

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 100 Agency Board for Registration of Architects

Rule No. 100-X-4-.13

Rule Title: Prohibited Acts (Non-registrants)

XX New; \_\_\_\_\_ Amend; \_\_\_\_\_ Repeal; \_\_\_\_\_ Adopt by Reference

Would the absence of the rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of this rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Cynthia M Kim

Date 10/22/12

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FOR APD-USE ONLY

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BOARD FOR REGISTRATION OF ARCHITECTS  
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Montgomery, AL 36130-4450  
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NOTICE OF INTENDED ACTION

AGENCY NAME: Board for Registration of Architects

RULE NO. AND TITLE:  
100-X-4-.13 Prohibited Acts (Non-registrants)

INTENDED ACTION: Adopt a new rule.

SUBSTANCE OF PROPOSED ACTION: This rule provides clear direction regarding acts prohibited by statute.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Oral or written comments should be addressed to the Board for Registration of Architects at the above address or phone number and must be received no later than December 4, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 4, 2012.

CONTACT PERSON AT AGENCY: Cindy McKim at (334) 242-4179 or Cindy.McKim@boa.alabama.gov.

  
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Cynthia J. McKim  
Executive Director

100-X-4-.13

Prohibited Acts (Non-registrants).

(1) An individual not registered in accordance with §§34-2-30 through 34-2-42 (Code of Alabama 1975) may not:

(a) Offer, solicit, perform or otherwise provide architectural services in this state, as defined by §§34-2-30, 34-2-31, and 34-2-32 (Code of Alabama 1975);

(b) Represent oneself to be an "architect" or use any form of the word "architect" on letterheads, title blocks, business cards, verbal claims, advertisements, signs, or other oral or written representations which would lead someone to believe the individual is legally qualified to practice architecture in the state of Alabama;

(c) Prepare and/or submit plans or construction documents for a non-exempt building, unless acting at the direction of and/or under the responsible control of an architect registered in accordance with §§34-2-30 through 34-2-42 (Code of Alabama 1975);

(d) Use or attempt to use the certificate of registration and/or seal of a registered architect, including a suspended, revoked or non-existent certificate of registration;

(e) Impersonate a registered architect;

(f) Direct the professional judgment of a registered architect, including authorizing deviations from sealed architectural plans and specifications during the construction phase of a project;

(g) Alter, amend, or misrepresent Architect Registration Examination® test results in an attempt to falsely gain registration as an architect;

(h) Provide construction administration services on a non-exempt construction project, unless acting at the direction of and/or under the responsible control of an architect registered in accordance with §§34-2-30 through 34-2-42 (Code of Alabama 1975).

(2) An individual found to be in violation of any of the prohibited acts set forth in paragraph (1)(a) through (h) above is subject to fines and penalties as described in §34-2-36 (c) and (d) (Code of Alabama 1975).

**Author:** Board for Registration of Architects

**Statutory Authority:** Code of Ala. 1975, §§34-2-30, 34-2-31, 34-2-32, 34-2-36

**History:** New Rule: