**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

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

**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.
6. **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.
6. **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.

**5. 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.

**6. 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 6(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.

**7. 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:
	* + 1. 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;
		1. Refuse to consent to the decision; and
		2. 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.
4. **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)

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