and correction) of completed technical submissions by a licensee who has not complied with subparagraph (1), (2) or (3) above does not meet the requirements of this subsection.

2. Retention of Technical Submissions Prepared by Others

An architect or landscape architect who integrates technical submissions prepared by another person into ~~his or her~~their own work pursuant to Chapter ~~17~~18, Section ~~6~~1 of the board's rules shall retain and make available to the board upon request for at least five (5) years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the licensee's review of and integration of the work of such other person into ~~his or her~~their own technical submissions.

3. Technical Submissions in Electronic Form

An architect, landscape architect or certified interior designer may rely upon technical submissions in electronic form (e.g., portable document format), including the seals reproduced thereon, to the same extent as their physical counterparts.

STATUTORY AUTHORITY: 32 ~~M.R.S.A.~~M.R.S. §214(1)

EFFECTIVE DATE:

~~June 3, 2009~~ filing 2009-229

~~Chapter 19: INCORPORATION BY REFERENCE~~

~~Summary: This chapter incorporates various external codes into the board's rules by reference.~~

~~1. Incorporation by Reference~~

~~The board hereby incorporates the following codes and standards into the board's rules by reference:~~

~~1. CLARB~~

~~A. Standards of Eligibility for Council Certification (CLARB 2006)~~

~~— This publication is available from the Council of Landscape Architectural Registration Boards, 1840 Michael Faraday Drive, Suite 200, Reston, VA 20190.~~

~~2. NCARB~~

~~A. Architectural Experience Program Guidelines (NCARB June 2016)~~

~~B. NCARB Education Standard contained in NCARB Education Guidelines (NCARB July 2016)~~

~~— These publications are available from the National Council of Architectural Registration Boards, 1801 K Street, NW, Suite 700K, Washington, DC 20006, and are accessible online at www.ncarb.org/.~~

~~STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B)~~

~~EFFECTIVE DATE:~~

~~— June 3, 2009 — filing 2009-230~~

~~AMENDED:~~

~~— November 5, 2012 — filing 2012-306~~

~~— February 13, 2017 — filing 2017-019~~

PROPOSED RULES

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

Chapter 10: DEFINITIONS

Summary: This chapter defines specialized terms used throughout the board's rules.

1. Definitions

As used in the board's rules, unless the context otherwise indicates, the following words have the following meanings:

1. **ARE.** "ARE" means Architectural Registration Examination.
2. **CACB.** "CACB" means Canadian Architectural Certification Board.
3. **CIDA.** "CIDA" means Council for Interior Design Accreditation.
4. **CLARB.** "CLARB" means Council of Landscape Architectural Registration Boards.
5. **Direct Supervision.** "Direct supervision" means supervision through personal contact and/or remote communication (*e.g.*, e-mail, online markups, webinars, internet) such that the supervisor has control over the work of the supervisee and has sufficient professional knowledge of the supervised work so that the supervisor can determine that the supervisee understands and is performing their work within the professional standard of care.
6. **LAAB.** "LAAB" means Landscape Architectural Accreditation Board.
7. **LARE.** "LARE" means Landscape Architect Registration Examination.
8. **Licensee.** "Licensee" means an architect, landscape architect or certified interior designer who is licensed by the board.
9. **NAAB.** "NAAB" means National Architectural Accrediting Board.
10. **NCARB.** "NCARB" means National Council of Architectural Registration Boards.
11. **NCIDQ.** "NCIDQ" means National Council of Interior Design Qualification.

12. **Prototypical building.** “Prototypical building” means any commercial building or space within a commercial building that is intended to be constructed in multiple locations, and in fact then has been constructed in multiple locations, and which conveys an owner’s intended uniform business program, plan or image.
13. **Prototypical building construction documents.** “Prototypical building construction documents” means technical submissions for prototypical buildings. Prototypical building construction documents do not comprise a final, comprehensive set of design and construction documents because a prototypical building also requires adaptations for local conditions, including site conditions, and may require additional design as well.
14. **Regionally-accredited institution.** “Regionally-accredited institution” means an educational institution accredited by a regional institutional accrediting agency recognized by the U.S. Department of Education, or a Canadian educational institution accredited by a provincial ministry of education.
15. **Year of full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

EFFECTIVE DATE:

Chapter 12: LICENSURE OF ARCHITECTS

Summary: This chapter sets forth the educational qualifications, experience and examination requirements for licensure as an architect.

1. Overview

Applicants for licensure by examination must satisfy the requirements of at least one of the pathways to licensure as set forth in this Chapter.

2. Incorporation by Reference

The board hereby incorporates the following guidelines and standards into the board's rules by reference:

1. Architectural Experience Program Guidelines, © 2020 National Council of Architectural Registration Boards, effective May 2020 (hereinafter referred to as "NCARB Architectural Experience Program Guidelines"); and
2. *NCARB Education Standard* contained in Education Guidelines, © 2021 National Council of Architectural Registration Boards, effective January 2021 (hereinafter referred to in board rules as "*NCARB Education Standard*").

These publications are available from the National Council of Architectural Registration Boards, 1801 K Street, NW, Suite 700K, Washington, DC 20006, and are accessible online at www.ncarb.org.

2. Examination

1. The examination for architects is the ARE administered by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the ARE. The time, place and manner of examination and the standards for a passing grade shall be as determined by NCARB, including but not limited to any decisions regarding requests for testing accommodations.
2. Those individuals who wish to take the ARE shall contact NCARB directly to obtain exam eligibility.

3. Notwithstanding Section 2(2) of this Chapter, there is no requirement that an individual has fully completed the education and experience or experience alone required for licensure before sitting for any division of the ARE.

3. Pathways to Licensure

1. Professional Degree from NAAB Accredited Program. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving a Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in the United States and the degree program was accredited by NAAB not later than two (2) years after the degree was received;

and
 - B. Demonstrating completion of the NCARB Architectural Experience Program (AXP);

and
 - C. Demonstrating a passing grade on each division of the ARE.
2. Professional Degree in Architecture from a Program Accredited or Certified by CACB. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving one of the following:
 - i. A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in Canada and the degree program was accredited by CACB not later than two (2) years after the degree was received;

or
 - ii. A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from a Canadian university that was certified by CACB;

and
 - B. Demonstrating at least three (3) years' full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of either:
 - i. The Canadian provincial Internship in Architecture Program, as verified by the applicant's Canadian Experience Record Book;

or

ii. The NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

3. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as an architect by:

A. Providing evidence of receiving a professional degree from an architectural degree program that was neither accredited nor certified, but which substantially satisfies the credit hour and area distribution requirements for coursework set forth in the NCARB Education Standard;

and

B. Demonstrating at least three (3) years of full time architectural work experience and under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

4. Pre-Professional Degree. An applicant may qualify for licensure as an architect by:

A. Providing evidence of receiving a 4-year baccalaureate degree with a concentration in architecture that is a component of an NAAB-accredited, CACB-accredited or CACB-certified professional degree program, including but not limited to Bachelor of Science in Architecture, Architectural Studies, or a major in architecture, or a Bachelor of Fine Arts in Architecture;

and

B. Demonstrating at least nine (9) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

5. Degree in Field Other than Architecture. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving a bachelor's degree or higher in a field other than architecture;

and
 - B. Demonstrating at least eleven (11) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and
 - C. Demonstrating a passing grade on each division of the ARE.
6. Experience Only. An applicant may qualify for licensure as an architect with no post-secondary baccalaureate or higher degree by:
 - A. Demonstrating at least thirteen (13) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and
 - B. Demonstrating a passing grade on each division of the ARE.

4. Application for Licensure

1. Form of Application and NCARB Record

An applicant for licensure as an architect shall submit an application on a form provided by the board and any fees required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

An applicant shall provide all evidence of satisfying the requirements for licensure to NCARB and direct NCARB to transmit their NCARB record directly to the board. The board reserves the right to require an applicant to submit other information needed to evaluate the application and qualifications for licensure.

An applicant who graduated from a non-accredited program or who earned their degree in a foreign country may be required, at the applicant's expense, to obtain an NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB, to determine whether the

applicant's professional education substantially satisfied the credit hour and area distribution requirements for coursework set forth in the *NCARB Education Standard*.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

5. Display of License Number

1. Advertising and Promotional Materials

An architect shall display the legend "Maine Licensed Architect" in all advertising and promotional materials published by or on behalf of the named architect that relate to architectural services for Maine-located projects. Such materials include but are not limited to advertisements contained in print media, websites, and social media platforms.

2. Correspondence and Business Cards

An architect shall display the legend "Maine Licensed Architect" on the architect's business card and beneath the architect's name on all professional correspondence, proposals and solicitations signed by or on behalf of the named architect for Maine-located projects.

STATUTORY AUTHORITY: 32 M.R.S. §§ 214(1) and 220(1)(B)

EFFECTIVE DATE:

Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS

Summary: This chapter sets forth the educational qualifications, experience and examination requirements for licensure as a landscape architect.

1. Overview

Applicants for licensure by examination must satisfy the requirements of at least one of the pathways to licensure as set forth in this Chapter.

2. Examination

1. The current examination for landscape architects is the LARE administered by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE. The time, place and manner of examination and the standards for a passing grade shall be as determined by CLARB, including but not limited to any decisions regarding requests for testing accommodations.

2. Exam Eligibility.

A. CLARB

Those individuals qualifying for licensure through the pathway set forth in Section 3(1) of this Chapter who wish to take the LARE shall contact CLARB directly to obtain exam eligibility.

B. Application for Examination

Individuals qualifying for licensure through the pathway set forth in Sections 3(2)-(4) of this Chapter who wish to take the LARE shall submit an application on a form approved by the Board, submit any required fee as set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation, and submit other information as requested.

3. Notwithstanding Section 2(2) of this Chapter, there is no requirement that an individual has fully completed the education and experience or experience alone required for licensure before sitting for any division of the LARE.

3. Pathways to Licensure

1. Professional Degree from an Accredited Program. An applicant may qualify for licensure as a landscape architect by:
 - A. Providing evidence of receiving a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was accredited by LAAB or the Canadian Society of Landscape Architects Accreditation Council not later than two (2) years after the degree was received;

and
 - B. Demonstrating completion of two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and
 - C. Demonstrating a passing grade on each division of the LARE.
2. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as a landscape architect by:
 - A. Providing evidence of receiving a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was not accredited;

and
 - B. Demonstrating completion of four (4) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and
 - C. Demonstrating a passing grade on each division of the LARE.
3. Other Professional Degrees. An applicant may qualify for licensure as a landscape architect by:
 - A. Providing evidence of a bachelor's degree or higher from a regionally-accredited institution in a field other than landscape architecture;

and

- B. Demonstrating completion of six (6) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- C. Demonstrating a passing grade on each division of the LARE.

4. Experience Only. An applicant may qualify for licensure as a landscape architect by:

- A. Demonstrating completion of eight (8) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- B. Demonstrating a passing grade on each division of the LARE.

4. **Experience in the Regulated Practice of Landscape Architecture**

- A. For the purposes of this Chapter, “experience in the regulated practice of landscape architecture,” means that an applicant must gain experience in the following areas:

- i. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
- ii. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
- iii. Design: includes stakeholder process, master planning, and site design; and
- iv. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

- B. All experience in the regulated practice of landscape architecture must be performed under the supervision of a licensed landscape architect or a licensed professional in a related field.

5. Application for Licensure

1. Form of Application and CLARB Record

A. An applicant for licensure as a landscape architect shall submit an application on a form provided by the board and any fees required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

B. An applicant qualifying for licensure through the pathway set forth in Section 3(1) of this chapter shall provide all evidence of satisfying the requirements for licensure to CLARB and transmit their CLARB record directly to the board. The board reserves the right to require an applicant to submit other information needed to evaluate the application and qualifications for licensure.

C. An applicant qualifying for licensure through the pathways set forth in Sections 3(2)-(4) of this chapter shall provide, in addition to the application and fee required by Section 5(1)(A), as applicable:

- i. Academic transcripts demonstrating satisfaction of applicable degree requirements;
- ii. Evidence of completion of the requisite years of experience in the regulated practice of landscape architecture; and
- iii. Proof of passage of all divisions of the LARE.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

7. Display of Licensed Status

1. Advertising and Promotional Materials

A landscape architect shall display the legend “Maine Licensed Landscape Architect” in all advertising and promotional materials published by or on behalf of the named landscape architect that relate to landscape architectural services for Maine-located projects. Such materials include but are not limited to print media, web sites, and social media platforms.

2. Correspondence and Business Cards

A landscape architect shall display the legend “Maine Licensed Landscape Architect” on the landscape architect’s business card and beneath the landscape architect’s name on all professional correspondence, proposals and solicitations

signed by or on behalf of the named landscape architect for Maine-located projects.

STATUTORY AUTHORITY: 32 M.R.S. §§ 214(1) and 220(2)(B)

EFFECTIVE DATE:

Chapter 15: APPLICATION FOR LICENSURE

Summary: This chapter sets forth the license application process and references the license fees established by the Office of Professional and Occupational Regulation.

1. Application for Licensure

1. Form of Application

An applicant for licensure as an architect, landscape architect or interior designer shall apply to the board on forms provided by the board. The applicant shall submit proof of education and experience in the form specified by the board and shall submit all other information required by the board.

1. Completeness

The board will not act on an application until the application is complete. Incomplete applications may be returned to the applicant. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be denied.

2. Educational Equivalency: Architects

An architect applicant who graduated from a non-accredited program described in Chapter 12, Section 2(2) shall submit with the application, for review by the board, an evaluation report from the Education Evaluation Services for Architects stating that the applicant's professional education met the NCARB Education Requirements.

3. Foreign Applicants

- A. — An architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation from Educational Evaluation Services for Architects, if requested by the board, and translations of any documents deemed necessary by the board to properly evaluate the architect's experience.
- B. — A landscape architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation, if requested

by the board, and translations of any documents deemed necessary by the board to properly evaluate the landscape architect's experience.

2. ~~Examination [Architects and Landscape Architects Only]~~

1. ~~**Architects.** A person applying for licensure as an architect by examination may register for examination only after an application has been preliminarily approved by the board.~~

A. ~~Candidates seeking licensure via the pathway outlined in Chapter 12, Section 4(1) of these rules shall be eligible for the examination upon completion of the qualifying education outlined in Chapter 12, Section 2(1)-(2), or enrollment in a NAAB-accredited degree program approved by the board. Such applicants shall have started the Architectural Experience Program by establishing an NCARB record.~~

B. ~~All other candidates shall complete the requirements outlined in Chapter 12, Section 4(2)-(4) to be eligible for the examination.~~

~~The license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

2. ~~**Landscape Architects.** A landscape architect license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

3. ~~Fees~~

~~The applicant shall remit the application, examination and license fees required by Chapter 10, Section 4(4) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."~~

STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009-226~~

AMENDED:

~~February 13, 2017 filing 2017-018~~

Chapter 17: GROUNDS FOR DISCIPLINARY ACTION

Summary: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial or nonrenewal of a license.

1. Introduction

The board may take disciplinary action against a licensee, or may deny or refuse to renew a license, for any of the reasons described in this chapter, for any violation of the board's rules, or for any violation described in 10 M.R.S. § 8003(5-A)(A).

1. Fraud, Deceit or Misrepresentation in Obtaining a License

The practice of fraud, deceit or misrepresentation in obtaining a license includes, but is not limited, to:

1. Falsification or misrepresentation of the education or experience of the applicant;
2. Falsification or misrepresentation of a recommendation or report offered or submitted to the board;
3. Cheating on a license examination;
4. Withholding or misrepresenting any information requested on an application, including any information regarding criminal or disciplinary action taken by any state against an applicant; or
5. Impersonating another applicant.

2. Fraud, Deceit or Misrepresentation in the Practice of Architecture, Landscape Architecture or Certified Interior Design

The practice of fraud, deceit or misrepresentation in the practice of architecture, landscape architecture or certified interior design includes, but is not limited, to:

1. Assisting the application for licensure of an applicant known by the architect, landscape architect or certified interior designer to be unqualified for licensure with respect to education, training, experience or character;
2. Practicing or attempting to practice, or aiding another to practice, beyond the scope of the license held;

3. Misrepresenting the type or status of license held or qualifications to practice;
4. Committing or aiding another to commit fraud, deceit or corruption in billing or payment; or
5. Impersonating another licensee.

3. Negligence in the Practice of Architecture, Landscape Architecture or Certified Interior Design

Negligence in the practice of architecture, landscape architecture or certified interior design includes, but is not limited, to:

1. Failure to act with reasonable diligence, care and competence;
2. Failure to apply the technical knowledge or skill which is ordinarily applied by an architect, landscape architect or certified interior designer in Maine; or
3. Failure to design a project that complies with all applicable federal, state and municipal building laws and regulations. While an architect, landscape architect or certified interior designer may rely on the advice of other professionals (e.g., attorneys and engineers), the licensee shall not knowingly design a project in violation of such laws and regulations once such advice has been obtained.

4. Incompetence in the Practice of Architecture, Landscape Architecture or Certified Interior Design

Incompetence in the practice or architecture, landscape architecture or certified interior design includes, but is not limited to:

1. Undertaking professional services that the architect, landscape architect or certified interior designer lacks the education, training, experience or skill to perform, unless the architect, landscape architect or certified interior designer associates with, consults or employs other professionals with the necessary qualifications or abilities.

5. Conflict of Interest

Conflict of interest includes, but is not limited to:

1. Accepting compensation for professional services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
2. Failing to disclose in writing to a client or employer any business association or direct or indirect financial interest which may influence the licensee's judgment in connection with the licensee's performance of professional services, or which may create an appearance of impropriety. If such a business association or

financial interest exists, the licensee shall fully disclose the nature of the business association or financial interest to the licensee's client or employer in writing. If the client or employer objects, the licensee shall either terminate the business association or financial interest or offer to give up the commission or employment. Notwithstanding the foregoing, violations of Section 7(3) of this chapter cannot be cured by disclosure.

3. Soliciting or accepting compensation from material or equipment suppliers in return for specifying or endorsing their products.

6. Disclosure Obligations of Architects, Landscape Architects and Certified Interior Designers

Architects, landscape architects and certified interior designers have the following disclosure obligations:

1. An architect, landscape architect or certified interior designer making public statements on architectural or design questions shall disclose when the licensee is being compensated for making such statements and identify the client on whose behalf the statements were made;
2. An architect, landscape architect or interior designer shall accurately represent to a prospective or existing client or employer the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is taking credit;
3. If, in the course of a licensee's work on a project, the licensee becomes aware of a decision taken by the licensee's employer or client against the licensee's advice, which decision violates applicable federal, state or municipal laws and regulations, and which decision will, in the licensee's judgment, materially and adversely affect the safety to the public of the finished project, the licensee shall:
 - A. Report the decision to the local building inspector or other public official charged with enforcement of the applicable federal, state or municipal laws or regulations;
 - B. Refuse to consent to the decision; and
 - C. In circumstances where the licensee reasonably believes that other such decisions will be taken notwithstanding the licensee's objection, terminate the licensee's services with respect to the project unless the matter is resolved by other means. A termination made pursuant to this subsection shall not be grounds for disciplinary action against the licensee.

7. Misconduct

Misconduct of an architect, landscape architect or certified interior designer includes, but is not limited to:

1. Failure to comply with the licensing or certification laws or rules governing the licensee's professional practice in any United States jurisdiction; and
 2. Offering or giving any gifts, other than gifts of nominal value (e.g., reasonable entertainment or hospitality) with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensee is interested.
-

STATUTORY AUTHORITY: 32 M.R.S. §214(1)

EFFECTIVE DATE:

Chapter 18: DOCUMENTATION

Summary: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five (5) years.

1. Sealing of Technical Submissions Prepared in the Absence of Direct Knowledge/Involvement and Control of an Architect or Landscape Architect

An architect or landscape architect may not seal technical submissions that were prepared in fact by another person unless:

1. Prototypical Building Construction Documents

- A. The technical submissions are prototypical building construction documents; and
- B. The sealing architect or landscape architect has reviewed the work of the other person and has integrated such work into the licensee's own technical submissions; or

2. Non-Prototypical Building Construction Documents

The sealing architect or landscape architect has:

- A. Familiarized themselves with the client's goals through meetings, telephone calls or program documents *prior to* their further preparation of technical submissions;
- B.
 - (1) Coordinated preparation of the technical submissions;
 - (2) Had significant and controlling personal involvement in the technical submissions; or
 - (3) Integrated the work into the licensee's own technical submissions; and
- C. Thoroughly reviewed the technical submissions upon completion.

A review (or review and correction) of completed technical submissions by a licensee who has not complied with subparagraph (1), (2) or (3) above does not meet the requirements of this subsection.

2. Retention of Technical Submissions Prepared by Others

An architect or landscape architect who integrates technical submissions prepared by another person into their own work pursuant to Chapter 18, Section 1 of the board's rules shall retain and make available to the board upon request for at least five (5) years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the licensee's review of and integration of the work of such other person into their own technical submissions.

3. Technical Submissions in Electronic Form

An architect, landscape architect or certified interior designer may rely upon technical submissions in electronic form (*e.g.*, portable document format), including the seals reproduced thereon, to the same extent as their physical counterparts.

STATUTORY AUTHORITY: 32 M.R.S. §214(1)

EFFECTIVE DATE:

~~Chapter 19: INCORPORATION BY REFERENCE~~

~~Summary: This chapter incorporates various external codes into the board's rules by reference.~~

~~1. Incorporation by Reference~~

~~The board hereby incorporates the following codes and standards into the board's rules by reference:~~

~~1. CLARB~~

~~A. Standards of Eligibility for Council Certification (CLARB 2006)~~

~~— This publication is available from the Council of Landscape Architectural
Registration Boards, 1840 Michael Faraday Drive, Suite 200, Reston,
VA 20190.~~

~~2. NCARB~~

~~A. Architectural Experience Program Guidelines (NCARB June 2016)~~

~~B. NCARB Education Standard contained in NCARB Education Guidelines
(NCARB July 2016)~~

~~— These publications are available from the National Council of
Architectural Registration Boards, 1801 K Street, NW, Suite 700K,
Washington, DC 20006, and are accessible online at www.ncarb.org/.~~

~~STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B)~~

~~EFFECTIVE DATE:~~

~~— June 3, 2009 — filing 2009-230~~

~~AMENDED:~~

~~— November 5, 2012 — filing 2012-306~~

~~— February 13, 2017 — filing 2017-019~~



Office of Professional & Occupational Regulation

*Board for Licensure of Architects, Landscape Architects
and Interior Designers*

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MEMORANDUM

To: Board Members
From: Catherine E. Pendergast, Administrator
Date: May 23, 2023
Subject: NCARB Mutual Recognition Agreements

At the March 21, 2023 meeting the Board requested information on NCARB Mutual Recognition Agreements (MRA) with other countries. Information on the United Kingdom, Canada, Australia and New Zealand and Trinational MRAs are attached. The NCARB UK MRA adoption analysis points out potential barriers which may prevent participation in certain MRAs.

Analysis of Potential Adoption of NCARB UK MRA¹

STATE	PRESENT ABILITY TO ACCEPT RECIPROCAL LICENSURE CANDIDATES THROUGH NCARB-ARB MRA ²	BARRIERS TO MRA LICENSURE GENERALLY	STATE AUTHORITY TO ACCEPT
Maine	<p>The Board may accept reciprocal licensure candidates through the UK MRA because the Board has the statutory authority to accept a reciprocal licensure candidate “who holds a current and valid license from another jurisdiction provided the requirements for the license are determined equivalent to requirements for licensure by examination in [Maine].” 32 Me. Rev. Stat. Ann. § 223-A(2). The Board’s regulations contain similar language, stating that an applicant licensed in a foreign country may be licensed by reciprocity provided that the Board “determines that the requirements for licensure in the other state or foreign country at the time of the applicant’s initial licensure are equivalent to the requirements for licensure by examination contained [the Board’s regulations].” 02-288 CMR Ch. 12, § 6. However, the Board’s regulations include specific degree approval requirements which are not required by the UK MRA, creating extra steps not set forth in the UK MRA. Finally, although Maine’s application includes a social security number requirement, neither the applicable statute nor regulations require this information. Therefore, this issue could pose additional practical barriers to licensure, but would not present statutory or regulatory barriers to licensure.</p>	<p>Maine’s reciprocity pathway includes an examination requirement, specific education and experience requirements, and specific degree approval requirements which may prevent the Board from participating in certain MRAs, depending on each MRA’s qualification criteria. Maine will be unable to participate in MRAs that do not require completion of the ARE or an “equivalent” examination, as determined by the Board. Maine will also be unable to participate in MRAs that do not require applicants to possess a license with prerequisites of experience and education necessary to satisfy the minimum requirements for licensure in Maine. Additionally, Maine’s requirement that applicants with unaccredited degrees obtain an EESA evaluation for those degrees would generally add an extra step to most MRAs.</p> <p>Finally, although the Board’s current <i>application</i> requires disclosure of a social security number, this could pose a practical barrier to foreign applicants, albeit not a legal one.</p>	<p>The Board has the authority, under existing regulations, to accept reciprocal licensure candidates through the UK MRA if the Board determines that applicants through the UK MRA have satisfied licensure requirements “equivalent” to those required in Maine (<i>i.e.</i>, that the Maine Board determines that the ARB’s required education, experience, and examination requirements are generally equivalent to the current state requirements).</p> <p>With respect to barriers to MRA licensure generally:</p> <p>The Board <u>does not have the authority</u> to waive the specific education and experience requirements as applied to applicants for reciprocal licensure because these requirements are imposed by statute. Applicants may only seek reciprocal licensure in Maine if they were licensed pursuant to qualifications equivalent to Maine’s requirements for initial licensure. 32 Me. Rev. Stat. Ann. § 223-A(2). Thus, the Board may not waive this requirement and whether MRA candidates, generally, are accepted in the state will depend on how the Board compares their home country’s licensing requirements with Maine’s.</p> <p>The Board <u>does not have the authority</u> to waive its examination requirement because this requirement is imposed by statute. Applicants may only seek reciprocal licensure in Maine if they were licensed pursuant to qualifications equivalent to Maine’s requirements for initial licensure. 32 Me. Rev. Stat. Ann.</p>

¹ This chart analyzes the current draft of the NCARB-ARB MRA (“UK MRA”) and considers barriers to MRAs generally. This chart does not address the particulars of other, existing MRAs due to the variety of unique issues presented by each (*e.g.*, many states’ laws specifically accept Canadian architectural degrees whereas typically no such specific recognition exists for architectural degrees earned in New Zealand).

² In broad strokes, the UK MRA requires UK applicants seeking licensure in the United States to currently be licensed or registered in good standing by ARB (provided that such license or registration was not granted through another MRA), to complete the ARB-prescribed qualifications at Part 1, Part 2, and Part 3 level (requiring postgraduate **education** and **examination** approved by ARB and completion of a minimum of 24 months’ practical **experience**; see [ARB General Rules, 15.3, Schedule 1](#)), and to complete any additional jurisdiction-specific requirements for licensure and registration as specified by the state granting reciprocal licensure.

STATE	PRESENT ABILITY TO ACCEPT RECIPROCAL LICENSURE CANDIDATES THROUGH NCARB-ARB MRA ²	BARRIERS TO MRA LICENSURE GENERALLY	STATE AUTHORITY TO ACCEPT
	<p>The Board may find that the requirements for registration as a UK architect (which requires education, examination, and experience) are “equivalent” to Maine’s current initial licensure requirements . Initial licensure in Maine is awarded on a sliding scale, but may be achieved through completion of the AXP, an architectural curriculum, and the ARE. 02-288 CMR Ch. 12, §§ 3, 4, 5. Thus, the Board could reasonably determine that these requirements are equivalent to the requirements for registration as a UK architect, who must satisfy certain education, experience, and examination requirements prescribed by the ARB.</p> <p>However, all graduates of colleges not accredited by the NAAB or CACB must have their foreign architectural degree evaluated by EESA if they wish to have their degrees considered. 02-288 CMR Ch. 15, § 1(4)(A). This is an extra step not required in the UK MRA, though it may not be a bar to Maine’s participation, because the UK MRA allows for the completion of additional jurisdiction-specific requirements.</p> <p>Finally, although Maine’s <i>application</i> requires disclosure of a social security number, neither the statute nor regulations require this. Therefore, the lack of a SSN may pose a practical barrier to foreign applicants, including applicants seeking licensure through the UK MRA, but should not present a legal barrier. Application.</p>		<p>§ 223-A(2). Thus, the Board may not waive this requirement, and whether MRA candidates, generally, are accepted in the state will depend on how the Board compares their home country’s licensing requirements with Maine’s.</p> <p>The Board <u>has the authority</u> to amend its specific degree approval requirements because the Board has the authority to approve schools and colleges for the purposes of Maine’s licensure requirements. 32 Me. Rev. Stat. Ann. § 220(1)(B)(1)(a). The requirement that applicants from foreign schools obtain an EESA evaluation is a regulatory requirement. If an MRA were to require applicants to attain a level of education that satisfies Maine’s minimum education requirements, as the UK MRA arguably does, then the Board could, through regulation, specify that applicants seeking licensure through that MRA need not apply for curriculum evaluation.</p>

MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD
as executed

10 February 2016

The National Council of Architectural Registration Boards (NCARB)
representing the architectural licensing boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Architects Accreditation Council of Australia (AACA)
representing the architectural licensing boards of the eight states and territories of Australia.

AND

The New Zealand Registered Architects Board (NZRAB)
representing the registered architects of New Zealand.

*This **Mutual Recognition Arrangement** has been designed to recognize the professional credentials of architects licensed/registered in the U.S., Australia, and New Zealand and to support their mobility by creating the opportunity to practice beyond their borders. More specifically, the purpose of this Arrangement is to facilitate the registration of an architect licensed in a participating U.S. jurisdiction as an Australian architect or New Zealand architect; and the licensing of an Australian architect or New Zealand architect as an architect in a U.S. jurisdiction that has agreed to participate in the Arrangement.*

WHEREAS, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal to the 54 Member Boards; as well as establishing the education, experience, and examination requirements for the *NCARB Certificate* in support of reciprocal licensure within the United States;

WHEREAS, AACA advocates, coordinates, and facilitates the development of national standards of competency for the profession of architecture through education, practical experience, and examination requirements for initial licensure and license renewal for all eight Australian State and Territory Registration Boards;

WHEREAS, NZRAB, as established by an act of the New Zealand Parliament, or its statutory successor, holds the statutory authority to determine the minimum education qualifications, work experience requirements, and assessment procedures for initial registration and license renewal as a registered architect in New Zealand, as well as the responsibility to register, monitor, and discipline all architects registered in New Zealand;

WHEREAS, NCARB and the AACA previously ratified Mutual Recognition Agreements in 1973, 1983, and 2006 that were never fully realized; NCARB, the AACA, and the Architects Education and Registration Board of New Zealand (AERB/NZ) ratified separate Practice in a Host Nation Agreements in 2002 that were never fully implemented; and the AERB/NZ no longer exists and has been statutorily replaced by the NZRAB; and NCARB, AACA, and the NZRAB declare all former Agreements no longer exist or are terminated;

WHEREAS, the NCARB Member Boards, the Australian State and Territory Boards, and the NZRAB are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including establishing education, experience, and examination/assessment requirements for licensure/registration and license/registration renewal;

WHEREAS, the standards, protocols, and procedures required for entry to the practice of architecture within the United States, Australia, and New Zealand have benefitted from many years of effort by NCARB, AACA, and NZRAB;

WHEREAS, NCARB and the AACA are the lead organizations recognized by their individual state and territory registration authorities and the NZRAB has the necessary statutory authority for the negotiation of mutual recognition arrangements for architects with similar foreign authorities;

WHEREAS, accepting there are differences between the systems in place in United States, Australia, and New Zealand, nonetheless there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects registered to practice in the United States, Australia, and New Zealand;

WHEREAS, NCARB, AACA, and NZRAB are recognized by the profession as mature and sophisticated facilitators of licensure to which the utmost full faith and credit should be accorded and desire to support reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

WHEREAS, any architect actively engaging or seeking to engage in the practice of architecture in any United States jurisdiction, Australian jurisdiction, or New Zealand must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB, AACA, and NZRAB agree as follows:

1. PARTIES TO THE ARRANGEMENT

Any NCARB Member Board and any Australian State or Territory Board may become a party to the provisions of this Arrangement by submitting a signed *Letter of Undertaking* to the responsible negotiating representative. The *Letter of Undertaking* is incorporated herewith and includes the binding requirements for the implementation of this Arrangement by each individual signatory jurisdiction. The *Letters of Undertaking* shall be distributed, collected, and maintained by NCARB, AACA, and NZRAB respectively. NCARB and AACA each shall promptly notify the others in writing of all individual signatories. Each NCARB Member Board and each Australian State or Territory Board that executes a *Letter of Undertaking*, and which has not withdrawn from this Arrangement, as well as NCARB, AACA, and NZRAB once they sign this Arrangement below, shall be known as a “Party to this Arrangement.”

2. ELIGIBILITY REQUIREMENTS

1. Architects who are able to benefit from the provisions of this Arrangement must be citizens respectively of the United States, Australia, or New Zealand or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in one or the other countries serving as the host country under this Arrangement.
2. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Arrangement.
3. Architects must be licensed/registered in a jurisdiction of their home country and must have completed at least 6,000 hours of post-licensure/registration experience practicing as a registered architect in their home country as demonstrated through the provision of proof of current and valid licensure in good standing from the jurisdictional licensing authority and a declaration signed by the applicant attesting to the experience.
4. Notwithstanding items 1, 2, and 3 above, Architects who have become licensed/registered in their home country by means of a foreign reciprocal licensing agreement/arrangement are not eligible under this Arrangement.

3. CONDITIONS

A U.S. Architect to AACA Jurisdiction

Upon application, those Australian State and Territory Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdiction any U.S. architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *NCARB Certificate*, and
3. has been issued an *AACA Statement*, and
4. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a Party to this Arrangement.

B U.S. Architect to NZRAB

Upon application, the NZRAB agrees to register as an architect in New Zealand any U.S. architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *NCARB Certificate*, and
3. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a Party to this Arrangement.

C Australian Architect to NCARB Jurisdiction

Upon application, NCARB shall issue an *NCARB Certificate* to any Australian Registered Architect licensed/registered in one or more AACA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdiction any Australian Registered Architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *AACA Statement*, and
3. has been issued an *NCARB Certificate*, and
4. is currently licensed/registered in good standing by one or more Australian State and Territory Board(s) that is a Party to this Arrangement.

D New Zealand Architect to NCARB Jurisdiction

Upon application, NCARB shall issue an *NCARB Certificate* to any New Zealand Registered Architect licensed/registered by the NZRAB meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdictions any New Zealand Registered Architect who:

1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current *NCARB Certificate*, and
3. is currently licensed/registered in good standing by the NZRAB.

4. MONITORING COMMITTEE

A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Arrangement to assure the effective and efficient implementation of this Arrangement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by NCARB, no more than five individuals appointed by AACA, and no more than five individuals appointed by NZRAB. The Monitoring Committee shall convene at least one meeting (by phone, video conference, or in person) in each calendar year, and more frequently if circumstances so require.

5. LIMITATIONS

Nothing in this Arrangement limits the ability of an NCARB Member Board, Australian State or Territory Board, or the NZRAB to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest.

Nothing in this Arrangement limits the ability of NCARB, AACA, NZRAB or any individual state or territory registration board to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Arrangement.

6. AMENDMENT

This Arrangement may only be amended with the written consent of NCARB, AACA, and NZRAB. Any such amendment will be submitted to each NCARB jurisdiction and AACA jurisdiction, who may re-affirm their respective assent to this Arrangement as so amended or may withdraw as a Party to this Arrangement.

7. NO ASSIGNMENT

No Party can assign their rights under this Arrangement without the prior written consent of NCARB, AACA, and NZRAB.

The Parties agree that a reference to an individual State or Territory Board includes a reference to any entity, board or regulator that assumes the role and responsibility to regulate an architect registered by that individual State or Territory Board under the relevant legislation, and that a restructure of an individual Board will not be deemed an assignment under this Arrangement.

8. WITHDRAWAL

Any NCARB Member Board, Australian State or Territory Board, or the NZRAB may withdraw from this Arrangement with 90-days written notice given respectively to the responsible negotiating representative. NCARB, AACA, and NZRAB shall each promptly notify the other in writing of all withdrawals.

In the event of withdrawal, all licenses/registrations and any *NCARB Certificate* granted to architects pursuant to this Arrangement shall remain valid as long as all registration and renewal obligations are maintained and all other generally applicable licensure requirements are met or unless registration is revoked for cause.

9. TERMINATION

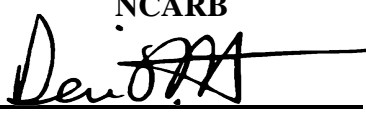
NCARB, AACA, or NZRAB may invoke termination of this Arrangement with 90-days written notice to the other parties. This Arrangement shall also terminate if more than one-half of the respective NCARB Member Boards or any Australian State and Territory Board or the NZRAB cease to be Parties to this Arrangement.

In the event of termination, all licenses/registrations granted pursuant to this Arrangement prior to the effective termination date shall remain valid as long as all registration and renewal obligations are maintained and all other generally applicable licensure requirements are met or unless registration is revoked for cause.

10. ENTRY INTO FORCE

This Arrangement shall come into force at such time as more than one-half of all NCARB Member Boards and all Australian State and Territory Boards have become Party to this Arrangement and the NZRAB has become party to this Arrangement so long as such condition is met on or before December 31, 2016, or as mutually extended by the NCARB, AACA, or NZRAB Board of Directors.

SIGNATURES

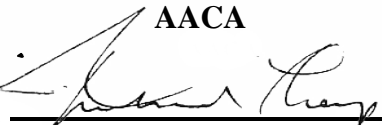
NCARB

President Dennis Ward


CEO Mike Armstrong

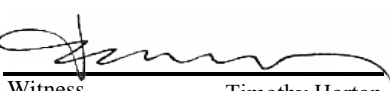

Witness Kristine Harding


Witness Dale McKinney

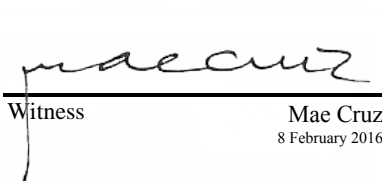

Witness Stephen Nutt
30 January 2016

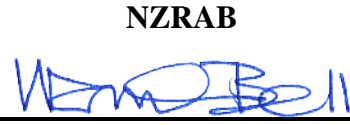
AACA

President Richard Thorp

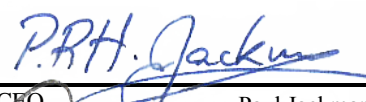

CEO Kate Doyle



Witness Timothy Horton



Witness Nadine Roberts



Witness Mae Cruz
8 February 2016

NZRAB

Chair Warwick Bell


CEO Paul Jackman


Witness Pip Cheshire


Witness Callum McKenzie


Witness Christina van Bohemen
10 February 2016

MUTUAL RECOGNITION AGREEMENT
Between The
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
And The
CANADIAN ARCHITECTURAL LICENSING AUTHORITIES

The National Council of Architectural Registration Boards (NCARB) representing the architectural licensing boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Canadian Architectural Licensing Authorities, a committee representing the 11 Provincial and Territorial jurisdictions in Canada (collectively CALA and individually, the CALA jurisdictions): Architectural Institute of British Columbia; Alberta Association of Architects; Saskatchewan Association of Architects; Manitoba Association of Architects; Ontario Association of Architects; Ordre des Architectes du Québec; Nova Scotia Association of Architects; Architects' Association of New Brunswick/Association des Architectes du Nouveau-Brunswick; Architects Licensing Board of Newfoundland & Labrador; Architects Association of Prince Edward Island; Northwest Territories Association of Architects.

WHEREAS, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal; as well as establishing the education, experience, and examination requirements for the NCARB Certificate in support of reciprocal licensure within the United States;

WHEREAS, the NCARB Member Boards and the CALA jurisdictions are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including setting education, experience, and examination requirements for licensure/registration and license/registration renewal;

WHEREAS, the standards, protocols, and procedures required for entry to the practice of architecture within the United States and Canada have benefitted from many years of collaboration between NCARB and the CALA jurisdictions;

WHEREAS, accepting there are some differences between the systems in place in United States and Canada, there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects to practice in the United States and Canada;

WHEREAS, NCARB and the Committee of Canadian Architectural Councils previously entered into the Inter-Recognition Agreement which took effect on July 1, 1994. The Committee of Canadian Architectural Councils no longer exists as an organization, such former Inter-Recognition Agreement is hereby declared no longer to exist and the parties desire to enter into this new Mutual Recognition Agreement.

WHEREAS, NCARB and the CALA jurisdictions recognize the NCARB Member Boards and the CALA jurisdictions as mature and sophisticated regulators to which the utmost full faith and credit should be accorded and desire to facilitate reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

WHEREAS, any architect seeking to engage or actively engaging in the practice of architecture in any NCARB Member Board or CALA jurisdiction must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB and the CALA jurisdictions agree as follows:

ELIGIBILITY

1. Architects who are able to benefit from the provisions of this agreement must be citizens respectively of the United States or Canada or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in the other country as the host country under this Agreement. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Agreement.
2. Architects must also be licensed/registered in a jurisdiction of their home country and must have completed at least 2,000 hours of post-licensure/registration experience practicing as an architect in their home country.
3. Notwithstanding items 1 and 2 above, Architects who have been licensed by means of a Broadly Experienced Foreign Architect programs of either of the two countries or other foreign reciprocal licensing agreement are not eligible under this agreement.

CONDITIONS

U.S. Architect to Canadian Jurisdiction

Upon application, those CALA jurisdictions who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective province or territory any architect who

1. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

Canadian Architect to U.S. Jurisdiction

Upon application, NCARB shall issue an NCARB Certificate to any architect licensed/registered in one or more CALA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective jurisdictions any architect who

1. is currently licensed/registered in good standing by one or more of the CALA jurisdiction(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

DEFINITIONS

Demonstration of Required Experience

2,000 cumulative hours of post-licensure experience shall be demonstrated by individual applicants through the provision of proof of licensure in good standing and a signed affidavit attesting to the experience.

Principal Place of Practice

The address declared by the architect to be the address at which the architect is predominantly offering architectural services. The architect may only identify one principal place of practice.

LIMITATIONS

Nothing in this Agreement limits the ability of an NCARB Member Board or CALA jurisdiction to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest. Nothing in this Agreement limits the ability of NCARB, an NCARB Member Board or a CALA jurisdiction to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Agreement.

MONITORING COMMITTEE

A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Agreement to assure the effective and efficient implementation of this Agreement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by CALA and no more than five individuals appointed by NCARB. The Monitoring Committee shall convene at least one meeting in each calendar year, and more frequently if circumstances so require.

AMENDMENT

This agreement may only be amended with the written consent of NCARB and all of the CALA jurisdictions who are initial signatories. Any such amendment will be submitted to all of the NCARB jurisdictions who may re-affirm their respective assent to this Agreement as so amended or may withdraw as a signatory.

SIGNING AND WITHDRAWING

Any NCARB Member Board or CALA jurisdiction may become a party to the applicable provisions of this Agreement upon submitting a written affirmation of its intent to become a signatory in the case of NCARB Member Boards to NCARB and in the case of CALA jurisdictions either by signing this Agreement or submitting a written affirmation of its intent to become a signatory to NCARB and the other CALA jurisdictions. Any NCARB Member Board or CALA jurisdiction may likewise withdraw from this Agreement with 90-days written notice given respectively to the same parties in the same manner. NCARB and the CALA jurisdictions shall each promptly notify the other in writing of all signatories and withdrawals. In the event of withdrawal, all licenses/registrations and NCARB certification granted to architects pursuant to this Agreement shall remain valid as long as all renewal obligations are maintained and all other generally applicable requirements are met or unless revoked for cause.

TERMINATION

NCARB or CALA may invoke termination of this agreement with 90-days written notice to the other party. This Agreement shall also terminate if more than one-half of the respective NCARB Member Boards and CALA jurisdictions cease to be signatories to this Agreement. In the event of termination, all licenses/registrations granted to architects of either country prior to the effective termination date shall remain valid as long as all registration renewal obligations are maintained or unless registration is revoked for cause.

ENTRY INTO FORCE

This Agreement shall come into force at such time as more than one-half of all NCARB Member Boards have become parties to this Agreement and more than one-half of all CALA jurisdictions have become parties to this Agreement all as described above so long as such condition is met on or before January 1, 2014, or as mutually extended by the NCARB Board of Directors and the CALA International Relations Committee.

Signatures

NCARB

President

Ronald B. Blitch

CEO

Michael J. Armstrong

Witness

Blakely C. Dunn

Witness

Dale McKinney

Witness

Scott C. Veazey

Witness

Stephen Nutt

CALA

Chair, International Relations Committee Peter Streith

Witness

Andre Bourassa

Witness

David Edwards

Witness

Kristi Doyle

Date

June 17, 2013 San Diego, CA

**TRI-NATIONAL MUTUAL RECOGNITION AGREEMENT
FOR INTERNATIONAL PRACTICE
OAXACA, MÉXICO
OCTOBER 7, 2005**

Among
COMITÉ MEXICANO PARA LA PRÁCTICA INTERNACIONAL DE LA
ARQUITECTURA (COMPIAR)
comprising
FEDERACIÓN DE COLEGIOS DE ARQUITECTOS DE LA REPÚBLICA
MEXICANA (FCARM)
And the
ASOCIACION DE INSTITUCIONES DE ENSEÑANZA DE LA ARQUITECTURA
DE LA REPÚBLICA MEXICANA (ASINEA),
And the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
(NCARB, U.S.A.)
And the
COMMITTEE OF CANADIAN ARCHITECTURAL COUNCILS (CCAC)

And witnessed by the
AMERICAN INSTITUTE OF ARCHITECTS (AIA)
And the
ROYAL ARCHITECTURAL INSTITUTE OF CANADA (RAIC)

Whereas, the signatories, COMPIAR, NCARB and CCAC, are the national representatives of the Competent Bodies of Colegios, Member Boards and Provincial/Territorial Associations of the Domestic Jurisdictions in charge of negotiations regarding the procedures to regulate international practice of architects within Mexico, the United States and Canada, commit themselves to carry out the agreement described below, in the spirit of the North American Free Trade Agreement (NAFTA, Chapter XII, Annex 1210.5) and

Whereas AIA and RAIC, the national bodies representing the profession of architecture within the United States and Canada, endorse and support this agreement, and

Whereas, the signatories share the goal of allowing qualified architects to offer professional services within their Domestic Jurisdictions under circumstances that protect the health, safety and welfare of the public and respect the architectural culture, heritage and laws of the Domestic Jurisdiction in which the services are performed, and

Whereas, all parties recognize that differences among the standards and processes for licensing/registering architects in the Domestic Jurisdiction of Mexico, the United States and Canada must be duly respected and appropriately addressed in order to reach this goal, now

Therefore, COMPIAR (FCARM and ASINEA), NCARB, and CCAC express their

commitment and understanding of the following, which shall not modify any other agreements between the signatories, and witnesses hereto.

DEFINITIONS

For the purposes of this Agreement:

COMPIAR

Is the Mexican committee of architects established by the Mexican government in charge of negotiations regarding the international practice of foreign architects in México and Mexican architects abroad. It is chaired jointly by FCARM and ASINEA.

COLEGIO

Colegio refers to a local association of architects officially recognized under Mexican law.

COMPETENT BODY

Refers to, as applicable, the Federación de Colegios, Member Board, or Provincial /Territorial Association.

LICENSED ARCHITECT

Licensed/registered refers to the licensing, registering, certifying, granting a Cédula or otherwise authorizing an architect to use the title “architect” and otherwise engage in the Practice of Architecture within the applicable jurisdiction by a Competent Body.

MEMBER BOARD

Member Board refers to the agency in the United States jurisdictions with authority by law to license/register architects and otherwise regulate use of the title “architect” and the practice of architecture within the applicable jurisdiction.

PROVINCIAL/TERRITORIAL ASSOCIATION

Provincial/Territorial Association refers to the self-regulating licensing bodies in Canada empowered by law to register/license architects and otherwise regulate use of the title “architect” and the practice of architecture within the applicable jurisdiction.

RESPONSIBLE CONTROL

Responsible control refers to that amount of control over and detailed knowledge of the content of architectural technical submissions during their preparation as is ordinarily exercised by registered/licensed architects in the Host Jurisdiction applying the required standard of care.

PRACTICE OF ARCHITECTURE

The Practice of Architecture refers to an architect being registered/licensed to design buildings for human habitation without limit as to type, size, or cost of construction.

FORM AND CONTENT OF AGREEMENT

1. Participants

1.1 The parties to implement the agreement are:

1.1.1 Federación de Colegios de Arquitectos de la República Mexicana (FCARM), and the Asociación de Instituciones de Enseñanza de la Arquitectura de la República Mexicana (ASINEA)

1.1.2 National Council of Architectural Registration Boards (NCARB)

1.1.3 Committee of Canadian Architectural Councils (CCAC)

1.2 The parties endorsing and supporting the agreement are:

1.2.1 American Institute of Architects (AIA)

1.2.2 Royal Architectural Institute of Canada (RAIC)

1.3 For Mexico, the competent authorities other than the parties are

1.3.1 The Secretaría de Economía – Dirección General de Negociaciones y Servicios (the Secretary of Economy – General Directorate of Negotiations and Services), and

1.3.2 The Secretaría de Educación Pública- Dirección General de Profesiones (the Secretary of Education – General Directorate of Professions)

1.4 For the United States, the competent authorities other than the parties are the state and territorial boards of architecture

1.5 For Canada, the competent authorities other than the parties are:

The provincial/territorial architectural associations

1.6 Status and area of competence of each party

1.6.1. COMPIAR is the official body established by the Mexican Federal Government to negotiate the international practice of foreign architects in México and Mexican architects abroad. It is chaired jointly by FCARM and ASINEA.

1.6.2 FCARM is the organization in Mexico that represents the local Colegios. These Colegios are mandated by law to protect the title “architect” within their jurisdiction.

1.6.3 ASINEA is the organization that represents the schools of architecture in Mexico

1.6.4 NCARB is the organization whose membership comprises the 55 state and territorial boards of architecture that regulate the profession in the United States.

1.6.5 CCAC is the committee that represents the 11 Canadian Provincial and Territorial Associations that are mandated by law to regulate the profession in Canada.

2. Purpose of the agreement

2.1 This Agreement establishes criteria, procedures and measures for the mutual recognition of qualifications that will facilitate the portability of qualifications through reciprocity for the provision of services within the NAFTA countries. The purpose of this agreement is to:

2.1.1 Establish mutually acceptable standards for practice and professionalism, including expertise, autonomy, commitment and accountability.

2.1.2 Establish a system of governance to serve the Agreement that enables it to properly monitor performance, facilitate implementation, including the audit of academic standards and systems of continuing professional development (CPD) and resolve disagreements.

2.1.3 Ensure consumer protection and safeguard the interest of society, architecture, the environment, sustainability, culture and public health, safety, welfare.

2.1.4 Set standards in recognizing equivalence in qualifications;

2.1.5 Prevent practice by unqualified persons.

2.1.6 Not supersede or otherwise affect any other agreements between or among any of the parties.

3. Reference and background framework

Principles of Professionalism

Members of the architectural profession in the NAFTA countries are dedicated to the highest standards of professionalism, integrity and competence, and bring to society unique skills and aptitudes essential to the sustainable development of the built environment and the welfare of their societies and cultures. Principles of professionalism are established in legislation, as well as in codes of ethics and regulations defining professional conduct

3.1.1 Expertise

Architects possess a systematic body of knowledge, skills and theory developed through education, graduate and post-graduate training, and experience. The process of architectural education, training and examination is structured to assure the public that, when an architect is engaged to perform professional services, that architect has met acceptable standards enabling competent performance of those services. Furthermore, members of most professional societies of architects are charged to maintain and advance their knowledge of the art and science of architecture, to respect the body of architectural accomplishment and to contribute to its growth.

Autonomy

Architects provide objective expert advice to the client and/or users. Architects are charged to uphold the ideal that learned and uncompromised professional judgment should take precedence over any other motive in the pursuit of the art and science of architecture. Architects are also charged to embrace the spirit and letter of the laws governing their professional affairs and to consider thoughtfully the social, urban and environmental impact of their professional activities.

Commitment

Architects bring a high level of selfless dedication to the work done on behalf of their clients and society. Members of the profession are charged to serve their clients and the public in a competent and professional manner and to exercise unprejudiced and unbiased judgment on their behalf.

Accountability

Architects are aware of their responsibility for the independent and, if necessary, critical advice provided to their clients and for the effects of their work on society and the environment. Architects undertake to perform professional services only when they, together with those whom they may engage as consultants, are qualified by education, training and/or experience in the specific technical areas involved.

3.2 Professional Designation

The designation “architect” is reserved by law to a person who is professionally and academically qualified and registered/licensed/certified to practice architecture in the jurisdiction in which s/he practices and is responsible for advocating the fair and sustainable development, welfare and cultural expression of society’s habitat in terms of space, form and historical context.

3.3 Scope of Practice of Architecture

Architects registered in a jurisdiction are required to follow the laws and codes in force in each jurisdiction in which they have been authorized to practice. Architects practicing outside their own country under this agreement are limited to providing those services that local architects are permitted to provide and will only provide those services they customarily provide in their own country if less than those services permitted in the host jurisdiction.

This MRA recognizes the highest standards of education and practical training of architect within the three countries, which enables them to fulfill their fundamental professional requirements. These standards recognize different national, educational traditions and, therefore, allow for factors of equivalency.

4. Mutual Recognition

The following are the foundations of the Mutual Recognition Agreement:

The circumstances under which the Competent Bodies of the three nations shall accept the credentials of a licensed/registered Foreign Architect as a basis for being licensed/registered to engage in the Practice of Architecture in the Host Jurisdiction, subject to the requirements of periodic renewal.

The circumstances under which a minimum of 10 years of defined professional experience

in the Practice of Architecture by an Architect licensed/registered in his/her home jurisdiction.

The nature and extent of the demonstrations to be required by the Competent Bodies of each nation for showing that the Foreign Architect has acquired knowledge of the codes, laws and other matters applicable to the Practice of Architecture in the Host Jurisdiction.

The nature and responsibilities of the Tri-National Council for International Practice, with respect to overseeing administrative processes implementing a Mutual Recognition Agreement such as transmission of documents, fees, verification of experience and other matters.

Mutual recognition means that Tri-National architects who meet the following requirements shall be recognized in each other's jurisdictions.

4.5 Basis for eligibility

Tri-National architects must have completed an accredited or recognized architecture program (by NAAB, ASINEA/COMAEA or CACB), or recognized equivalent that has been accepted for licensure, and been assessed within their own country as eligible for independent practice; and shall demonstrate a period of not less than ten years in certified post-registration/licensure, at least two years of which must be in responsible control of the comprehensive practice of architecture as verified by the architect's Competent Body as determined by the Trinational Council for International Practice, and documented by a dossier of work.

4.5.1 Mexican Architect

The Mexican architect shall:

- 4.5.1.1 Meet the requirements set down by the Federal Government (Professional Cédula).
- 4.5.1.2 Comply with FCARM registration/certification requirements

4.5.2 US Architect

The US Architect shall:

- 4.5.2.1 Meet jurisdictional education, training and examination (ARE and its US predecessors) requirements in effect at the time of registration/licensure
- 4.5.2.2 Comply with any jurisdictional registration/licensing requirements

4.5.3 Canadian Architect

The Canadian Architect shall:

- 4.5.3.1 Meet jurisdictional education, training and examination (ARE and its Canadian predecessors) requirements in effect at the time of registration/licensure
 - 4.5.3.2 Comply with any jurisdictional registration/licensing requirements
- #### 4.6 Criteria for post-registration/licensure practice experience

4.6.1 Certified professional experience in Responsible Control of the comprehensive practice of architecture comprising all activities from preliminary studies through construction contract administration. Certification shall be in a form accepted by the Trinational Council for International Practice as described in the Appendix, entitled Mechanisms for the Implementation of the North American MRA, confirming that the applicant has been practicing architecture, and thereby maintaining registration, and is in good standing.

4.7 Other Provisions

4.7.1 Where an applicant does not meet the above criteria, an assessment will be made by his/her Competent Body indicating the extent of any additional requirements and how they may be satisfied.

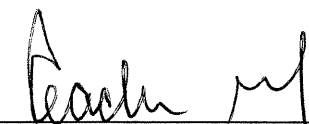
5. Ratification and Effectiveness

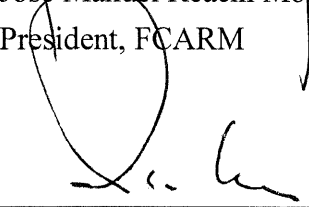
This Agreement has been duly executed and signed by an official representative of each of the signatories. The Agreement shall come into effect on the date it is suitably ratified by the competent bodies.


This Agreement and its Appendix shall be executed in English, Spanish and French.

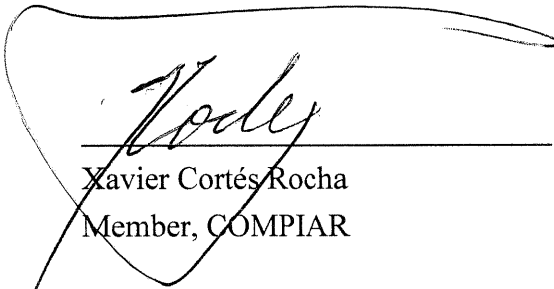
This Agreement, including one Appendix, constitutes the Mutual Recognition Agreement, negotiated between the Architects of the NAFTA countries. The Appendix is meant to outline the mechanisms for the implementation of the Agreement and may be amended through negotiations by all parties.

For México: Federación de Colegios de Arquitectos de la República Mexicana, A.C.

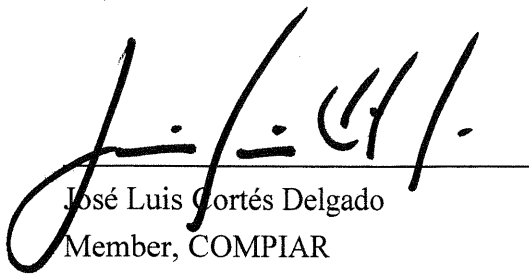


José Manuel Reachi Mora
President, FCARM

Fernando Mora Mora
General Coordinator, CONARC

Aarón Bernal Rodríguez
President, ASINEA

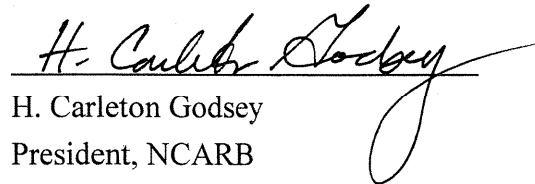
Xavier Cortés Rocha
Member, COMPIAR

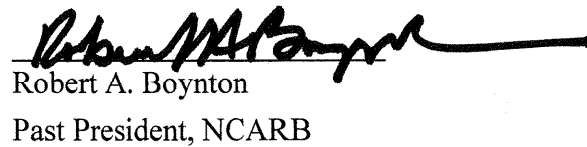

José Luis Cortés Delgado
Member, COMPIAR

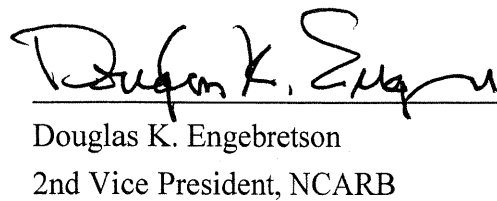

Héctor García Escorza
General Coordinator, COMPIAR

For the United States:

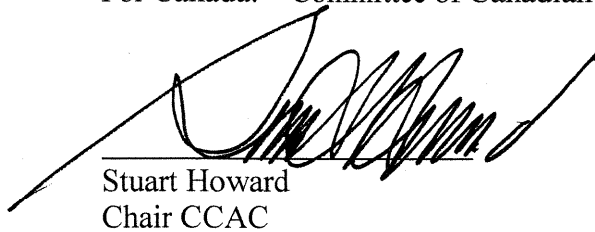
National Council of Architectural Registration Boards

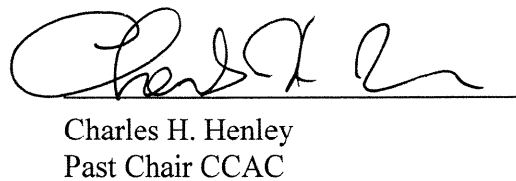

H. Carleton Godsey
President, NCARB


Robert A. Boynton
Past President, NCARB


Douglas K. Engebretson
2nd Vice President, NCARB

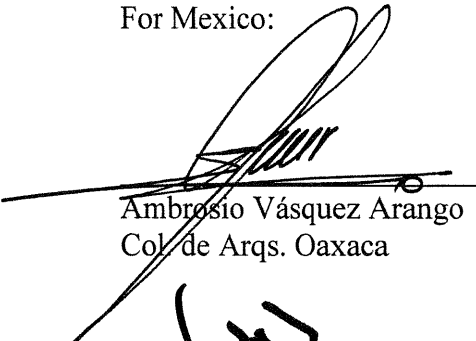
For Canada: Committee of Canadian Architectural Councils


Stuart Howard
Chair CCAC


Charles H. Henley
Past Chair CCAC

Witnesses:

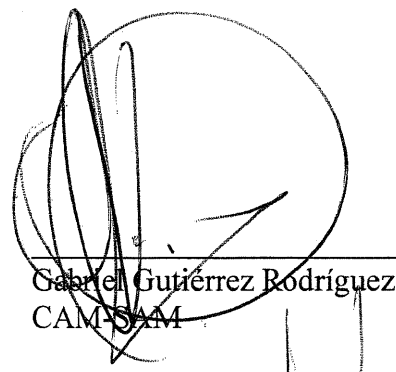
For Mexico:



Ambrosio Vásquez Arango
Col. de Arqs. Oaxaca

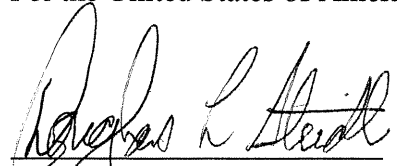


Guillermo Malpica Soto
Secretaría Economía

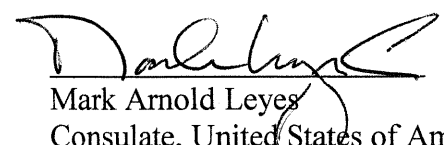


Gabriel Gutiérrez Rodríguez
CAM-SAM

For the United States of America:



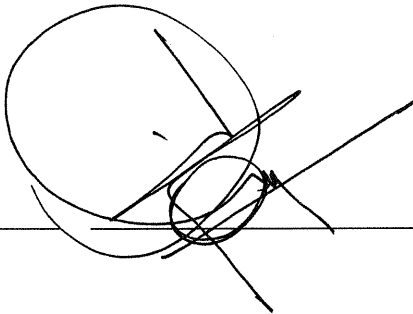
Douglas L Steidl
President, AIA

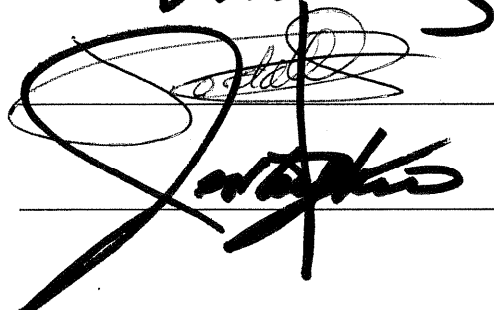



Mark Arnold Leyes
Consulate, United States of America

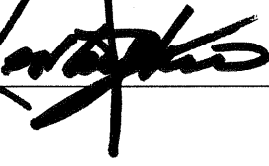
Honorary Witnesses:

UeBourdesz









**TRI-NATIONAL MUTUAL RECOGNITION AGREEMENT
FOR INTERNATIONAL PRACTICE**

Among

**FEDERACIÓN DE COLEGIOS DE ARQUITECTOS DE LA REPÚBLICA
MEXICANA (FCARM)**

and the

**COMITÉ MEXICANO PARA LA PRÁCTICA INTERNACIONAL DE LA
ARQUITECTURA (COMPIAR)**

and the

**ASOCIACION DE INSTITUCIONES DE ENSEÑANZA DE LA ARQUITECTURA
DE LA REPÚBLICA MEXICANA (ASINEA),**

and the

**NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
(NCARB, USA)**

and the

**CANADIAN ARCHITECTURAL LICENSING AUTHORITIES (CALA)
(on behalf of each of the Architectural Regulatory Bodies of Canada)**

**COLLECTIVELY REFERRED TO AS
“THE PARTIES”**

WHEREAS The parties entered into a Tri-National Mutual Recognition Agreement signed in Oaxaca, Mexico on the 7th day of October, 2005 (the agreement).

AND WHEREAS The parties at their meeting in Washington, DC, USA on 22 April, 2010 agreed to amend the Agreement as follows:

1. All references in the agreement to the Committee of Canadian Architectural Councils (CCAC) shall be replaced with reference to Canadian Architectural Licensing Authorities (CALA)
2. The words “as verified by the architect’s competent body” shall be deleted from paragraph 4.5 - Basis for Eligibility.

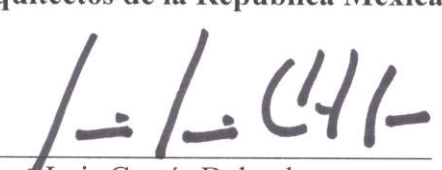
3. The words “(ARE and its Canadian predecessors)” shall be deleted from paragraph 4.5.3.1.
4. Section 4.7 shall be deleted in its entirety.
5. Consejo Nacional de Registro de Certificación (CONARC) be added as a party to this agreement.
6. All other provisions of the agreement not altered by this amendment are confirmed.
7. Where required, the parties shall make best efforts to have this amendment ratified by their authorizing jurisdictions on or before 31 October, 2010.

Signed this 22 day of April, 2010 in Washington, DC, United States.

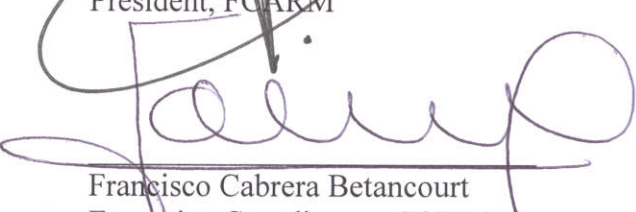
For México: Federación de Colegios de Arquitectos de la República Mexicana, A. C.



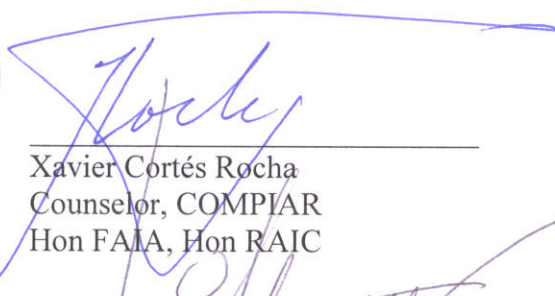
Lizandro De La Garza Villarreal
President, FCARM



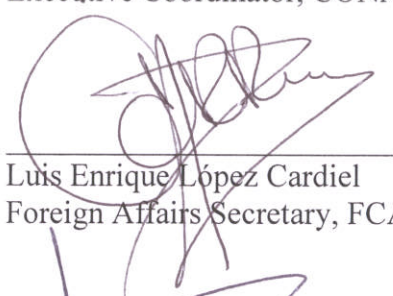
José Luis Cortés Delgado
Executive Coordinator, COMPIAR



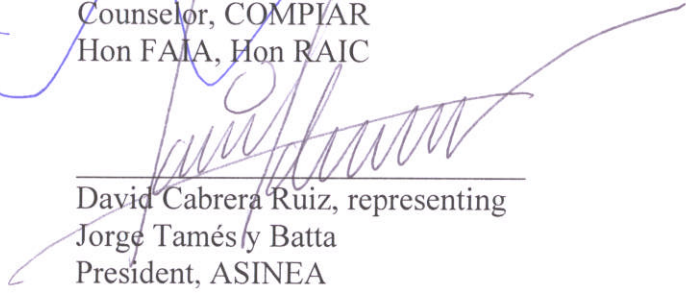
Francisco Cabrera Betancourt
Executive Coordinator, CONARC



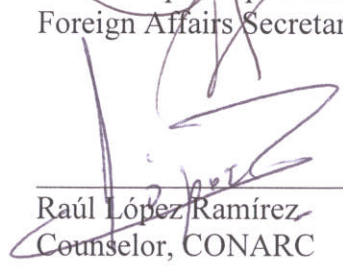
Xavier Cortés Rocha
Counselor, COMPIAR
Hon FAIA, Hon RAIC



Luis Enrique López Cardiel
Foreign Affairs Secretary, FCARM

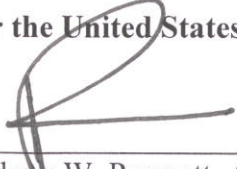


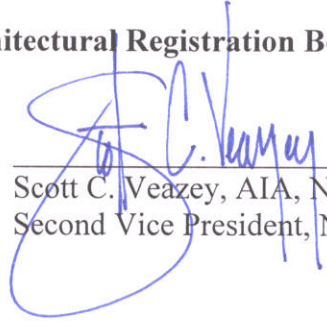
David Cabrera Ruiz, representing
Jorge Tamés y Batta
President, ASINEA



Raúl López Ramírez
Counselor, CONARC

For the United States: National Council of Architectural Registration Boards

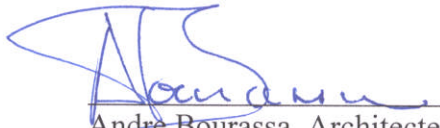



Andrew W. Prescott, AIA
President, NCARB

Scott C. Veazey, AIA, NCARB
Second Vice President, NCARB

For Canada: Canadian Architectural Licensing Authorities



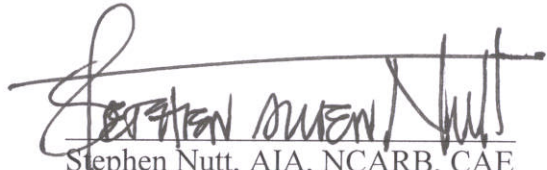
Gerrie Doyle, OAA, RAIC
Chair, International Relations Committee, CALA
President, OAA

André Bourassa, Architecte
President, OAQ

Pierre E. Gallant, MAIBC, AAA, MRAIC
President, AIBC

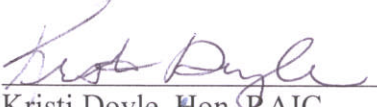
Honorary Witnesses:

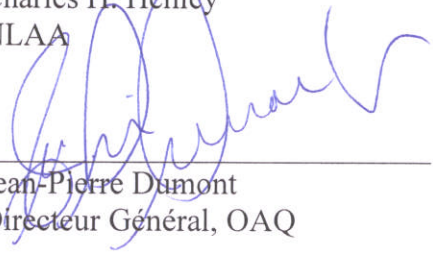


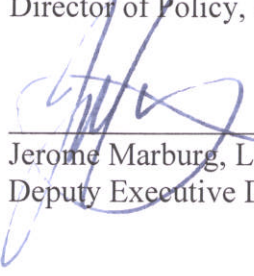
Lenore M. Lucey, FAIA, NCARB, CAE
Executive Vice President, NCARB

Stephen Nutt, AIA, NCARB, CAE
Vice President, Programs, NCARB

David Edwards, SAA, MAA, AAA
Past President FRAIC

Charles H. Henley
NLAA

Kristi Doyle, Hon. RAIC
Director of Policy, OAA

Jean-Pierre Dumont
Directeur Général, OAQ

Jerome Marburg, LL.B. MBA
Deputy Executive Director, AIBC