

**VOLUME 37, ISSUE 17**  
**ISSUE DATE: SEPTEMBER 6, 2005**  
**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**NEW JERSEY STATE BOARD OF ARCHITECTS**

37 N.J.R. 3424(a)

Readoption with Amendments: N.J.A.C. 13:27

Adopted Repeals: N.J.A.C. 13:27-2.7, 3.4, 4.3, 4.4, 4.5, 4.6, 4.10, 6.1, 6.2, 6.3, 6.4, 8.7, 8.8, 8.10, 8.13 and 8.15

Adopted New Rules: N.J.A.C. 13:27-4.5, 4.6, 4.7, 4.8, 4.9, 8.7 and 8.8

Adopted Recodifications with Amendments: N.J.A.C. 13:27-4.8 as 4.3, 4.9 as 4.4, 6.5 as 6.1, 6.7 as 6.3 and 6.8 as 6.4

State Board of Architects Rules

Proposed: March 21, 2005 at 37 N.J.R. 869(a).

Adopted: June 9, 2005, by the New Jersey State Board of Architects, Paul DeMassi, R.A., President.

Filed: August 11, 2005 as R. 2005 d. 303, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3.).

Authority: N.J.S.A. 45:3-1 et seq., specifically 45:3-3.

Effective Date: August 11, 2005, Readoption;

September 6, 2005, Amendments, New Rules and Repeals.

Expiration Date: August 11, 2010.

Summary of Public Comments and Agency Responses:

The official comment period ended May 20, 2005. The Board received comments from the following:

1. Nicholas Tufaro, CLA, PP, RLA, President, New Jersey Chapter, American Society of Landscape Architects
2. Bruce D. Turner, President, and Michael G. Soriano, Liaison to the New Jersey State Board of Architects, American Institute of Architects/New Jersey

1. COMMENT: A commenter suggests that the Board amend N.J.A.C. 13:27-3.1 to clarify the phrases "not materially related to" and "materially affecting" in the definition of "interior design services" and to include a definition of "building systems" to provide clarification of this term. The commenter also suggested that the Board make additional clarifications regarding other issues concerning an occupant's health and safety, including non-load and load bearing partitions, seismic loads and fire-rated assemblies.

RESPONSE: The Board does not believe that additional definitions are necessary at this time. Specifically, the Board has not been made aware of any problems concerning the phrases "not materially related to," "materially affecting" and "building systems" that are contained in the current statutory definition of "interior design services" from which this rule definition is derived. Similarly, the Board has not been made aware of any problems concerning the other issues noted by the commenter. The commenter has not articulated any specific issues requiring clarification for the Board to address. Therefore, the Board is not adopting the changes to N.J.A.C. 13:27-3.1 suggested by the commenter.

2. COMMENT: A commenter notes that the Board proposed to repeal its requirement that it biennially issue a roster of its licensees that includes the statutes and rules pertaining to the Board because of the availability of this information

through the Division of Consumer Affairs' website. However, the commenter suggests that the Board should make a hard copy available to anyone requesting one from the Board. In addition, the commenter notes that certain information on the Division's website pertaining to the Board is not up-to-date and that the Board provide the most up-to-date information.

RESPONSE: The Board agrees that people seeking information should find the most up-to-date information and notes that it endeavors to keep its information current on the Division's website. Therefore, the Board believes that there is no need to publish the roster, rules and statutes biennially in printed form since they quickly become outdated. However, the Board will also have this information available in printed form and provide it to anyone who requests it.

3. COMMENT: A commenter inquires why N.J.A.C. 13:27-3.2(b) requires the name and license number of an architect on all advertising. The commenter notes that this requirement will have an economic impact upon licensees who will need to have their advertisements altered to conform with this requirement as well as the reprinting of certain business stationery, forms, etc. The commenter further questions whether these changes are being proposed as part of a comprehensive set of changes sought by the Division of Consumer Affairs for all regulated professions.

RESPONSE: The Board believes that the license number is necessary on advertisements because it is the sole unique identifier for a licensee. A consumer with a license number can readily determine the status of a licensee by the license number where other identifiers such as a name, may be shared by other licensees. The Division of Consumer Affairs has found that the inclusion of a license number on advertising assists consumers when they are researching licensees to hire as well as when they file complaints against a licensee. Therefore, the Division has encouraged all professional licensing boards to adopt this requirement. The Board is aware of the economic impact of this requirement and will allow for a reasonable grace period for licensees to make the necessary changes so as to minimize the economic burden.

4. COMMENT: A commenter requests that the advertising rule at N.J.A.C. 13:27-3.2(c) be amended specifically to prohibit registered builders or home improvement contractors from using the terms "architect," "architect on staff," or similar terms in their advertising.

RESPONSE: The Board does not believe that the recommended amendment is necessary. N.J.S.A. 45:3-10 specifically prohibits persons who are not licensed as architects to use the title "architect" or its substantial equivalent or otherwise represent to the public that the person is licensed to practice architecture in this State. Therefore, the proposed amendment would be less broad than the statute and may confuse the public regarding the prohibition against an unlicensed person advertising as an architect.

5. COMMENT: A commenter notes that the term "design" may be misleading if used in an advertisement by a registered builder or home improvement contractor despite the definition of "design services" in N.J.A.C. 13:27-3.1.

RESPONSE: The Board believes that the term "design" is not unique to architecture and that other professions, both licensed and unlicensed, use the term in their advertising without conveying that they offer architectural services. The Board has not found this circumstance to be a problem, and N.J.S.A. 45:3-10 as discussed above prohibits the activity described by the commenter. Therefore, the Board is not amending the section.

6. COMMENT: A commenter inquires about the definition of "agent" as used in the rules.

RESPONSE: The Board believes that term "agent" is commonly understood. According to Webster's II New College Dictionary, the most appropriate definitions are (1) one that acts or has the authority to act and (2) one that acts as the representative of another.

7. COMMENT: A commenter inquires that if the intent of the rules is to allow only architectural business entities to advertise and render professional architectural services, then should the definition of "Architectural Business Entity" be clarified to limit practice to only those entities.

RESPONSE: While the Board intends to allow only architectural business entities to advertise architectural services, there is no requirement that licensees must be part of an architectural business entity in order to practice architecture. Since this intent is reflected in the proposed rules, the Board does not believe any clarification is necessary.

8. COMMENT: A commenter states that a new rule to prohibit "plan stamping" should be adopted.

RESPONSE: The Board thanks the commenter for the suggestion. The Board points out that the Board currently deals with issues of "plan stamping" which is a term used in the practice, by applying the concept of "responsible charge." The Board is not convinced that a new rule is necessary. However, the Board will consider whether to adopt a new rule, but since it is a complex subject, the Board believes that such a rule should be considered for a separate proposal.

9. COMMENT: A commenter states that N.J.A.C. 13:27-4.3(b) should be amended to allow a person who has passed a division of the licensing examination prior to the adoption of these rules, which limit the carrying forward of division scores to five years, be allowed to carry forward passed division scores indefinitely. The commenter cites a rule of the National Council of Architectural Registration Boards as precedent.

RESPONSE: The Board is concerned that applicants' knowledge is current and has determined that five years is a sufficient amount of time to pass all divisions of the licensing examination. Those persons who have passed divisions prior to the effective date of this new requirement will have five years in addition to the amount of time that has already passed since the division was successfully taken. This provision effectively "grandfathers" those who have already passed divisions while also ensuring that the knowledge that was tested is current.

10. COMMENT: A commenter states that N.J.A.C. 13:27-4.8(a)2, which concerns certificates of authorization by corporations and limited liability companies of architects and closely allied professionals, be amended to require 51 percent ownership by architects rather than the 20 percent as contained in the proposed rule.

RESPONSE: The Board disagrees with the commenter because this formula is set by statute. Therefore, the Board has not amended this rule on adoption.

11. COMMENT: A commenter inquires whether the State has legal authority to require compliance with Federal laws and rules and references N.J.A.C. 13:27-5.1(b). The commenter notes a concern over any conflict of a Federal and State or local law or ordinance.

RESPONSE: The Board's referenced rule requires architects to be competent. Under the rule, part of being competent involves taking into account all applicable Federal, State, county and municipal statutes, regulations and ordinances. Furthermore, the rule prohibits an architect from knowingly proceeding in violation of such laws. Since the Board regulates the practice of architecture, the issue of competence is indeed within the Board's jurisdiction. In cases where the architect believes there is a conflict of laws, the architect should seek legal counsel and proceed reasonably, which depends on the specific facts of the situation.

12. COMMENT: A commenter states that N.J.A.C. 13:27-6.3(e) and (f) should be amended to replace the phrase "when an architect is a subcontractor" to "when an architect is involved on" because the commenter believes that the word "subcontractor" may be misconstrued to mean that the architect is a party to the actual construction.

RESPONSE: The Board disagrees with the commenter. The term "subcontractor" is used to be consistent with the Building Design Services Act, N.J.S.A. 45:4B-1 et seq., which uses this term to reflect the relationship between various parties in a construction project. Furthermore, the term "involved" would not exclude the possibility that the architect is a party to the actual construction since it is a broader term than "subcontractor." For these reasons, the Board is not amending this section on adoption.

13. COMMENT: A commenter inquires whether the rules for the Interior Design Examination and Evaluation Committee (IDEEC) will be published for review and comment and whether they will be codified under N.J.A.C. 13:27.

RESPONSE: The Board anticipates that the IDEEC rules, which are presently under review, will be published in the next few months. These rules will be codified as part of the Board's rules at N.J.A.C. 13:27.

14. COMMENT: A commenter states that, based upon statements in the proposal's Summary, the Board is not fully

aware of the multi-faceted nature of the scope of practice in the profession of landscape architecture.

RESPONSE: The Board disagrees with the commenter. The Board is aware of the scope of practice of landscape architecture and notes that the Landscape Architect Examination and Evaluation Committee reviewed its rules and recommended those changes in this proposal which the Board approved without change.

15. COMMENT: A commenter expresses serious concern that the Board's proposal does not make any changes to N.J.A.C. 13:27-7.3(a), (d) and (e) regarding the preparation of site plans to include landscape architects.

RESPONSE: The Board points out that the division of responsibility for preparation of site plans among the licensees of the Board, the State Board of Professional Engineering and Land Surveyors and the State Board of Professional Planners was negotiated many years ago and is reflected in regulations adopted by each of the three boards. The elements of site plans covered in N.J.A.C. 13:27-7.3(b) are within the scope of practice of certified landscape architects. The commenter articulates no reason for making changes to N.J.A.C. 13:27-7.3(a), (d) and (e). Therefore, the Board will not amend the rule at this time.

16. COMMENT: A commenter states that the proposed amendment to N.J.A.C. 13:27-8.9 removing the term "construction documents" from the requirement that a certified landscape architect seal such documents be restored.

RESPONSE: The Board proposed this amendment because the term "construction documents" is over broad and not consistent with the underlying statute at N.J.S.A. 45:3A-13. Therefore, the Board does not agree with the commenter and is adopting the deletion of this term as proposed.

17. COMMENT: A commenter states the amendments regarding continuing education in N.J.A.C. 13:27-8.12 pose certain problems. The commenter is opposed to the removal of the committee's ability to review and approve continuing education courses and programs and the inclusion of language that approves seminars, courses and programs approved by the Council of Landscape Architectural Registration Boards (CLARB). The commenter notes that CLARB presently does not approve such courses, and it would be premature to remove that responsibility from the Committee and place it with CLARB. The commenter also states that a continuation of a combination of review and acknowledged providers offers a better opportunity for fair access to the state's professionals by approving, without Committee review, programs offered or sponsored by the American Society of Landscape Architects, New Jersey Chapter of the American Society of Landscape Architects, Council of Educators in Landscape Architecture and/or Council of Landscape Architectural Registration Boards. The commenter also suggests that participation, other than as a student, in university-level education processes and programs subject to Committee approval be included as a means of obtaining continuing education credit. Furthermore, the commenter suggests that the proposal not delete the acceptance of CEU hours for instructors and the preparation of published papers because they are supportive of professional education and expand the "body of knowledge."

RESPONSE: The Board agrees with the commenter that it is premature to eliminate the Committee's review and approval of courses and programs and to have certified landscape architects obtain continuing education credit through CLARB-approved seminars, courses and programs. The Board disagrees with the commenter's suggestion to include courses offered or sponsored by the listed landscape architecture associations because the Committee has not determined that these associations should be granted such authority. The Board also believes that the commenter's suggested language for participation, other than as a student, in university-level education programs, may be confusing and would be difficult to monitor since such participation may not be evidenced through an official transcript. In addition, the Board does not dispute the contributions to the field of landscape architecture made by instructors and those who write published papers on landscape architecture topics. However, the Board believes that certified landscape architects generally receive more consistent education through traditional courses and programs. The Board, in consultation with the Committee, has amended upon adoption N.J.A.C. 13:27-8.12 and 8.14 to remove the references to CLARB and to reinstate the existing language regarding the Committee's approval of courses and programs. Likewise, the Board, upon adoption, has readopted without change N.J.A.C. 13:27-8.16, concerning the responsibilities of continuing education sponsors, which had been proposed to be repealed.

**Summary of Agency Initiated Changes:**

The words "one hour for each hour of attendance" were previously found in N.J.A.C. 13:27-8.13, which is being repealed, and are combined with N.J.A.C. 13:27-8.12(a)1 which is being reinstated on adoption.

## **Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments and adopted repeals and new rules are subject to State statutory requirements and are not subject to any Federal requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

### **13:27-2.7 (Reserved)**

### **13:27-3.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Advertisement" means any communication to the public including, but not limited to, newspaper, periodical, journal, flyer, professional stationery, brochure, telephone directory, billboard, sign (other than a sign used only for identification purposes at the business premises), radio, telephone for the purpose of solicitation, television, Internet, or any other print or electronic media in which architectural services are offered or by which the availability of architectural services is made known.

"Architectural business association" or "architectural business entity" means a sole proprietorship of a licensed architect; a partnership, including a limited liability partnership, of licensed architects; a partnership, including a limited liability partnership, of closely allied professionals as defined by N.J.S.A. 45:3-1.1(f), including at least one licensed architect; a professional service corporation of persons providing closely allied professional services as defined by N.J.S.A. 14A:17-3, including at least one licensed architect, established pursuant to the "Professional Service Corporation Act" (N.J.S.A. 14A:17-1 et seq.); or a limited liability company established pursuant to the "Limited Liability Company Act" (N.J.S.A. 42:2B-1 et seq.) or a corporation either of which is required to hold a Certificate of Authorization from the New Jersey State Board of Architects pursuant to N.J.A.C. 13:27-4.8.

"Architectural services" or "practice of architecture" means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.

"Closely allied professional" means, and is limited to, licensed architects, professional engineers, land surveyors, professional planners, certified landscape architects, and persons that provide space planning services, interior design services, or the substantial equivalent thereof.

"Interior design services" means rendering or offering to render services, for a fee or other valuable consideration, in the preparation and administration of interior design documents, including, but not limited to, drawings, schedules and specifications which pertain to the design intent and planning of interior spaces, including furnishings, layouts, non-load bearing partitions, fixtures, cabinetry, lighting location and type, outlet location and type, switch location and type, finishes, materials and interior construction not materially related to or materially affecting the building systems, in accordance with applicable laws, codes, regulations and standards.

"Person" means any individual, partnership, corporation or any other business entity.

### **13:27-3.2 Scope of architectural service; advertising**

(a) (No change.)

(b) Architects shall meet the following requirements concerning advertisements:

1. An advertisement shall include a term which is descriptive of the professional services to be rendered, such as "architect," "architectural," "architectural services," or the substantial equivalent thereof and may be made only by an architectural business entity authorized to render architectural services pursuant to N.J.S.A. 45:3-17 or 45:3-18.
2. An advertisement shall include the name and license number of an architect and, if applicable, the name of the architect's architectural business entity.
3. Each architect, who is a principal, partner, or officer of an architectural business entity, shall be responsible for the form and content of any advertisement which offers to provide architectural services.
4. A copy of each advertisement shall be retained by each architect, who is a principal, partner or officer of an architectural business entity, for a period of three years from the date of the last authorized publication or dissemination of the advertisement and shall be made available for review upon request by the Board.
5. Any architect or architectural business entity which uses an advertisement containing false or misleading information or which fails to meet the requirements set forth in this subsection shall be deemed to be engaged in professional misconduct.

(c) A builder registered pursuant to the "New Home Warranty and Builder's Registration Act" (N.J.S.A. 46:3B-1 et seq.) or a home improvement contractor may advertise, or offer to perform "design services" either in the construction of one- to two-family homes or in connection with the demolition, enlargement or alteration thereto. A builder or home improvement contractor shall render such services only to the owner-occupant of such dwellings.

(d)-(f) (No change.)

(g) An architect is permitted to render architectural services as an agent, director, member, officer, shareholder, associate, employee or partner of a person whose principal business is space planning services, interior design services or the substantial equivalent thereof if the architect, at all times, exercises independent professional judgment in the rendering of architectural services and adheres to the requirements set forth in N.J.S.A. 45:3-1 et seq. and this chapter.

(h) (No change in text.)

### **13:27-3.4 (Reserved)**

### **13:27-3.5 Restrictions in titles**

(a)-(b) (No change.)

(c) When any partner, shareholder, associate, member or other licensed professional whose name is used in the title ceases to be a member of a firm or partnership for any reason including death or disability, then the title of the firm shall be changed within two years of this disassociation. This requirement does not apply to an organization established as a professional service corporation pursuant to N.J.S.A. 14A-17.1, or a corporation or a limited liability company authorized to practice architecture following issuance of a Certificate of Authorization pursuant to N.J.A.C. 13:27-4.8.

## **SUBCHAPTER 4. LICENSING REQUIREMENTS; BIENNIAL RENEWAL; CERTIFICATES OF AUTHORIZATION**

### **13:27-4.1 Requirements for admission to examination**

(a) (No change.)

(b) No later than 60 days prior to the examination, an applicant shall present evidence to the satisfaction of the Board

that:

1.-2. (No change.)

3. The applicant has completed at least three years in the Intern Development Program (IDP) administered by the National Council of Architect Registration Boards (NCARB) or, at his or her expense, has had his or her experience evaluated by NCARB or any other Board designee and such experience is found to be equivalent. In the event that the Board's designees are unable to evaluate the applicant's experience, the Board shall evaluate the experience. The three years of experience cannot be attained in less than 36 calendar months.

**13:27-4.2 Applicant with a degree from a college or university not accredited by NAAB**

(a) An applicant with a degree from a college or university that is not accredited by the National Architectural Accrediting Board (NAAB) shall obtain, at his or her own expense, and submit to the Board, either:

1.-2. (No change.)

**13:27-4.3 Architect Registration Examination: subjects covered**

(a) The subjects covered in the examination divisions shall be based on the examinations recommended by the National Council of Architectural Registration Boards and reviewed and approved by the Board.

(b) Each division of the examination successfully passed shall be credited to the record of the candidate and may be carried over for five years after \*[(the effective date of this rule)]\* \*September 6, 2005\* or the date that the division was passed successfully, whichever is later.

**13:27-4.4 (No change in text.)**

**13:27-4.5 Licensure by credentials**

(a) Any person registered or licensed to practice architecture in another jurisdiction of the United States or one of its territories or possessions may be granted registration if:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant's good moral character;

2. The applicant is not charged by the New Jersey State Board of Architects or any other jurisdiction with a violation of any statute or regulation relating to the practice of architecture or any violation which would indicate a lack of good moral character as required by statute or regulation; or having been found guilty of a violation, has not satisfied the penalty imposed;

3. The education, training and examination requirements in such other jurisdiction are substantially equal to those required in this State, under current law; and

4. The applicant has provided satisfactory evidence of competency as the Board, in its discretion, may require, including, but not limited to:

i. Exhibits of three architectural projects illustrated in construction documents and photographs;

ii. Oral examination by the Board; and/or

iii. Satisfactory completion of such portions(s) of the Architect Registration Examination as the Board may deem necessary.

(b) In cases where the applicant has been granted a registration or a license in another United States jurisdiction on the basis of education, training and examination requirements that are not substantially equal to those required in this

State, the applicant may be granted a license if the applicant can demonstrate that he or she possesses the education, training and examination requirements as set forth in N.J.A.C. 13:27-4.1, or their substantial equivalents.

### **13:27-4.6 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status**

(a) All licenses issued by the Board shall be issued for a biennial license period. A licensee who seeks renewal of the license shall submit a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-4A.2 and the renewal fee as set forth in N.J.A.C. 13:27-4.11 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-4A.2, the renewal fee and late fee as set forth in N.J.A.C. 13:27-4.11. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be engaged in unauthorized practice.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual with a suspended license who holds himself or herself out as an architect shall be in violation of N.J.S.A. 45:3-10.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees as set forth in N.J.A.C. 13:27-4.11;
2. Submission of proof of completion of the continuing education credits required for each biennial licensure period for which the license was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status, A licensee electing inactive status shall pay the inactive License fee set forth in N.J.A.C. 13:27-4.11 and shall not hold himself or herself out as an architect.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the biennial license fee and reinstatement fee pursuant to N.J.A.C. 13:27-4.11;
2. Submission of proof of completion of the continuing education credits required for each biennial licensure period for which the license was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the license was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to fulfilling the requirements set forth in (h) above, a licensee whose license has been on inactive status for more than five years who wishes to return to active status shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

#### **13:27-4.7 Issuance of certificates and seal presses**

(a) Upon approval by the Board and payment of all fees, an architect shall be issued a certificate of licensure and seal press as proof of licensure and authorization to practice. The seal shall contain the name of the architect, the architect's license number and the legend "State of New Jersey Registered Architect."

(b) Each license number, certificate and seal press containing such license number issued by the Board to an architect shall remain the property of the State of New Jersey. If the Board suspends, fails to renew, or revokes a license, the licensee shall immediately return all certificates and seal presses to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(c) The Board shall issue a replacement certificate or replacement seal press to an architect upon payment of the replacement certificate fee or replacement seal press fee, whichever is appropriate, as set forth in N.J.A.C. 13:27-4.11 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee. The Board shall replace a damaged seal press upon a licensee's request and submission of the damaged seal press along with the replacement seal press fee set forth in N.J.A.C. 13:27-4.11.

(d) The Board shall issue a duplicate seal press to an architect upon an architect's request for a duplicate seal press and payment of the duplicate seal press fee as set forth in N.J.A.C. 13:27-4.11.

(e) Failure to return a certificate of licensure or a seal press which has been rendered invalid shall subject the individual to such penalties as provided by law and may be grounds for the Board to refuse to reinstate a license.

(f) The family of a deceased architect may retain an architect's seal press as a memento. The family shall be responsible for the safekeeping of the seal press to prevent its use in the illegal practice of architecture.

#### **13:27-4.8 Issuance of certificates of authorization**

(a) Upon review and approval by the Board of a completed application, the Board shall issue a certificate of authorization to a limited liability company (LLC) or a corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c. 232 (N.J.S.A. 14A:17-1 et seq.), if the LLC or corporation meets the following requirements:

1. At least two-thirds of the LLC's or corporation's directors are licensed architects and at least two-thirds of the ownership interest is owned by licensed architects; or
2. At least two-thirds of the directors are licensed architects and closely allied professionals, at least one director is a licensed architect, at least two-thirds of the ownership interest is owned by licensed architects or closely allied professionals, and a minimum of 20 percent of the shares are owned by licensed architects.

(b) In applying for a certificate of authorization, an applicant shall submit to the Board:

1. A completed application form designated by the Board which shall include, at a minimum, the following:

- i. The name and address of the LLC or corporation and its satellite offices;
- ii. The names, addresses, license numbers and signatures of all officers, board members, directors, principals and any licensees who shall be in responsible charge of the practice of architecture through the LLC or corporation;

- iii. The names, addresses, license numbers, and amount and percentage of ownership interest of all stockholders of the LLC or corporation who are licensees of the Board or who are closely allied professionals;
  - iv. The names, addresses, and amount and percentage of ownership interest of the LLC or corporation who are not licensees of the Board nor closely allied professionals; and
  - v. The name and address of the LLC's or corporation's registered agent for service of process in New Jersey;
2. A certified copy of the Certificate of Formation or Incorporation for an LLC or corporation created in this State or, for an LLC or corporation created outside New Jersey, a certified copy of a Certificate of Authority issued by the Division of Revenue in the New Jersey Department of Treasury and a certified copy of the Certificate of Formation or Incorporation, or its equivalent, issued by the home state;
  3. A copy of the most current annual report filed with the Division of Revenue in the New Jersey Department of Treasury; and
  4. The application fee and certificate fee as set forth in N.J.A.C. 13:27-4.11.

(c) The certificate of authorization shall designate all New Jersey licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation. All final drawings, papers and documents involving the practice of architecture, when issued by the LLC or corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

(d) The LLC or corporation that has been issued a certificate of authority and its licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 14 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.

(e) Misrepresentation of any information provided to the Board or failure to provide updated information as required under (d) above may result in the suspension of the certificate of authority and/or may be deemed to be professional misconduct of the licensees found to be in responsible charge of the architectural activities and decisions of the LLC or corporation.

#### **13:27-4.9 Biennial renewal of certificates of authorization**

(a) All certificates of authorization issued by the Board shall be issued for a biennial period. An LLC or corporation seeking renewal of the certificate shall submit a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury and the renewal fee as set forth in N.J.A.C. 13:27-4.11 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and late fee as set forth in N.J.A.C. 13:27-4.11. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate of authorization that is not renewed within 30 days of its expiration shall be automatically suspended. An LLC or corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c.232 (N.J.S.A. 14A:17-1 et seq.), that provides or advertises architectural services while its certificate of authority is suspended shall be in violation of N.J.S.A. 45:3-17.

(e) A certificate of authorization that has been automatically suspended for non-renewal may be reinstated upon the LLC or corporation submitting a completed reinstatement application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and reinstatement fee as set forth in N.J.A.C. 13:27-4.11.

### **13:27-4.10 (Reserved)**

#### 13:27-4.11 Fees

(a) The following fees shall be charged by the Board:

1. (No change.)

2. Initial License Fee

i. (No change.)

ii. If paid during the second year of a biennial renewal period 80.00

3. Biennial Renewal Fee

i. Active Status 160.00

ii. Inactive Status (To be determined by the Director by rule)

4. License by Credentials Application Fee (plus initial license fee) 75.00

5. (No change.)

6. Replacement Certificate Fee 25.00

7.-9. (No change.)

(b) Certificate of Authorization fees shall be as follows:

1. (No change.)

2. Initial Certification

i-ii. (No change.)

3. (No change.)

4. Late Fee 50.00

5. Reinstatement Fee 300.00

### **13:27-5.5 Professional practice and procedures**

(a)-(b) (No change.)

(c) Except as permitted by N.J.S.A. 45:3-17b and N.J.A.C. 13:27-3.2(g), an architect shall not aid nor abet an unlicensed individual or entity in the practice of architecture by permitting his or her name, seal, and/or signature to be used in connection with an individual, firm, or corporation not authorized by law to practice architecture.

## **SUBCHAPTER 6. SEALS; TITLE BLOCKS**

### **13:27-6.1 Signing and sealing documents**

(a)-(b) (No change.)

(c) An architect shall seal architectural documents only with seal presses purchased or exchanged through the Board.

### **13:27-6.2 (No change in text.)**

### **13:27-6.3 Title block contents; requirements by form of architectural practice**

(a) (No change.)

(b) When a partnership or limited liability partnership of two or more licensed architects or closely allied professionals, in which at least one partner is an architect, practice architecture, the title block shall contain:

1. (No change.)

2. The title "architect" or "architects," as applicable, and the titles of any other closely allied professionals;

3.-5. (No change.)

(c) (No change.)

(d) Title block contents for a general business corporation or limited liability company authorized to practice architecture under a Certificate of Authorization issued pursuant to N.J.A.C. 13:27-4.8 shall contain:

1. (No change.)

2. The title "architects" and titles of any other closely allied professionals;

3.-5. (No change.)

(e) (No change.)

(f) When an architect is a subcontractor on an interior design or space planning project pursuant to N.J.S.A. 45:3-17, the architect shall include a secondary title block with all the information required in (a), (b), (c), or (d) above, whichever applies to the architect's form of business. Reference to the name and location of the project need not be repeated in the secondary title block.

(g) An architect practicing as an employee of a business entity which does not offer architectural services to the public, including an entity whose principal source of business is space planning or interior design services, shall include in the title block the name of the entity as the "owner" and all other elements that are required for that type of business entity pursuant to (a) through (e) above. If the architect is employed by an entity whose principal source of business is interior design or space planning services, the architect may sign, seal, and list his or her license number in that entity's title block or may use a secondary title block for such information.

(h) (No change in text.)

### **13:27-6.4 Submission of title block form for approval**

Any architect may submit a proposed form of title block to the New Jersey State Board of Architects for approval.

## **SUBCHAPTER 8. CERTIFIED LANDSCAPE ARCHITECTS**

13:27-8.5 Application for initial certification

(a) An applicant for initial certification as a landscape architect shall:

1. Hold a bachelor's or higher degree in landscape architecture from a college or university having a landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board of the American Society of Landscape Architects (ASLA) or other academic program approved by the Committee pursuant to N.J.A.C. 13:27-8.4. The applicant shall arrange for the college or university to send an official transcript directly to the Board. The applicant shall be responsible for ensuring that the Board receives the transcript by the required date;
2. Have engaged in practical landscape architectural work for four years after completion of the educational requirement set forth in (a)1 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner or professional engineer;
3. Be of good moral character demonstrated by furnishing five personal references, two from individuals who have known the applicant for at least five years and three from professionally trained design professionals, such as certified or licensed landscape architects, architects, professional engineers or professional planners, who have first hand experience of the applicant's work. No individual providing a reference shall be related to the applicant. The applicant shall be responsible for ensuring that the Board receives these references by the required date;
4. Successfully complete within five years of application an examination on landscape architecture issues specific to New Jersey, which shall cover plant materials, soil types, geology and laws and regulations governing land use and planning, including the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.;
5. Successfully complete within five years of application the Landscape Architect Registration Examination (LARE); and
6. Pay the initial certification fee as set forth in N.J.A.C. 13:27-8.21.

(b) An applicant may apply to the Board prior to sitting for the LARE. The applicant shall request from, complete and return to the Board an application form together with the application fee as set forth in N.J.A.C. 13:27-8.21. On receipt of the completed application form, fee and all documentation required by (a)1 through 3 above, the Board shall refer the application to the Committee for evaluation, determination whether the applicant meets the qualifications set forth in (a)1 through 3 above and recommendation for conditional approval. Upon receiving the Committee's recommendation, the Board shall consider and may approve the application pending successful completion of the New Jersey issues examination and the LARE as required pursuant to (a)4 and 5 above, respectively. On receipt of the Board's approval, the applicant shall pay the examination fees as determined by the Council of Landscape Architectural Registration Boards (CLARB) for the New Jersey issues examination and LARE.

(c) An applicant who successfully completes the LARE without prior approval by the Board to sit for the LARE shall request from, complete and return to the Board an application form together with the application fee as set forth in N.J.A.C. 13:27-8.21. On receipt of the completed application form, fee and all documentation required by (a)1 through 3 above, the Board shall refer the application to the Committee for evaluation and recommendation for approval. Upon receiving the Committee's recommendation, the Board shall consider and may approve the application.

### **13:27-8.6 Application for certification as a landscape architect without LARE examination**

(a) An individual may apply for certification as a landscape architect in New Jersey if he or she meets the requirements of N.J.S.A. 45:3A-1 et seq. and:

1. Holds a license or certificate in good standing as a landscape architect from any other state, territory or possession of the United States provided that the requirements for licensure or certification of the issuing agency are substantially equivalent to those of the Committee;
2. Has passed the CLARB Uniform National Examination (UNE) or LARE or holds a current CLARB certification. Applicants holding CLARB certification shall arrange for CLARB to send the certificate to the Board; and

3. Meets the requirements for initial certification pursuant to N.J.A.C. 13:27-8.5(a)1 through 4.

(b) The candidate shall request from, complete and return to the Board an application form and pay the application fee as set forth in N.J.A.C. 13:27-8.21. On receipt of the completed application form and all documentation required by N.J.A.C. 13:27-8.5(a)1 through 3, the Board shall refer the application to the Committee for evaluation and approval.

(c) On receipt of the Board's approval, the applicant may apply to take the New Jersey examination as required pursuant to N.J.A.C. 13:27-8.5(a)4 and pay the examination fee as set forth in N.J.A.C. 13:27-8.21.

**13:27-8.7 Certification; biennial certification renewal; certificate suspension; reinstatement of suspended certificate; inactive status**

(a) All certificates issued by the Board shall be issued for a biennial certification period. A certificate holder who seeks renewal of the certificate shall submit a completed renewal application, a statement that the certificate holder has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-8.11 and the renewal fee as set forth in N.J.A.C. 13:27-8.21 prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a renewal application, a statement that the certificate holder has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-8.11, a renewal fee and a late fee, as set forth in N.J.A.C. 13:27-8.21. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who holds himself or herself out as a landscape architect with a suspended certificate shall be in violation of N.J.A.C. 13:27-8.20.

(e) A certificate holder whose certificate has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Committee upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:27-8.21;
2. Submission of proof of completion of the continuing education credits required for each biennial registration period for which the certificate was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended certificate which includes the name, address, and telephone number of each employer.

(f) In addition to fulfilling the requirements set forth in (e) above, a certificate holder whose certificate has been automatically suspended for more than five years who wishes to return to practice shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Committee that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Committee prior to reinstatement of his or her certificate.

(g) Renewal applications shall provide the certificate holder with the option of either active or inactive status. A certificate holder electing inactive status shall pay the inactive certification fee set forth in N.J.A.C. 13:27-8.21 and shall not hold himself or herself out as a landscape architect.

(h) A certificate holder who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the biennial certification fee and reinstatement fee pursuant to N.J.A.C. 13:27-8.21;
2. Submission of proof of completion of the continuing education credits required for each biennial certification period for which the certificate was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the certificate was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to fulfilling the requirements set forth in (h) above, a certificate holder whose certificate has been on inactive status for more than five years who wishes to return to active status shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Committee that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Committee prior to reinstatement of his or her certificate.

### **13:27-8.8 Display of certificate; replacement and duplicate certificates**

- (a) A certified landscape architect shall conspicuously display at each place of business or employment the original certificate or a duplicate certificate issued by the Board showing the current biennial certification period.
- (b) Each certification number and certificate containing such certification number issued by the Board to a certified landscape architect shall remain the property of the State of New Jersey. If the Board suspends, fails to renew, or revokes a certification, the certificate holder shall immediately return all certificates to the Board and shall remove the certification number from all advertising and anything else on which the certification number is displayed or otherwise communicated.
- (c) The Board shall issue a replacement certificate to a certified landscape architect upon payment of the replacement certificate fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the certificate holder.
- (d) The Board shall issue a duplicate certificate to a certified landscape architect upon payment of the duplicate certificate fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement that the certified landscape architect has multiple places of business in which the certificate holder must display a certificate. A certified landscape architect may not possess more certificates than the number of places of business utilized by the certified landscape architect.

### **13:27-8.9 Seal and signature**

- (a) Every certified landscape architect shall have a seal established by the Committee and issued by the Board, which shall contain the name of the landscape architect, his or her certificate number, and the legend "Certified Landscape Architect." If the Board suspends, fails to renew, or revokes a certification, the certificate holder shall immediately return the seal press containing such seal to the Board.
- (b) All working drawings and specifications prepared by the certified landscape architect or under his or her supervision shall be signed on the original with the personal signature of the certified landscape architect. Thereafter, all copies of such drawings and specifications shall be sealed prior to submission to the client or filing with a public agency.

(c)-(d) (No change.)

### **13:27-8.10 (Reserved)**

#### 13:27-8.11 Continuing education hour requirements; waiver or modification of requirements

- (a) A certificate holder shall not be required to obtain continuing education hours during the first biennial renewal

period in which the certificate holder first obtains certification. For each succeeding biennial renewal period, the certificate holder shall complete a minimum of 24 hours of continuing education. "Continuing education (CE) hour" means one 60 minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour.

(b) A certified landscape architect shall only receive continuing education credit for continuing education successfully completed during the biennial certification period in which the continuing education was completed, and no continuing education hours may be carried over into a succeeding biennial period.

(c) The Committee may, at its discretion and with the approval of the Board, waive, extend or modify continuing education requirements on an individual basis for reasons of emergency or hardship, such as illness or disability which prevents attendance at or completion of continuing education, military service or other good cause as demonstrated by the certificate holder.

(d) Any certificate holder seeking a waiver, extension or modification of the continuing education requirements shall submit a request to the Committee in writing specifying the reasons for the waiver, extension or modification. The certificate holder shall also provide the Committee with such information as it may reasonably request in support of the request.

### **13:27-8.12 Continuing education programs and courses**

(a) The certificate holder may obtain continuing education credit as follows:

\*1. Courses or programs approved by the Committee pursuant to N.J.A.C. 13:27-8.16: one hour for each hour of attendance\*

\*[1.]\*2.\* Seminars, courses, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession \*[and approved by the Council of Landscape Architectural Registration Boards]\*. \*Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication, or design implement-tation (grading construction details, layout)\*: one hour for each hour of attendance;

\*[2.]\*3.\* Successful completion of graduate course work relevant to landscape architecture beyond that required for professional certification, at university-sponsored programs or university-level, subject to Committee approval: a maximum of nine hours for each course; or

\*[3.]\*4.\* Courses, programs or seminars offered or approved by the New Jersey Department of Environmental Protection that are directly related to the practice of landscape architecture: one hour for each hour of attendance.

(b) The Committee shall maintain a list of all approved programs and courses at the Committee offices and shall furnish this information to certificate holders upon request.

\*(c) A certificate holder may obtain approval for attendance at a seminar, conference or other program that meets the Committee's continuing education requirements. For approval prior to attendance at a seminar, conference or other program, the certificate holder shall submit to the Committee a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours 60 days prior to enrollment. For approval subsequent to attending a seminar, conference or other program, the certificate holder shall submit to the Committee a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours together with written verification of attendance.\*

### **13:27-8.13 (Reserved)**

### **13:27-8.14 Compliance with continuing education requirements; audit**

(a) (No change.)

(b) Each certificate holder shall be subject to audit by the Committee and shall submit documentation of completed continuing education courses and programs upon request. Failure to provide requested documentation or falsification of any information submitted to the Committee may result in penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, and/or suspension of certification, pursuant to N.J.S.A. 45:1-21.

(c) Each certificate holder shall retain documentation for a period of five years \*[that demonstrates the certificate holder's successful completion of the seminar, course, conference or other program completed by the certificate holder]\* \*:

1. For attendance at courses or programs approved by the Committee, the verification of attendance as set forth in N.J.A.C. 13:27-8.16(b); and

2. For attendance at seminars, conferences and other programs for which the certificate holder received advanced approval, a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours. For attendance at seminars, conferences and other courses and programs for which the certificate holder received subsequent approval by the Committee, written verification by the sponsor of attendance.

### **13:27-8.15 (Reserved)**

### **13:27-8.16 \*[(Reserved)]\* \*Responsibilities of continuing education sponsors**

(a) At least 60 days prior to offering a course or program, a sponsor of continuing education for landscape architects shall submit the following for each course or program offered for evaluation by the Committee:

1. A detailed description of course or program content and the number of hours of instruction; and
2. A summary of each lecturer's qualifications.

(b) The sponsor shall monitor the attendance at each approved course or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. The title, date and location of course or program offering;
2. The name and certificate number of the attendee;
3. The number of hours of the course or program and, if known, the number of continuing education hours approved by the Committee; and
4. The name and signature of the person for monitoring attendance.

(c) The sponsor shall solicit evaluations from both the participants and the instructors.

(d) A sponsor shall not exclude from the course or program any certificate holder who is not a member of the group or association but may impose a reasonable differential in course or program fees based upon membership within a group or association.\*

### **13:27-8.17 Continuing education credit by endorsement**

(a) A New Jersey certificate holder who is authorized by licensure/certification/registration to practice landscape architecture in another state shall satisfy the continuing education hours requirement of N.J.A.C. 13:27-8.11 by submitting the following:

1. Certification from the appropriate governmental authority in the other state confirming that the person has satisfactorily completed all continuing education requirements for renewal of licensure/certification/ registration in that

state;

2. (No change.)

3. Proof that the other state requires review and approval of continuing education of rigor and extent which are substantially equal to the requirements imposed by New Jersey.

### **13:27-8.18 Committee certificate for endorsement of continuing education hours**

A certificate holder of this State who is in good standing may request of the Executive Director of the New Jersey State Board of Architects a document attesting that the official record confirms satisfactory completion of all New Jersey continuing education requirements. Good standing for this purpose means the individual is currently certified, has paid all required fees, has been audited in the current biennial period to determine compliance with the New Jersey continuing education requirement, and is not the subject of any disciplinary complaint or under current disciplinary sanction.

### **13:27-8.19 Rules of professional conduct**

(a) If, in the course of his or her work on a project, a certified landscape architect becomes aware of a decision taken by his or her employer or client, against the certified landscape architect's advice, which violates applicable Federal, state, county or municipal building laws and regulations and which would, in the certified landscape architect's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the certified landscape architect shall notify the employer or the client of such consequences and such other public authority as may be appropriate in the situation.

(b) A certified landscape architect may accept an assignment or employment requiring education or experience outside of his or her field of competence, but only to the extent that the services are restricted to those phases of the project in which he or she may, without undue cost or hardship to the client, reasonably become qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees in conformance with the statutes and rules governing their respective professions.

(c) A certified landscape architect shall not affix a personal signature and/or seal to any plan or document dealing with subject matter in which there is a lack of competence by virtue of education or experience, nor to any such plan or document not prepared under his or her direct supervision and control.

(d) A certified landscape architect shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information.

(e) When issuing any statements, criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party, or parties, a certified landscape architect shall preface such comments by explicit personal identification, by disclosing the identity of the party or parties on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.

(f) A certified landscape architect shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.

(g) A certified landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products unless such consideration is disclosed to the client.

(h) A certified landscape architect shall not solicit or accept gratuities or anything of value not related to work performed, directly or indirectly from contractors, their agents, or other parties dealing with his or her client or employer in connection with work for which he or she is responsible.

(i) When in public service as a member, advisor or employee of a governmental body or department, a certified

landscape architect shall not participate in considerations or actions with respect to services provided by the individual or the individual's professional organization in private practice.

(j) A certified landscape architect shall not solicit or accept a contract from a government body on which a principal or officer of his or her organization serves as a member.

(k) A certified landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure or retain work, exclusive of securing positions through employment agencies.

(l) A certified landscape architect shall not falsify or permit misrepresentation of academic or professional qualifications. He or she shall not misrepresent or exaggerate degrees of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing his or her qualifications and work.

(m) A certified landscape architect shall not knowingly associate with or permit the use of a personal name or firm name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is otherwise engaging in unlawful activities.

(n) All advertisements and public representations of certificate holders which make specific reference to service as a "landscape architect" shall list the name and certificate number of the certified landscape architect. If the certificate holder conducts the practice under a corporation or trade name, the advertisement/public representation may list the business name under which the practice is conducted but shall also conspicuously disclose the name and certificate number of at least one of the principal practitioners. For the purposes of this subsection, "advertisement" means any communication to the public including, but not limited to, newspaper, periodical, journal, flyer, professional stationery, telephone directory, billboard, sign (other than a sign used only for identification purposes at the business premises), radio, telephone for the purpose of solicitation, television, Internet, or any other print or electronic media in which landscape architecture services are offered or by which the availability of landscape architecture services is made known.

1. Certified landscape architects, whose advertisements/listings in a telephone or other consumer information directory do not comply with this requirement, shall immediately notify the directory publisher of the additional data which shall be published in the next available directory in which the certified landscape architect intends to continue such advertisement/listing. The certificate holder; personally or through the business entity, shall retain a copy of the notification which shall be made available for inspection at Board request.

(o) If a certified landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

### **13:27-8.20 Nomenclature for non-certified persons**

(a) A person who is not a certified landscape architect as defined in N.J.S.A. 45:3A-2 shall not use or advertise or offer services to the public utilizing the following titles or description of services:

#### **TITLES**

Landscape Architect  
Certified Landscape Architect  
Licensed Landscape Architect  
Registered Landscape Architect  
Professional Landscape Architect

#### **DESCRIPTIONS OF SERVICES**

Landscape Architecture

Landscape Architectural Design  
Landscape Architectural Construction  
Landscape Architectural Planting Design  
Landscape Architectural Service

(b) The titles and descriptions listed in (a) above are not meant to be all-inclusive.

**13:27-8.21 Fees**

(a) The following fees shall be charged by the New Jersey State Board of Architects for Landscape Architect Certification matters. Unless otherwise provided herein, all fees are non-refundable.

1. (No change.)
2. Examination fee for the New Jersey Examination when Board administered \$ 100.00
3. (No change.)
4. Biennial Renewal Fee--Active Status..... \$ 160.00
5. Biennial Renewal Fee--  
Inactive Status..... (To be determined by the Director by rule)
- Recodify existing 5-6. as 6.-7. (No change in text.)
8. Replacement or duplicate certificate fee..... \$ 25.00
- 9.-10. (No change.)

**13:27-8.22 Notification of change of address; service of process**

(a) Certified landscape architects shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action.

(b) Service of an administrative complaint or other Board-initiated action at a certificate holder's address on file with the Board shall be deemed adequate notice when service by certified or regular mail is acceptable and shall allow the commencement of any disciplinary proceedings.