

CHAPTER 1

SCOPE; DEFINITIONS

Section 1. Purpose. The Wyoming State Board of Architects and Landscape Architects Rules and Regulations are set forth for the purpose of interpreting and implementing W.S. 33-4-101 through 33-4-117 establishing the Board, and conferring upon it the responsibility for licensure of architects and landscape architects, and the regulation of the practices of architecture and landscape architecture in the state of Wyoming.

Section 2. Citation. The Wyoming State Board of Architects and Landscape Architects Rules and Regulations shall be referred to hereafter as the “Rules”. The Wyoming State Board of Architects and Landscape Architects shall be referred to hereafter as the “Board”.

Section 3. Regulatory Authority. The Architect/Landscape Architect Regulations are promulgated under the authority of W.S. 33-4-101 through 33-4-117, and in conformity with applicable procedures of W.S. 33-4-104.

Section 4. Severability. If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 5. Terms Defined by Statute. Terms defined in W.S. 33-4-101 through 33-4-117 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.

Section 6. Terms Defined Herein. As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

(a) **Applicant:** An individual who has submitted a complete application for licensure to the Board.

(b) **ARE:** The current Architect Registration Examination, prepared by NCARB.

(c) **CLARB:** The Council of Landscape Architectural Registration Boards.

(d) **EESA:** Educational Evaluation Services for Architects, a program administered by Educational Credential Evaluators, Inc., a private organization not affiliated with NCARB or any of its member boards.

(e) **Examination:** The current Architect Registration Examination (ARE), or Landscape Architect Registration Examination (LARE), as accepted by the Board.

(f) IDP: Intern Development Program administered by the National Council of Architectural Registration Boards.

(g) LAAB: The Landscape Architectural Accrediting Board.

(h) LARE: The current Landscape Architect Registration Examination prepared by CLARB.

(i) NAAB: The National Architectural Accrediting Board.

(j) NCARB: The National Council of Architectural Registration Boards.

(k) Practical Experience: Experience which demonstrates an essential understanding of the practice of architecture or landscape architecture.

(l) Principal: An individual who is a licensed architect or landscape architect, and in charge of an organization's architectural or landscape architectural practice respectively, either alone or with other licensed architects or landscape architects.

(m) Responsible control: That amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by licensed architects and landscape architects applying the required professional standard of care.

(n) Technical submission: Designs, drawings, specifications, studies, and other technical reports prepared or presented in the course of practicing architecture or landscape architecture.

CHAPTER 2

GENERAL PROVISIONS

Section 1. Duties of Officers.

(a) President. The President shall, when present, preside at all meetings. He/she shall appoint all Committees, subject to confirmation of the Board, sign all certificates issued, sign the minutes of board meetings, and perform all other duties pertaining to his/her office as hereinafter prescribed. He/she shall prepare the annual report of the Board as required by law and shall cause the same to be distributed as the Board may direct. He/she shall assist the Secretary/Treasurer in matters of advice and preparation of correspondence and reports as agreed upon by the Board.

(b) Vice-President. The Vice-President shall perform all of the duties prescribed for the President in the absence of the President, and shall sign all certificates issued. He/she shall assist the Secretary/Treasurer in matters of advice and preparation of correspondence and reports as agreed upon by the Board.

(c) Secretary/Treasurer. The Secretary/Treasurer shall, with the assistance of such staff as may be required, conduct and care for all the correspondence of the Board, keep the minutes of all the meetings, keep all books and records as herein provided, and sign all certificates issued.

Section 2. Establishment of Committees. The Board may, by a majority vote of the membership, establish and empower committees to act on applications for license, applications for renewal, special requests, complaints, complaint investigations, or other issues that the Board deems proper to delegate. These committees shall be comprised of current members of the Board and/or the Board's Executive Director.

Section 3. Procedure.

(a) Order of Business. Meetings of the Board shall be conducted as follows with additions or deletions as approved by the Board.

- (i) Call to order;
- (ii) Reading of the minutes;
- (iii) Election of officers (when required);
- (iv) Reading of financial report & other reports;
- (v) Reading of communications;
- (vi) Unfinished business;

(vii) New business;

(viii) Adjournment.

(b) Quorum. A majority of the Board members shall constitute a quorum, and a majority vote of the quorum is required to transact any business.

(c) Finance. All monies shall be expended and received as provided by the laws of the State.

(d) Books and Records. The following books and records shall be kept and shall constitute the official books and records of the Board:

(i) Minutes: The approved minutes of all the meetings of the Board;

(ii) Licensee Records: An individual file for each licensee possessing all application forms and other documentation required by the Board for licensure;

(iii) Receipt Records: A complete recording of all revenue transactions of the Board, as provided by the State Auditor's Office;

(iv) Budget Records: A complete recording of all expenditure transactions of the Board as provided by the State Auditor's office;

(v) Procedures Manual: A description of all duties and procedures of the Board staff. This document will assist the staff, board members and new personnel in understanding the breadth of Board operations.

Section 4. Board Seal. This seal shall be applied to all license certificates issued by the Board.

Section 5. Public Information.

(a) Release of Board records shall be governed by W.S. 16-4-201 et. seq., The Public Records Act.

(b) The following documents shall NOT be treated as a public record pursuant to or otherwise disclosed to an applicant or any other member of the public:

(i) The ARE and all documents relating to the grading thereof;

(ii) The LARE and all documents relating to the grading thereof;

(iii) Personal recommendations;

(iv) Employment statements.

(c) Access. Any licensee or prospective licensee may personally inspect the contents of his/her Board file with the following exceptions:

(i) NCARB and CLARB testing materials and individual grading sheets;

(ii) Personal recommendations;

(iii) Employment statements.

(d) Correction and Amendment. Any licensee or prospective licensee may correct erroneous, inaccurate or misleading information in his/her file by offering a corrective amendment. Illegible information will not be accepted.

Section 6. Communication: Prohibition of Improper Contacts. Prior to the filing of an application, and after final Board action on an application, verbal and written communication with individual Board members or any member of the Board's staff shall be freely permitted; provided, however, that in no event is any member of the Board or its staff authorized to give any indication of what specific action the Board may take upon the merits of any application which may be filed with it. General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the Board in evaluating applications. While an application for licensure or an enforcement proceeding is pending before the Board, no one shall initiate any written or oral communication with individual Board members concerning the matter; but inquiries may be made orally or in writing to the Board staff or in writing to the Board.

Section 7. NCARB.

(a) The Board shall maintain membership in NCARB and pay the necessary costs thereof.

(b) The Board shall keep up-to-date information on the recommended policies adopted from time to time by NCARB.

(c) The Board may consult with NCARB in establishing uniform standards of architectural licensure throughout the United States.

Section 8. CLARB.

(a) The Board shall maintain membership in CLARB and pay the necessary costs thereof.

(b) The Board shall keep up-to-date information on the recommended policies adopted from time to time by CLARB.

(c) The Board may consult with CLARB in establishing uniform standards of landscape architectural licensure throughout the United States.

Section 9. Fees.

(a) Fees shall be transmitted in U.S. funds. Applications not accompanied by the proper fee will be returned to the applicant. All fees are non-refundable regardless of the outcome of the Board's decision.

(b) The fee schedule for licensure is as follows:

these rules are adopted years	(i)	License Application	
	(A)	By Examination	\$375.00
	(B)	By Reciprocity	\$375.00
	(C)	Reissuance of an expired license	\$375.00
	(D)	Reactivation of a retired license	\$375.00
	(ii)	Initial License for exam candidates on the Wyoming roster at the time	\$175.00
	(iii)	License Renewal	\$175.00 for (2) two
	(iv)	Retired Status License Renewal	No fee
	(v)	Duplicate Wall Certificates	\$25.00 each
	(vi)	Non-sufficient funds fee in accord with W.S. 1-1-115.	

CHAPTER 3

LICENSURE STANDARDS FOR ARCHITECTS

Section 1. Licensure Standards.

- (a) To be granted licensure, an applicant must:
 - (i) Have a good reputation for honesty, trustworthiness, integrity and competence in the practice of architecture, and
 - (ii) Hold a professional degree in architecture from a degree program that has been accredited by NAAB not later than two years after graduation, or hold a foreign degree in architecture from a degree program having requirements substantially equal to those established by NAAB and evaluated by EESA as determined by the Board, and
 - (iii) Have satisfied the IDP requirements in accordance with current NCARB IDP guidelines, and
 - (iv) Have passed the ARE where the examination administration and grading were conducted in accordance with NCARB's standards in effect at the time; and
 - (v) Submit all required documentation within one (1) year of the date the application was received by the Board, otherwise the application will be closed without further notice.
- (b) In evaluating records, the Board may require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical licensure requirements set forth above.
- (c) Should a licensee who has allowed their license to expire make application for relicensure within three (3) years of the license expiration date, the Board may waive any provision of Chapter 3, Section 1(a).

Section 2. Application Procedure. Every individual seeking architectural licensure shall submit:

- (a) A complete and legible application form to the Board. The application must be accompanied by:
 - (i) a color photograph taken within six (6) months of the date of application, and
 - (ii) the non-refundable application fee, and

(iii) proof of legal presence in the U.S. as required by U.S. Code Title 8, Chapter 14, Section 1621.

(b) An NCARB record sent directly from NCARB to the Board showing completion of the education, examination and IDP criteria established in this chapter.

(c) Three (3) professional references sent directly to the Board from the author.

(i) At least one (1) reference must be from a licensed architect.

(ii) Other references shall be from licensed architects, licensed landscape architects or licensed engineers, in good standing.

Section 3. Reciprocal Licensure. In order to qualify for a reciprocal license, the applicant must hold a current license as an architect in good standing from a jurisdiction with licensure requirements substantially equal, as determined by the Board, to those established by the practice act. If the Board determines that the applicant gained licensure in another reciprocal jurisdiction without meeting that jurisdiction's minimum requirements, the Board may deny licensure in Wyoming. The Board may accept NCARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.

Section 4. Notification of Applicants and Right of Appeal. When an applicant has submitted evidence that he/she has satisfied all the standards set forth in this Chapter, the Board shall review the application and notify the applicant of its decision in writing. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration as established in Chapter 11.

CHAPTER 4

LICENSURE STANDARDS FOR LANDSCAPE ARCHITECTS

Section 1. Licensure Standards.

(a) To be granted licensure, an applicant must:

(i) Have a good reputation for honesty, trustworthiness, integrity and competence in the practice of landscape architecture, and

(ii) Hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB not later than two (2) years after graduation, or hold a foreign degree in landscape architecture from a degree program having requirements substantially equal to those established by LAAB as determined by the Board, and

(iii) Possess three (3) years of diversified practical experience in Landscape Architecture as follows:

Experience	Percent Allowed	Maximum Credit
*Diversified practical experience in landscape architecture under the direct supervision of a licensed landscape architect.	100%	-----
*Diversified experience directly related to landscape architecture under the direct supervision of a civil engineer, architect or credentialed planner.	100%	2 years
*Teaching in an LAAB accredited program.	50%	1 year
*Experience in landscape architecture directly related to on site construction, maintenance or installation procedures.	50%	1 year
*Non-diversified experience in landscape architecture under the direct supervision of a licensed landscape architect.	50%	1 year
*Applicants who have acquired six (6) years of diversified experience in landscape architecture (after the satisfaction of the education requirement) practicing as a principal.	50%	3 years

Every applicant for licensure by examination must possess one (1) year of diversified experience in landscape architecture (acquired after the satisfaction of the education requirement) under the direct supervision of a licensed landscape architect.

(A) Evaluation Guidelines.

(I) Work experience under the direct supervision of a licensed landscape architect will receive credit as follows:

(a.) 100% if the work experience is at least thirty-five (35) hours per week for at least two (2) continuous months.

(b.) 50% if the work experience is at least twenty (20) hours per week for at least four (4) continuous months.

(B) Work experience in any alternative category as described in Chapter 4, Section 1(a)(iii) will receive the credit indicated only when the experience is at least thirty-five (35) hours per week and at least two (2) continuous months in duration.

(C) No experience credit may be earned prior to satisfaction of the education requirement.

(D) Experience received outside the United States is limited to one (1) year maximum.

(E) No additional education or experience credit will be awarded for obtaining more than one degree.

(iv) Successfully complete the LARE where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time; and

(v) Submit all required documentation within one (1) year of the date the application was received by the Board, otherwise the application will be closed without further notice.

(b) In evaluating records, the Board may require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical licensure requirements set forth above.

(c) Should a licensee who has allowed their license to expire make application for relicensure within three (3) years of the license expiration date, the Board may waive any provision of Chapter 4, Section 1(a).

Section 2. Application Procedure. Every individual seeking landscape architectural licensure shall submit:

(a) A complete and legible application form to the Board. The application must be accompanied by:

(i) a color photograph taken within six (6) months of the date of application, and

- (ii) the non-refundable application fee, and
 - (iii) proof of legal presence in the U.S. as required by U.S. Code Title 8, Chapter 14, Section 1621.
- (b) A CLARB record sent directly from CLARB to the Board showing completion of the educational, experience and examination criteria established in this chapter.
- (c) Three (3) professional references sent directly to the Board from the author.
- (i) At least one (1) reference must be from a licensed landscape architect.
 - (ii) Other references may be from licensed architects, licensed landscape architects, or licensed engineers, in good standing.

Section 3. Reciprocal Licensure. In order to qualify for a reciprocal license, the applicant must hold a current license as a landscape architect in good standing from a jurisdiction with licensure requirements substantially equal, as determined by the Board, to those established in the practice act. If the Board determines that the applicant gained licensure in another reciprocal jurisdiction without meeting that jurisdiction's minimum requirements, the Board may deny licensure in Wyoming. The Board may accept CLARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.

Section 4. Notification of Applicants and Right of Appeal. When an applicant has submitted evidence that he/she has satisfied all the standards set forth in this Chapter, the Board shall review the application and notify the applicant of its decision in writing. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration as established in Chapter 11.

CHAPTER 5

EXAMINATION FOR ARCHITECTS

Section 1. Nature of Examination. The examination used by the Board to determine eligibility for licensure shall be the current ARE, as administered by NCARB.

Section 2. Approval for Examination. Any person wishing to sit for the ARE examination must register for the exams directly with NCARB. Upon completion of all sections of the examination, and completion of IDP, the individual may apply to the Board for licensure.

Section 3. Frequency of Examination. NCARB authorized testing centers shall administer the examination in accordance with the schedule established by NCARB.

Section 4. Appeals Denied. An applicant is not allowed to appeal any division of the examination which he/she fails.

CHAPTER 6

EXAMINATION FOR LANDSCAPE ARCHITECTS

Section 1. Nature of Examination. The examination used by the Board to determine eligibility for licensure shall be the current LARE, as administered by CLARB.

Section 2. Approval for Examination. Any person wishing to sit for the LARE examination must register for the exams directly with CLARB. Upon completion of all sections of the examination, and completion of the experience requirement, the individual may apply to the Board for licensure.

Section 3. Frequency of Examination. CLARB authorized testing centers shall administer the examination in accordance with the schedule established by CLARB.

Section 4. Appeals Denied. An applicant is not allowed to appeal any division of the examination which he/she fails.

CHAPTER 7

LICENSURE FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

Section 1. Issuance. When the Board has determined that an applicant has satisfied the standards set forth herein, the Board shall issue a license containing the licensee's name and license number.

Section 2. License Classification. Three types of license classification are used to denote the method by which the applicant obtains licensure:

(a) Type A License, Licensure by Prior Practice (or grandfathering):

(i) For Architects type A licenses were issued to those qualified applicants upon passage of the initial licensing act in the year 1951. No further type A licenses will be issued.

(ii) For Landscape Architects type A licenses were issued to those qualified applicants upon passage of the revised licensing act in the year 1992. No further type A licenses will be issued.

(c) Type B License, Licensure by Examination: Type B licenses shall be issued to qualified applicants passing all divisions of the ARE or LARE.

(d) Type C Licensure, Licensure by Reciprocity: Type C licenses shall be issued to qualified applicants currently licensed in another jurisdiction.

Section 3. Issue and Renewal. The initial license shall expire on December 31st of the year following the year of issue. Thereafter, the renewal period is two (2) years.

Section 4. Wall Certificate and Card Certificate. Upon being granted licensure the applicant shall be issued a wall certificate of standard design, bearing the Board seal and signed by the designated Board members. A card certificate shall be issued bearing the class, number, and expiration date of the license, and is reissued only upon license renewal.

Section 5. Refusal, Suspension, or Revocation of License. In the event of revocation, cancellation or suspension of any license, the licensee shall be required to surrender his/her wall certificate immediately to the Board.

Section 6. Reissuance. Any license allowed to expire may be reissued by the Board within three (3) years of the date expired. The Board shall require:

(a) A complete application for reissuance and application fee, and

(b) Verification that the applicant has completed sixteen (16) PDU's within the twenty-four (24) months immediately preceding the date the complete application for reissuance was received by the Board.

Section 7. Temporary Licenses. Temporary licenses shall not be granted for any reason.

Section 8. Retired Status. In order to qualify for retired status, the licensee must;

(a) Have held a valid license as an architect or landscape architect in any jurisdiction for at least ten (10) consecutive years.

(b) Notify the Board, in writing prior to or at renewal, that they have retired and are not practicing, and will not practice, architecture or landscape architecture in any jurisdiction.

(c) The retired license shall expire and be renewable on the same two (2) year cycle as an original Wyoming active license.

(d) The licensee lists the licensee's occupation as retired on the board-approved renewal form and certifies that the licensee is not currently practicing, and will not practice, architecture or landscape architecture in any jurisdiction.

Section 9. Reactivation of a Retired Status License. Any license in retired status may be reactivated by the Board. The Board shall require:

(a) A complete application for reactivation and application fee, and

(b) Verification that the licensee has completed sixteen (16) PDU's within the twenty-four (24) months immediately preceding the date the complete application for reactivation was received by the Board.

CHAPTER 8

CONTINUING LICENSURE

Section 1. Required for License Renewal. Each licensee shall have acquired sixteen (16) Professional Development Units (PDUs) during the twenty-four (24) month period prior to the license expiration date. Persons who have not held a license in Wyoming for a full twenty-four (24) month period shall have acquired a prorated number of PDUs for the time frame in which they have held the Wyoming license. Failure to comply with these requirements shall result in non-renewal of the license.

(a) All sixteen (16) PDUs shall be in Health, Safety and Welfare (HSW) subjects acquired in structured educational activities or acquired in individual planned educational activities.

(b) PDUs need not be acquired within this jurisdiction but may be acquired at any location.

(c) PDUs earned in excess of the sixteen (16) required for renewal may not be carried forward to apply towards the next renewal period.

Section 2. Health, Safety and Welfare (HSW) Subjects. Technical and professional subjects, relative to the practice of architecture or landscape architecture, which the Board deems appropriate to safeguard the public's health, safety and welfare. Such subjects include, but are not limited to, sustainable design, building design, landscape design, environmental or land use analysis, life safety, architectural programming, site planning, site and soils analyses, plant material, accessibility, structural systems considerations, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration.

(a) All courses are subject to auditing and the Board may disapprove any course not meeting the intended continuing education criteria for HSW subjects.

(b) To qualify for PDU credit, the course must be a structured educational activity meeting the following criteria:

(i) Include technical and practical applications which impact public health, safety and welfare;

(ii) Maintain, improve, expand or enhance the quality of the existing technical knowledge;

(iii) Fill voids that may exist in the professional education and internship training or develop new and relevant professional skills and knowledge;

(iv) Have clear purposes and objectives;

(v) Be well organized, presented in a sequential manner, and provide evidence of pre-planning;

(vi) Be presented by persons who are qualified by education or experience in the field being taught;

(vii) Provide the participant documentation for individual record keeping and reporting.

(c) HSW subject content acceptable for landscape architectural PDU includes the following:

(i) Codes, laws and regulations.

(ii) Environmental issues.

(iii) Programming, planning or design proficiency.

(iv) Planning, engineering, horticulture, construction contracting and related disciplines.

(v) Legal aspects of contracts, documents, insurance, bonds, project administration, etc. This does not include business practice or money management.

(vi) Specialization in areas of concentration.

(vii) Construction means, methods, products and materials.

(viii) Construction documents and services. This does not include technical type training such as CAD classes.

(ix) Project administration.

(x) Professional ethics.

(xi) Safety issues.

(xii) Accessibility.

(xiii) Irrigation system design.

(xiv) Grading and drainage.

(d) HSW subject content acceptable for architectural PDU includes the following:

- (i) Codes, laws and regulations.
- (ii) Environmental issues.
- (iii) Programming, planning or design proficiency.
- (iv) Planning, engineering, interior design, construction contracting and related disciplines.
- (v) Legal aspects of contracts, documents, insurance, bonds, project administration, etc. This does not include business practice or money management.
- (vi) Specialization in areas of concentration.
- (vii) Construction means, methods, products and materials.
- (viii) Construction documents and services. This does not include technical type training such as CAD classes.
- (ix) Project administration.
- (x) Professional ethics.
- (xi) Safety issues.
- (xii) Accessibility.
- (xiii) Building system evaluation and selection.

Section 3. Professional Development Unit (PDU). One PDU, consisting of not less than fifty (50) minutes of actual instruction or presentation, spent in structured educational activities intended to increase the licensee's knowledge and competence in HSW subjects. PDUs will be awarded only for that portion of the activity which meets the definition of a HSW subject.

(a) The following types of activities have been deemed by the Board to be acceptable PDU activities:

- (i) Subjects for design professionals offered by organizations such as CLARB, NCARB, AIA, ASLA, etc. PDUs are awarded as established by the sponsor.
- (ii) Courses of study taught in person or by correspondence, organized lectures, presentations or workshops.
- (iii) University or college courses. One Semester credit hour may be counted for a maximum of 15 PDUs. One Quarter credit hour may be counted for a maximum of 10 PDUs.

(iv) In-house programs.

(v) Writing articles or papers which have been published in peer reviewed publications, publishing a book, or writing a PDU course on architectural or landscape architectural subject matters. Up to a maximum of eight (8) PDUs are allowed per biennium.

(vi) Participation in professional and technical societies and their committees.

(vii) Attendance at the Board of Architect and Landscape Architect board meetings.

(b) The following types of activities have been deemed by the Board to be unacceptable PDU activities:

(i) Serving on federal, state or municipal boards or commissions as a design professional.

(ii) Rendering pro bono services.

(iii) Participation on a public board.

Section 4. Reporting and Recordkeeping.

(a) PDUs shall be reported and documented at the time of renewal and in the manner prescribed upon the license renewal form provided by the Board.

(b) Copies of certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance are acceptable documents for evidence of compliance.

(c) Evidence of compliance shall contain no less than the following information:

(i) Participant's name;

(ii) Sponsor name and address;

(iii) Activity type;

(iv) Course location and date given;

(v) Course title and brief description of content;

(vi) Instructor/speaker name;

- (vii) Monitor signature;
- (viii) Number of PDUs; and
- (ix) A declaration that the PDUs are considered health, safety and welfare.

(d) The licensee shall maintain evidence of compliance for two (2) years after submission of the form to which it relates.

Section 5. Reciprocity. A licensee who holds a current license in good standing in another jurisdiction may verify compliance with Wyoming's PDU requirements by providing a copy of their most current renewal card in that jurisdiction provided:

(a) The jurisdiction in which they hold a license requires the equivalent of a minimum sixteen (16) professional development hours in HSW subjects per biennium, and

(b) The licensee has renewed the license in that jurisdiction within one (1) year of renewing their Wyoming license.

Section 6. Exemptions.

(a) A licensee shall not be subject to the requirement for PDUs if during the current renewal period:

(i) The licensee is a civilian called to active duty in the armed forces of the United States for a period of time exceeding one hundred and eighty (180) consecutive days in any calendar year. The exemption shall be for a maximum of eight (8) PDUs for each calendar year that the licensee is performing active duty; or

(ii) The licensee experiences physical disability, illness or other extenuating circumstance exceeding one hundred and eighty (180) consecutive days in any calendar year causing them to suspend all professional activities during that time. The licensee shall provide supporting documentation from a third party acceptable to the Board. The exemption shall be for a maximum of eight (8) PDUs for each calendar year that the licensee experiences such circumstances, or

(iii) The licensee was initially issued their Wyoming license by examination within the twenty-four (24) months immediately preceding the license expiration date; or

(iv) The licensee requests and remains in retired status.

Section 7. Audits. PDUs may be audited by the Board for verification of compliance with these requirements.

(a) Failure to provide the documents requested for audit within thirty (30) days may subject the licensee to disciplinary action.

(b) If the Board disallows any PDUs then the licensee shall have one hundred twenty (120) days from notice of such disallowance to;

(i) provide further evidence that the disallowed PDUs meet the criteria established by these rules, or

(ii) provide documentation of having acquired additional PDUs during the required time frame, or

(iii) cure the disallowance by acquiring the required number of PDUs.

(A) Any PDU activity completed past the renewal date to cure a disallowance may not be reported on subsequent applications for license renewal.

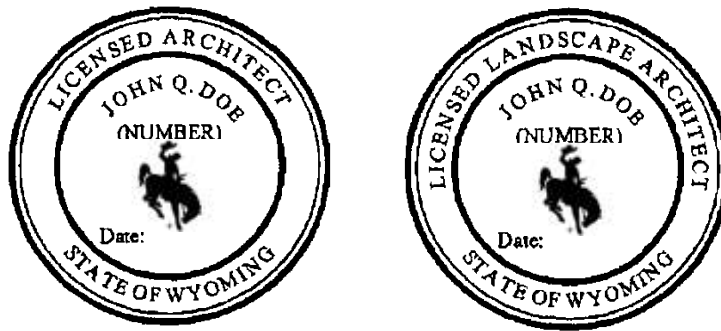
(B) If a licensee fails to complete the required number of PDUs, the licensee shall be subject to disciplinary action.

CHAPTER 9

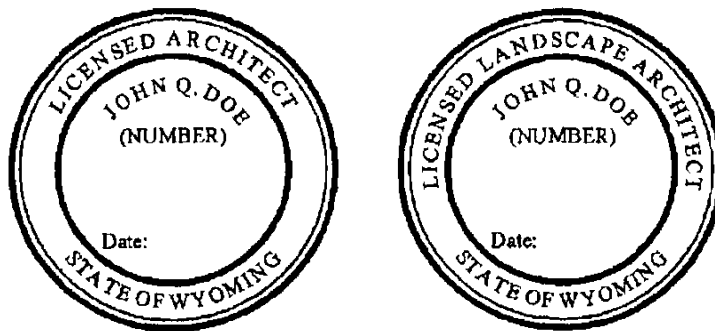
SEAL SPECIFICATIONS AND USE

Section 1. Design of the Seal.

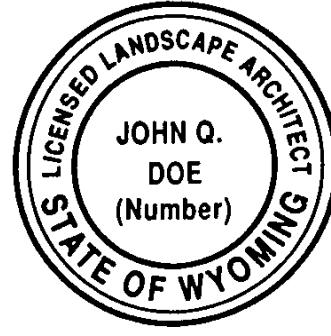
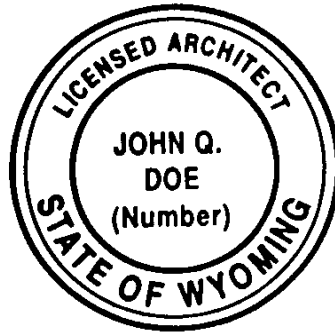
(a) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his/her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED LANDSCAPE ARCHITECT-STATE OF WYOMING" as appropriate. This seal shall approximate the format shown below:



(i) The seal design adopted by the Board in the Rules and Regulations dated April 27, 2001, as it appears below, will be accepted for persons licensed prior to the effective date of these rules.



(ii) The seal design adopted by the Board in the Rules and Regulations dated June 18, 1992, as it appears below, will be accepted for persons licensed prior to April 27, 2001.



- (b) The format of the seal may be a rubber stamp, an embosser, or a digital image.
- (c) Each licensee is responsible for procuring their own seal.

Section 2. Use of the Seal.

- (a) The seal shall be imprinted on all technical submissions, as follows:
 - (i) On each final design and each final drawing;
 - (ii) On the cover, title or index pages of each set of specifications; and
 - (iii) On the cover or index page of all other technical submissions.
- (b) The original signature of the individual named on the seal shall appear across the face of each original seal imprint, along with the date of signing. Digital seals and signatures are acceptable; however, it is the responsibility of the licensee to provide adequate security when documents with digital seals are distributed.
- (c) The seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the responsible control of the individual named on said seal only if the seal has been signed and dated.

CHAPTER 10

PROFESSIONAL CONDUCT AND GROUNDS FOR ACTION

Section 1. Grounds. Each of the following acts are grounds for refusal, suspension or revocation of license pursuant to W.S. 33-4-115 and these regulations:

- (a) Fraud, deceit or material misstatement of fact in applying for a license or in passage of the examination provided for in this act;
- (b) Untrustworthiness, incompetency or misconduct in the practice of architecture or landscape architecture as evidenced by conduct which endangers life, health, property or the public welfare;
- (c) Mental Incompetency;
- (d) Fraud or deceit in the practice of architecture or landscape architecture;
- (e) Affixing, or permitting to be affixed, a seal upon a document which was not prepared under the architect's or landscape architect's responsible control;
- (f) Violating this Act or a rule or regulation of the Board promulgated pursuant to this Act;
- (g) Suspension or revocation of licensure by another recognized jurisdiction; or
- (h) Conviction under W.S. 33-4-114, or conviction in another state of any crime which would constitute a violation of W.S. 33-4-114 had the actions been taken in this state. A copy of the judgment of conviction certified by the rendering court shall be presumptive evidence of the conviction in any hearing under this section. For purposes of this paragraph "conviction" includes a plea of nolo contendere or its equivalent.

Section 2. Rules of Professional Conduct. The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of persons whose activities are regulated by the Board. The following ethical standards are adopted and incorporated herein by the Board:

- (a) For Architects the National Council of Architectural Registration Boards Rules of Conduct, incorporated as Appendix A, are adopted by reference herein.
- (b) For Landscape Architects the American Society of Landscape Architects Code of Professional Ethics, incorporated as Appendix B, are adopted by reference herein. All references to "Member" in the Code of Professional Ethics shall mean the same as a Licensed Landscape Architect.
- (c) Competence.

(i) In engaging in the practice of architecture or landscape architecture a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by licensed architects or landscape architects of good standing, practicing in the same locality.

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

(iii) A licensed architect or landscape architect shall undertake to perform professional services only when he/she, together with those whom the licensed architect or landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(iv) No licensee shall be permitted to engage in the practice of architecture or landscape architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

(v) A licensee shall undertake to perform professional services only when he/she, together with those whom the licensee may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

(d) Conflict of Interest.

(i) A licensed architect or landscape architect shall not accept compensation for his/her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(ii) If a licensed architect or landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services the licensed architect or landscape architect shall fully disclose, in writing, to his/her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the licensed architect or landscape architect will either terminate such association or interest or offer to give up the commission or employment.

(iii) A licensed architect or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(iv) When acting as the interpreter of building contract documents and the judge of contract performance, a licensed architect or landscape architect shall render decisions impartially, favoring neither party to the contract.

(v) A licensed architect or landscape architect in a position of public trust shall not use this position to influence any public employees or the general public. Nor should any personal knowledge of confidential information gained through such service be used for personal or professional gain.

(e) Full Disclosure

(i) A licensed architect or landscape architect, making public statements on architectural questions, shall disclose when he/she is being compensated for making such statements.

(ii) A licensed architect or landscape architect shall accurately represent to a prospective or existing client or employer his/her qualifications and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

(iii) If, in the course of his/her work on a project, a licensed architect or landscape architect becomes aware of a decision taken by his/her employer or client, against such licensed architect's or landscape architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the licensed architect's or landscape architect's judgment materially and adversely affect the safety to the public of the finished project, the licensed architect or landscape architect shall:

(A) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations; and

(B) refuse to consent to the decision; and

(C) in circumstances where the licensed architect or landscape architect reasonably believes that other such decisions will be taken, notwithstanding his/her objection, terminate his/her services with respect to the project. In the case of a termination in accordance with this sub-section (iii), the licensed architect or landscape architect shall have no liability to his/her client or employer on account of such termination.

(iv) A licensed architect or landscape architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his/her application for licensure or renewal thereof.

(v) A licensed architect or landscape architect shall not assist the application for licensure of an individual known by the licensed architect or landscape architect to be unqualified in respect to education, training, experience or character.

(vi) A licensed architect or landscape architect possessing knowledge of a violation of the provisions set forth in the Act and these Rules by another licensed architect or landscape architect shall report such knowledge to the Board.

(f) Compliance with Laws

(i) A licensed architect or landscape architect shall not, in the conduct of his/her practice, knowingly violate any state or federal criminal law.

(ii) A licensed architect or landscape architect shall neither offer nor make any payment of gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensed architect or landscape architect is interested.

(iii) A licensed architect or landscape architect shall comply with the laws and regulations governing his/her professional practice in any United States jurisdiction.

(g) Professional Conduct

(i) An architect or landscape architect shall prefer the client's interest over the architect's or landscape architect's interests and, when the issues are clear, the public's interest over both.

(ii) Each office in Wyoming maintained for the practice of architecture or landscape architecture shall have a licensed architect or landscape architect resident and employed in that office having direct supervision of such work.

(iii) A licensed architect or landscape architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared under his/her responsible control; provided, however, that in the case of the portions of such work prepared under the responsible control of person consulting with or employed by the architect or landscape architect and who are licensed under this or another professional licensure law of this state, the architect or landscape architect may sign or seal those portions of the professional work if the architect or landscape architect has reviewed such portions and has coordinated their preparation.

(iv) A licensed architect or landscape architect shall neither offer nor make any gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensed architect or landscape architect is interested.

(v) A licensed architect or landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

CHAPTER 11

APPLICATION REVIEW, COMPLAINTS, AND HEARING PROCEDURES

Section 1. Authority. These rules are promulgated by authority of W.S. 16-3-102, W.S. 33-4-104 and 33-4-108.

Section 2. Purpose. The Board establishes these rules to provide a fair and efficient method for investigating complaints and conducting administrative hearings relative to refusal of license, refusal of renewal, suspension or revocation of licenses, and these procedures may be utilized when a formal hearing is necessary for other purposes as well.

Section 3. Application Review Process.

(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there are no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Committee (ARC).

(b) The ARC shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If there are questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution for review.

(c) If, after review, the ARC following consultation with the Assistant Attorney General concludes that grounds exist to recommend denial of an application:

(i) A preliminary denial letter shall be sent to the applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within the allowed thirty (30) days, a reconsideration conference shall be held with the ARC, the Board Office, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or finally deny the application.

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the final denial letter.

(d) Application denial hearings.

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(iv) If an applicant requests an administrative hearing on the denial of their application, the procedure for that hearing will be the same as the formal hearing procedure outlined in this Chapter.

Section 4. Complaints.

(a) A disciplinary review is initiated against a licensee by submitting a written complaint to the Board Office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a member of the Board staff. The written complaint should provide as much of the following information as may be available and applicable:

(i) The name, address, place of employment, and telephone number of the licensee against whom the charges are made;

(ii) The name, address and telephone number of complainant;

(iii) The specific conduct alleged to constitute the violation;

(iv) The names, addresses, and telephone numbers of any other witnesses;
and

(v) The signature of the complainant.

(b) The Board may also initiate and investigate complaints based upon its own knowledge, without a written complaint being filed.

Section 5. Review of Written Complaint. Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. The IBM shall promptly advise the Board staff of any known potential conflicts of interest. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

(a) The IBM shall not take part in the consideration of any contested case.

(b) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

Section 6. Investigations and Board Action.

(a) The IBM and Board staff shall investigate those written complaints received which merit further investigation. An independent investigator may be hired if the IBM deems it necessary.

(b) Upon completion of the investigation, the IBM shall:

(i) Dismiss the complaint if no violation of the Act or Board rules is found; or

(ii) Prepare an investigative report which shall include:

(A) The findings;

(B) A list of statutes and/or Board rules believed to have been violated; and

(C) Any relevant additional information.

(c) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

(d) Following consultation with the Assistant Attorney General, the IBM may:

(i) Send the notice required by Section 7;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Board dismiss the complaint.

(e) The Board may resolve a complaint at any time by:

(i) Sending a written letter of advice;

(ii) Accepting a voluntary surrender of a license;

(iii) Accepting conditional terms for settlement;

(iv) Dispensing with it in an informal matter; or

(v) Dismissal.

Section 7. Notice and Opportunity to Show Compliance. Prior to commencing formal proceedings or taking disciplinary action, the IBM shall give notice by mail to the licensee of the facts or conduct which warrant the intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's last known address by both certified mail with return receipt requested and by first class mail.

Section 8. Formal Hearing Procedures. Formal proceedings for a hearing before the Board regarding action against a licensee shall be commenced by petition and notice of hearing, served in person, or by both certified mail return receipt requested and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(a) The name and address of the licensee;

(b) A statement in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board Rules and Regulations alleged to have been violated;

(c) The time, place, and nature of the hearing;

(d) That the hearing is being held pursuant to the authority provided by W.S. 33-4-115, and

(e) That the licensee shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the licensee will be in default.

Section 9. Continuance. For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

Section 10. Default. The Board may enter an order based on the allegations in a petition in any case where the licensee has not answered in writing ten (10) working days before the hearing, or in any case in which the licensee, or his/her representative, has not appeared at a scheduled hearing for which they had notice.

Section 11. Hearing Officer. The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

Section 12. Discovery. In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.

Section 13. Subpoenas.

(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 14. Witnesses.

(a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.

(b) No testimony will be received from a witness except under oath or affirmation.

(c) The party calling a witness shall bear the costs associated with his/her appearance.

(d) The Board and hearing officer shall have an opportunity to examine any witness.

Section 15. Representation.

(a) A licensee may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.

(b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.

(c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.

(d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

Section 16. Prehearing Conference.

- (a) The hearing officer may direct the parties to appear before him/her to consider:
- (i) The issues;
 - (ii) Amending the pleadings;
 - (iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;
 - (iv) Formulating procedures to govern the hearing; and
 - (v) Such other matters as may aid in the presentation or disposition of the case.

(b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

Section 17. Order of Procedure at Hearing. Hearings may be conducted substantially in the following order:

(a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;

(b) Witnesses should be identified and sworn;

(c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;

(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;

(e) Exhibits offered in evidence by the licensee will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;

(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

Section 18. Decisions.

(a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

Section 19. Appeals. A Petition for Judicial Review of the Board decision may be filed in the appropriate district court in accordance with the Wyoming Rules of Appellate Procedure.

Section 20. Transcripts. If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

APPENDIX A

National Council of Architectural Registration Boards

RULES OF CONDUCT

(Revised July 2006)

RULE 1 COMPETENCE

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

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

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

1.4 No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

RULE 2 CONFLICT OF INTEREST

2.1 An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

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

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

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

RULE 3 FULL DISCLOSURE

3.1 An architect, making public statements on architectural questions, shall disclose when he/she is being compensated for making such statement or when he/she has an economic interest in the issue.

3.2 An architect shall accurately represent to a prospective or existing client or employer his/her qualifications, capabilities, experience, and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

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

- (i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

- (ii) refuse to consent to the decision, and

- (iii) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with reference to the project unless the architect is able to cause the matter to be resolved by other means. In the case of a termination in accordance with Clause (iii), the architect shall have no liability to his/her client or employer on account of such termination.

3.4 An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his/her application for registration or renewal or otherwise lawfully requested by the board.

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

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

RULE 4 COMPLIANCE WITH LAWS

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

4.2 An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

4.3 An architect shall comply with the registration laws and regulations governing his/her professional practice in any United States jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other United States jurisdiction.

4.4 An employer engaged in the practice of architecture shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination. For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.

RULE 5 PROFESSIONAL CONDUCT

5.1 Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.

5.2 An architect may sign and seal technical submissions only if the technical submissions were:

- (i) prepared by the architect;
- (ii) prepared by persons under the architect's responsible control;
- (iii) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions; or
- (iv) prepared by another architect registered in any United States jurisdiction and holding the certification issued by the National Council of Architectural Registration Board if
 - (a) the signing and sealing architect has reviewed the other architect's work and has integrated the work into his/her own technical submissions and
 - (b) the other architect's technical submissions are prototypical building documents. An architect may also sign and seal drawings, specifications, or other work which is not required by law to be prepared by an architect if the architect has reviewed such work and has integrated it into his/her own technical submissions. "Responsible control" shall be that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions

after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation. Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under clauses (iii) or (iv) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his/her own technical submissions, and that such review and integration met the required professional standard of care.

5.3 An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

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

5.5 An architect shall not make misleading, deceptive, or false statements or claims.

APPENDIX B

American Society of Landscape Architects

CODE OF PROFESSIONAL ETHICS

(Amended May 6, 2006)

Canon I: Professional Responsibility

ES1.1 Members should understand and honestly obey laws governing their professional practice and business affairs and conduct their professional duties within the art and science of landscape architecture and their professional Society with honesty, dignity, and integrity.

R1.101 Members shall deal with other Members, clients, employers, employees, and the public with honesty, dignity, and integrity in all actions and communications of any kind.

R1.102 Members shall not violate the law in the conduct of their professional practice, including any federal, state, or local laws and particularly laws and regulations in the areas of antitrust, employment, environmental and land-use planning, and those governing professional practice.

R1.103 Members shall not give, lend, or promise anything of value to any public official or representative of a prospective client in order to influence the judgment or actions in the letting of a contract of that official or representative of a prospective client.

R1.104 Members on full-time government employment shall not accept private practice work with anyone doing business with their agency or with whom the Member has any government contact on matters involving applications for grants, contracts, or planning and zoning actions. In the case of private practitioners elected or appointed to government positions or others doing business or having alliances with those doing business with their board, council, or agency, they must disqualify and absent themselves during any discussion of these matters.

R1.105 Members shall recognize the contributions of others engaged in the planning, design, and construction of the physical environment and shall give them appropriate recognition and due credit for professional work and shall not maliciously injure or attempt to injure the reputation, prospects, practice, or employment position of those persons so engaged. Credit shall be given to the design firm of record for the use of all project documents, plans, photographs, sketches, reports, or other work products developed while under the management of the design firm of record. Use of others' work for any purpose shall accurately specify the role of the individual in the execution of the design firm of record's work.

R1.106 Members shall not mislead through advertising or other means existing or prospective clients about the result that can be achieved through use of the Member's services or state that they can achieve results by means that violate the Code or the law.

R1.107 Members shall not accept compensation for their services on a project from more than one party unless all parties agree to the circumstances in writing.

R1.108 Members shall not misrepresent or knowingly permit the misrepresentation of their professional qualifications, capabilities, and experience to clients, employers, or the public or be a party to any exaggerated, misleading, deceptive, or false statements or claims by the firms, agencies, or organizations that employ them.

R1.109 Members shall not reveal information obtained in the course of their professional activities that they have been asked to maintain in confidence or that could affect the interests of another adversely. Unique exceptions: to stop an act that creates harm; a significant risk to the public health, safety, and welfare that cannot otherwise be prevented; to establish claims or defense on behalf of Members; or in order to comply with applicable law, regulations, or with the Code.

R1.110 Members shall not copy or reproduce the copyrighted works of others without prior written approval by the author of the copyrighted work.

R1.111 Members shall not seek to void awarded contracts for a specific scope of service held by another Member.

R1.112 Members shall not seek to obtain contracts, awards, or other financial gain relating to projects or programs for which they may be serving in an advisory or critical capacity.

ES1.2 Members should seek to make full disclosure of relevant information to the clients, public, and other interested parties who rely on their advice and professional work product.

R1.201 Members making public statements on landscape architectural issues shall disclose compensation other than fee and their role and any economic interest in a project.

R1.202 Members shall make full disclosure during the solicitation and conduct of a project of the roles and professional status of all project team members and consultants, including professional degrees, state licenses, professional liability insurance coverage, and any other potential material limits to qualifications.

R1.203 Members shall make full disclosure to the client or employer of any financial or other interest that bears on the service or project.

R1.204 Members shall convey to their clients their capacity to produce the work, their availability during normal working hours, and their ability to provide other construction or supervisory services.

ES1.3 Members should endeavor to protect the interests of their clients and the public through competent performance of their work and participate in continuing education, educational

research, and development and dissemination of technical information relating to planning, design, construction, and management of the physical environment.

R1.301 Members shall undertake to perform professional services only when education, training, or experience in the specific technical areas involved qualifies them, together with those persons whom they may engage as consultants.

R1.302 Members shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct professional knowledge or direct supervisory control.

R1.303 Members shall continually seek to raise the standards of aesthetic, ecological, and cultural excellence through compliance with applicable state requirements for continuing professional education.

R1.304 Public discussion of controversial projects and issues shall be conducted on a professional level and shall be based on issue-oriented, factual analysis.

Canon II: Member Responsibilities

ES2.1 Members should understand and endeavor to uphold the Ethical Standards of the ASLA Code of Environmental Ethics.

ES2.2 Members should work to ensure that they, their employees or subordinates, and other Members adhere to the Code of Professional Ethics and the Constitution and Bylaws of the American Society of Landscape Architects.

R2.201 Members having information that leads to a reasonable belief that another Member has committed a violation of the Code shall report such information.

R2.202 The seal or logo of the American Society of Landscape Architects shall be used only as specified in the ASLA Bylaws.

R2.203 Members shall adhere to the specific, applicable terms of the ASLA Bylaws regarding use of references to ASLA membership. Members are encouraged to use the appropriate ASLA designation after their names.

ES2.3 Members are encouraged to serve on elected or appointed boards, committees, or commissions dealing with the arts and environmental and land-use issues.

R2.301 Members who are elected or appointed to review boards, committees, and commissions shall seek to avoid conflicts of interest and the appearance of conflicts of interest and shall comply with local rules and policies with regard to conflict of interest. Members serving on such boards, committees, and commissions shall disqualify themselves in accordance with rules of ethics and this Code and shall not be present when discussion is held relative to an

action in which they have an interest. A Member shall make full disclosure and request disqualification on any issue that could involve a potential conflict of interest.

CHAPTER 1

SCOPE; DEFINITIONS

Section 1. Purpose. The Wyoming State Board of Architects and Landscape Architects Rules and Regulations are set forth for the purpose of interpreting and implementing W.S. 33-4-101 through 33-4-117 establishing the Board, and conferring upon it the responsibility for licensure of architects and landscape architects, and the regulation of the practices of architecture and landscape architecture in the state of Wyoming.

Section 2. Citation. ~~The Wyoming State Board of Architects and Landscape Architects Rules and Regulations shall be known, and may be cited as, the Architect/Landscape Architect Regulations.~~ The Wyoming State Board of Architects and Landscape Architects Rules and Regulations shall be referred to hereafter as the "Rules". The Wyoming State Board of Architects and Landscape Architects shall be referred to hereafter as the ~~Board~~ "Board".

Section 3. Regulatory Authority. The Architect/Landscape Architect Regulations are promulgated under the authority of W.S. 33-4-101 through 33-4-117, and in conformity with applicable procedures of W.S. 33-4-104 ~~and 105~~.

Section 4. Severability. If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 5. Terms Defined by Statute. Terms defined in W.S. 33-4-101 through 33-4-117 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.

Section 6. Terms Defined Herein. As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

(a) Applicant: An individual who has submitted ~~an~~ a complete application for licensure to the Board.

~~(b) Architect: An individual licensed to practice architecture under this act.~~

~~(e)~~ ARE: The current Architect Registration Examination, prepared by NCARB ~~and available in paper and pencil or computer versions.~~

~~(d)~~ CLARB: The Council of Landscape Architectural Registration Boards.

(ed) EESA: Educational Evaluation Services for Architects, a program administered by Educational Credential Evaluators, Inc., a private organization not affiliated with NCARB or any of its member boards.

(fe) Examination: The current Architect Registration Examination (ARE), or Landscape Architect Registration Examination (LARE), as accepted by the Board.

~~(g) IDP Applicant: An individual who has completed the IDP training requirements and has submitted an application for licensure to the Board.~~

(hf) IDP: Intern Development Program administered by the National Council of Architectural Registration Boards.

~~(i) Landscape Architect: An individual licensed to practice landscape architecture under this act.~~

(jg) LAAB: The Landscape Architectural Accrediting Board.

(kh) LARE: The current Landscape Architect Registration Examination prepared by CLARB.

(li) NAAB: The National Architectural Accrediting Board.

(mj) NCARB: The National Council of Architectural Registration Boards.

(nk) Practical Experience: Experience which demonstrates an essential understanding of the practice of architecture or landscape architecture.

~~(o) Practice of Architecture: Rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services; advice, consultation, planning, architectural design, drawings and specifications; general administration of the contract as the owner's representative during the construction phase, wherein expert knowledge and skill are required in connection with the erection, enlargement or alteration of any building or buildings, or the equipment, or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved;~~

~~(p) Practice of Landscape Architecture: Rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services; advice, consultation, planning, landscape architectural design, drawings and specifications; general administration of the contract as the owner's representative during the construction phase, wherein expert knowledge and skill are required in connection with landscape enhancement or landscape development, including the formulation of graphic or written criteria to govern the planning or design of land construction projects, production of overall site plans, landscape grading and landscape drainage plans, planting plans, irrigation~~

~~plans, and construction details wherein in the safeguarding of life, health or property is concerned.~~

(~~e~~l) Principal: An individual who is; (~~a~~) a licensed architect or landscape architect, and (~~b~~) in charge of an organization's architectural or landscape architectural practice respectively, either alone or with other licensed architects or landscape architects.

(~~r~~m) Responsible control: That amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by licensed architects and landscape architects applying the required professional standard of care.

(~~s~~n) Technical submission: Designs, drawings, specifications, studies, and other technical reports prepared or presented in the course of practicing architecture or landscape architecture.

CHAPTER 2

GENERAL PROVISIONS

Section 1. Duties of Officers.

(a) President. The President shall, when present, preside at all meetings. He/she shall appoint all Committees, subject to confirmation of the Board, sign all certificates issued, sign the minutes of board meetings, and perform all other duties pertaining to his/her office as hereinafter prescribed. He/she shall prepare the annual report of the Board as required by law and shall cause the same to be distributed as the Board may direct. He/she shall assist the Secretary/Treasurer in matters of advice and preparation of correspondence and reports as agreed upon by the Board.

(b) Vice-President. The Vice-President shall perform all of the duties prescribed for the President in the absence of the President, and shall sign all certificates issued. He/she shall assist the Secretary/Treasurer in matters of advice and preparation of correspondence and reports as agreed upon by the Board.

(c) Secretary/Treasurer. The Secretary/Treasurer shall, with the assistance of such staff as may be required, conduct and care for all the correspondence of the Board, keep the minutes of all the meetings, keep all books and records as herein provided, and sign all certificates issued, and sign all vouchers. ~~He/she shall be in possession of the official seal and shall affix the same to all certificates of licensure and other official documents by order of the Board. He/she shall provide notice of the time and place of all meetings of the Board, including an agenda of items to be discussed, to each member of the Board. He/she shall receive all monies from the licenses for biennial renewal and reciprocal licensures, and all other applicable fees and deposit them with the State Treasurer.~~

Section 2. Establishment of Committees. The Board may, by a majority vote of the membership, establish and empower committees to act on applications for license, applications for renewal, special requests, complaints, complaint investigations, or other issues that the Board deems proper to delegate. These committees shall be comprised of current members of the Board and/or the Board's Executive Director.

Section 3. Procedure.

(a) Order of Business. Meetings of the Board shall be conducted as follows with additions or deletions as approved by the Board.

- (i) Call to order;
- (ii) Reading of the minutes;
- (iii) Election of officers (when required);

- (iv) Reading of financial report & other reports;
- (v) Reading of communications;
- (vi) Unfinished business;
- (vii) New business;
- (viii) Adjournment.

(b) Quorum. A majority of the Board members shall constitute a quorum, and a majority vote of the quorum is required ~~must concur~~ to transact any business.

(c) Finance. All monies shall be ~~paid out~~ expended and received as provided by the laws of the State. ~~All vouchers shall be signed by the President and Secretary/Treasurer or their designated representative and presented to the State Auditor for payment.~~

(d) Books and Records. The following books and records shall be kept ~~by the Secretary/Treasurer,~~ and shall constitute the official books and records of the Board:

(i) Minutes: ~~A loose leaf book to contain, in proper order, the~~ The approved minutes of all the meetings of the Board;

(ii) Licensee Records: An individual file ~~folder~~ for each licensee possessing all application forms, ~~blue book~~ and other documentation required by the Board for licensure;

(iii) Receipt Records: A complete ~~file of computer printouts~~ recording of all revenue transactions of the Board, as provided by the State Auditor's Office;

(iv) Budget Records: A complete ~~file of computer printouts~~ recording of all expenditure transactions of the Board as provided by the State Auditor's office;

(v) Procedures Manual: A description of all duties and procedures of the Board staff. This document will assist the staff, board members and new personnel in understanding the breadth of Board operations.

Section 4. Board Seal. This seal shall be applied to all licenses certificates issued by the Board.

Section 5. Public Information.

(a) ~~Introduction. Pursuant to the Executive Order issued by the Governor, March 7, 1975, the Board establishes these rules to ensure the security, confidentiality and privacy of the~~

~~personal information concerning licensees and prospective licensees.~~ Release of Board records shall be governed by W.S. 16-4-201 et. seq., The Public Records Act.

~~———— (b) ——— The Board shall, at its offices, maintain a roster open to public inspection of duly licensed architects and landscape architects and business entities, which shall show each licensee's or entity's business name, license number, and last known business mailing address.~~

~~———— (c) ——— Each of the following documents relating to an application for licensure as an architect or landscape architect shall be treated as a public record:~~

~~———— (i) ——— Schedule of fees;~~

~~———— (ii) ——— Minutes~~

~~———— (d) ——— Disclosure. The personal information compiled by the Board concerning each licensee or prospective licensee is confidential and shall be released only to the person to whom the record pertains, to others with his/her notarized written consent or upon court order.~~

(~~e~~b) The following documents shall NOT be treated as a public record pursuant to or otherwise disclosed to an applicant or any other member of the public:

- (i) The ARE and all documents relating to the grading thereof;
- (ii) The LARE and all documents relating to the grading thereof;
- (iii) Personal recommendations;
- (iv) Employment statements.

(~~c~~f) Access. Any licensee or prospective licensee may personally inspect the contents of his/her Board file with the following exceptions:

- (i) NCARB and CLARB testing materials and individual grading sheets;
- (ii) Personal recommendations;
- (iii) Employment statements.

(~~d~~g) Correction and Amendment. Any licensee or prospective licensee may correct erroneous, inaccurate or misleading information in his/her file by offering a corrective amendment. ~~No information will be accepted that is not legible~~ Illegible information will not be accepted.

Section 6. Communication: Prohibition of Improper Contacts. Prior to the filing of an application, and after final Board action on an application, verbal and written communication with individual Board members or any member of the Board's staff shall be freely permitted;

provided, however, that in no event is any member of the Board or its staff authorized to give any indication of what specific action the Board may take upon the merits of any application which may be filed with it. General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the Board in evaluating applications. While an application for licensure or an enforcement proceeding is pending before the Board, no one shall initiate any written or oral communication with individual Board members concerning the matter; but inquiries may be made orally or in writing to the Board staff or in writing to the Board.

Section 7. NCARB.

- (a) The Board shall maintain membership in NCARB and pay the necessary costs thereof.
- (b) The Board shall keep up-to-date information on the recommended policies adopted from time to time by NCARB.
- (c) The Board ~~shall~~ may ~~cooperate~~ consult with NCARB in establishing uniform standards of architectural licensure throughout the United States.

Section 8. CLARB.

- (a) The Board shall maintain membership in CLARB and pay the necessary costs thereof.
- (b) The Board shall keep up-to-date information on the recommended policies adopted from time to time by CLARB.
- (c) The Board ~~shall~~ may ~~cooperate~~ consult with CLARB in establishing uniform standards of landscape ~~architects~~ architectural licensure throughout the United States.

~~**Section 9. Availability of Forms.** Any forms prepared in accordance with these regulations shall be available upon request. If any such forms are amended by the Board, a copy of each such amended form shall be mailed by the Board staff to all individuals whose applications are pending and are affected by such amendment.~~

Section ~~10~~9. Fees.

- (a) Fees shall be transmitted in U.S. funds ~~payable to the Wyoming State Board of Architects and Landscape Architects~~. Applications not accompanied by the proper fee will be returned to the applicant. All fees are non-refundable regardless of the outcome of the Board's decision.
- (b) The fee schedule for licensure ~~as an architect or landscape architect~~ is as follows:

(i) License Application	
(A) By Examination	\$100.00 <u>\$375.00</u>
(B) By Reciprocity	\$200.00 <u>\$375.00</u>
<hr/> <u>(C) Reissuance of an expired license</u> <u>\$375.00</u>	
<hr/> <u>(D) Reactivation of a retired license</u> <u>\$375.00</u>	
(ii) Initial License <u>for exam candidates on the Wyoming roster at the time these rules are adopted</u>	\$175.00
(iii) License Renewal	\$175.00 for (2) two years
(iv) Retired Status License Renewal	No fee
(v) Duplicate Wall Certificates	\$25.00 each
(vi) Non-sufficient funds fee in accord with W.S. 1-1-115.	

~~Section 11. Applications for Licensure.~~

~~(a) Submission of Applications. Every individual seeking a license shall submit an application to the Board, accompanied by a color photograph taken within the last six months and the non-refundable application fee.~~

~~(b) Supplemental Material. Material submitted to supplement any previously filed application must include the applicant's name as presented on the original application.~~

CHAPTER 3

LICENSURE STANDARDS FOR ARCHITECTS

Section 1. Licensure Standards.

(a) To be granted licensure, an applicant must:

(i) Have a good reputation for honesty, trustworthiness, integrity and competence in the practice of architecture, ~~as verified by employers and licensed architects~~, and

(ii) Hold a professional degree in architecture from a degree program that has been accredited by NAAB not later than two years after graduation, or hold a foreign degree in architecture from a degree program having requirements substantially equal to those established by NAAB and evaluated by EESA as determined by the Board, and

(iii) Have satisfied the IDP requirements in accordance with current NCARB IDP guidelines, and

(iv) Have passed the ARE where the examination administration and grading were conducted in accordance with NCARB's standards in effect at the time; and

(v) Submit all required documentation within one (1) year of the date the application was received by the Board, otherwise the application will be closed without further notice.

(b) In evaluating records, the Board may require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical licensure requirements set forth above.

(c) Should a licensee who has allowed their license to expire make application for relicensure within three (3) years of the license expiration date, the Board may waive any provision of Chapter 3, Section 1(a).

Section 2. ~~Verification~~ Application Procedure. Every individual seeking architectural licensure shall submit:

(a) A complete and legible application form to the Board. The application must be accompanied by:

(i) a color photograph taken within six (6) months of the date of application, and

(ii) the non-refundable application fee, and

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(iii) proof of legal presence in the U.S. as required by U.S. Code Title 8, Chapter 14, Section 1621.

(b) An NCARB record sent directly from NCARB to the Board showing completion of the education, examination and IDP criteria established in this chapter.

(c) Three (3) professional references sent directly to the Board from the author.

(i) At least one (1) reference must be from a licensed architect.

(ii) Other references shall be from licensed architects, licensed landscape architects or licensed engineers, in good standing.

~~(a) For IDP requirements, the applicant shall have their NCARB record forwarded to the Board.~~

~~(b) For educational requirements, the applicant shall have their official transcripts from all schools attended forwarded to the Board.~~

Section 3. Reciprocal Licensure. In order to qualify for a reciprocal license, the applicant must hold a current license as an architect in good standing from a jurisdiction with licensure requirements substantially equal, as determined by the Board, to those established by the practice act. If the Board determines that the applicant gained licensure in another reciprocal jurisdiction without meeting that jurisdiction's minimum requirements, the Board may deny licensure in Wyoming. The Board ~~will~~may accept NCARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.

Section 4. Notification of Applicants and Right of Appeal. When an applicant has submitted evidence that he/she has satisfied all the standards set forth in this Chapter, the Board shall review the application and notify the applicant of its decision in writing. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration ~~based on submission of new information and/or an appearance before the Board with the opportunity to demonstrate to the Board that they meet the licensure requirements.~~as established in Chapter 11.

CHAPTER 4

LICENSURE STANDARDS FOR LANDSCAPE ARCHITECTS

Section 1. Licensure Standards.

(a) To be granted licensure, an applicant must:

(i) Have a good reputation for honesty, trustworthiness, integrity and competence in the practice of landscape architecture, ~~as verified by employers and licensed landscape architects~~, and

(ii) Hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB not later than two (2) years after graduation, or hold a foreign degree in landscape architecture from a degree program having requirements substantially equal to those established by LAAB as determined by the Board, and

(iii) Possess three (3) years of diversified practical experience in Landscape Architecture as follows:

Experience	Percent Allowed	Maximum Credit
*Diversified practical experience in landscape architecture under the direct supervision of a licensed landscape architect.	100%	-----
*Diversified experience directly related to landscape architecture under the direct supervision of a civil engineer, architect or credentialed planner.	100%	2 years
*Teaching in an LAAB accredited program.	50%	1 year
*Experience in landscape architecture directly related to on site construction, maintenance or installation procedures.	50%	1 year
*Non-diversified experience in landscape architecture under the direct supervision of a licensed landscape architect.	50%	1 year
*Applicants who have acquired six (6) years of diversified experience in landscape architecture (after the satisfaction of the education requirement) practicing as a principal.	50%	3 years

Every applicant for licensure by examination must possess one (1) year of diversified experience in landscape architecture (acquired after the satisfaction of the education requirement) under the direct supervision of a licensed landscape architect.

(A) Evaluation Guidelines.

(I) Work experience under the direct supervision of a licensed landscape architect will receive credit as follows:

(a.) 100% if the work experience is at least thirty-five (35) hours per week for at least two (2) continuous months.

(b.) 50% if the work experience is at least twenty (20) hours per week for at least four (4) continuous months.

(B) Work experience in any alternative category as described in Chapter ~~IV~~4, Section ~~2(a)~~1(a)(iii) will receive the credit indicated only when the experience is at least thirty-five (35) hours per week and at least two (2) continuous months in duration.

(C) No experience credit may be earned prior to satisfaction of the education requirement.

(D) Experience received outside the United States is limited to one (1) year maximum.

(E) No additional education or experience credit will be awarded for obtaining more than one degree.

(iv) Successfully complete the LARE where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time; and

(v) Submit all required documentation within one (1) year of the date the application was received by the Board, otherwise the application will be closed without further notice.

(b) In evaluating records, the Board may require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical licensure requirements set forth above.

(c) Should a licensee who has allowed their license to expire make application for relicensure within three (3) years of the license expiration date, the Board may waive any provision of Chapter 4, Section 1(a).

Section 2. ~~Verification~~Application Procedure. Every individual seeking landscape architectural licensure shall submit;

(a) A complete and legible application form to the Board. The application must be accompanied by:

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(i) a color photograph taken within six (6) months of the date of application, and

(ii) the non-refundable application fee, and

(iii) proof of legal presence in the U.S. as required by U.S. Code Title 8, Chapter 14, Section 1621.

(b) A CLARB record sent directly from CLARB to the Board showing completion of the educational, experience and examination criteria established in this chapter.

(c) Three (3) professional references sent directly to the Board from the author.

(i) At least one (1) reference must be from a licensed landscape architect.

(ii) Other references may be from licensed architects, licensed landscape architects, or licensed engineers, in good standing.

~~(a) For experience requirements, the applicant shall have their CLARB record forwarded to the Board.~~

~~(b) For educational requirements, the applicant shall have their official transcripts from all schools attended forwarded to the Board.~~

Section 3. Reciprocal Licensure. In order to qualify for a reciprocal license, the applicant must hold a current license as a landscape architect in good standing from a jurisdiction with licensure requirements substantially equal, as determined by the Board, to those established in the practice act. If the Board determines that the applicant gained licensure in another reciprocal jurisdiction without meeting that jurisdiction's minimum requirements, the Board may deny licensure in Wyoming. The Board ~~will~~may accept CLARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.

Section 4. Notification of Applicants and Right of Appeal. When an applicant has submitted evidence that he/she has satisfied all the standards set forth in this Chapter, the Board shall review the application and notify the applicant of its decision in writing. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration ~~based on submission of new information and/or an appearance before the Board with the opportunity to demonstrate to the Board that they meet the licensure requirements~~as established in Chapter 11.

CHAPTER 5

EXAMINATION FOR ARCHITECTS

Section 1. Nature of Examination. The examination used by the Board to determine eligibility for licensure shall be the current ARE, as administered by NCARB.

Section 2. Approval for Examination. Any ~~applicant approved for examination must make their first sitting for at least one (1) division of the exam within one (1) calendar year from the date of approval otherwise the application will be closed without further notice.~~person wishing to sit for the ARE examination must register for the exams directly with NCARB. Upon completion of all sections of the examination, and completion of IDP, the individual may apply to the Board for licensure.

Section 3. Frequency of Examination. NCARB authorized testing centers shall administer the examination in accordance with the schedule established by NCARB.

Section 4. Appeals Denied. An applicant is not allowed to appeal any division of the examination which he/she fails.

~~**Section 5. Transfer of Scores from Other Boards.** The Board, in its discretion and upon proper application, may accept passing scores achieved on divisions of the ARE attested to by another NCARB member board.~~

~~**Section 6. Transfer of Scores to Other Boards.** The Board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various divisions of the examination given under the Board's jurisdiction to any other duly constituted architectural licensing board and to NCARB for use in evaluating such applicant's eligibility for licensure within such board's jurisdiction or evaluation of such applicant's eligibility for NCARB certification. Such transfer shall terminate the applicant's application pending before the Board.~~

CHAPTER 6

EXAMINATION FOR LANDSCAPE ARCHITECTS

Section 1. Nature of Examination. The examination used by the Board to determine eligibility for licensure shall be the current LARE, as administered by CLARB.

Section 2. Approval for Examination. ~~Any applicant approved for examination must make their first sitting for at least one (1) division of the exam within one (1) calendar year from the date of approval otherwise the application will be closed without further notice.~~ person wishing to sit for the LARE examination must register for the exams directly with CLARB. Upon completion of all sections of the examination, and completion of the experience requirement, the individual may apply to the Board for licensure.

Section 3. Frequency of Examination. CLARB authorized testing centers shall administer the examination in accordance with the schedule established by CLARB. ~~The Board shall be considered a CLARB testing center for those portions of the exam administered in paper and pencil version.~~

~~Section 4. Conditions of Examination.~~

~~(a) A proctor assigned or approved by the Board will be present during each division of the examination.~~

~~(b) Grading of the examination shall be in accordance with the national grading procedure administered by CLARB, and examinations graded under such procedures will not be reviewed or regraded by the Board.~~

~~(c) The Board shall adopt the scoring procedures recommended by CLARB.~~

~~(d) No information pertaining to the subject matter of the examination will be given to applicants in advance, except as specifically authorized by the Board.~~

~~Section 5. Application Deadline and Eligibility.~~

~~(a) Eligibility. Those applicants who make application at least ninety (90) days before an examination date to the Board on forms supplied by the Board, enclose the required application fee, and meet the education and experience requirements, upon verification and approval, are eligible to sit for the LARE.~~

~~(b) Retakes. The candidate that fails any division or divisions of the LARE, shall only be required to retake those failed. The candidate may be reexamined in those divisions failed an indefinite number of times upon payment of the additional examination fee, for those divisions being retaken in accordance with CLARB examination policies.~~

~~Section 6. Examination Fee.~~ The Board shall set the fees for examination and a list of the fee schedule shall be available upon request from the office of the Wyoming State Board of Architects and Landscape Architects. Examination fee for missed examinations shall be credited in accordance with CLARB's "Good Clause" policy.

Section 7. Appeals Denied. An applicant is not allowed to appeal any division of the examination which he/she fails.

~~Section 8. Transfer of Scores from Other Boards.~~ The Board, in its discretion and upon proper application, may accept passing scores achieved on divisions of the LARE administered and attested to by another CLARB member board.

~~Section 9. Transfer of Scores to Other Boards.~~ The Board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various divisions of the examination given under the Board's jurisdiction to any other duly constituted landscape architectural licensure board and to CLARB for use in evaluating such applicant's eligibility for licensure within such board's jurisdiction or evaluation of such applicant's eligibility for CLARB certification. Such transfer shall terminate the applicant's application pending before the Board.

CHAPTER 7

LICENSURE FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

Section 1. Issuance. When the Board has determined that an applicant has satisfied the standards set forth herein, the Board shall issue a license containing the licensee's name and license number.

Section 2. License Classification. Three types of license classification are used to denote the method by which the applicant obtains licensure:

(a) Type A License ~~for Architects~~, Licensure by Prior Practice (or grandfathering):

~~(i) For Architects~~ ~~Type-type~~ A licenses were issued to those qualified applicants upon passage of the initial licensing act in the year 1951. No further type A licenses will be issued.

~~(ii) For Landscape Architects~~ ~~(b) Type A License for Landscape Architects, Licensure by Prior Practice (or grandfathering):~~ ~~Type~~ ~~type~~ A licenses were issued to those qualified applicants upon passage of the revised licensing act in the year 1992. No further type A licenses will be issued.

(c) Type B License, Licensure by Examination: Type B licenses shall be issued to qualified applicants passing all divisions of the ARE or LARE.

(d) Type C Licensure, Licensure by Reciprocity: Type C licenses shall be issued to qualified applicants currently licensed in another jurisdiction.

Section 3. Issue and Renewal. The initial license shall expire on December 31st of the year following the year of issue. Thereafter, the renewal period is two (2) years.

Section 4. Wall Certificate and Card Certificate. Upon being granted licensure the applicant shall be issued a wall certificate of standard design, bearing the Board seal and signed by the designated Board members. A card certificate shall be issued bearing the class, number, and expiration date of the license, and is reissued only upon license renewal. ~~Cards issued demonstrate receipt of payment.~~

Section 5. Refusal, Suspension, or Revocation of License. In the event of revocation, cancellation or suspension of any license, the licensee shall be required to surrender his/her wall certificate immediately to the Board.

Section 6. Reissuance. Any license allowed to expire may be reissued by the Board within three (3) years of the date expired. The Board shall require:

(a) A complete application for reissuance and application fee, ~~plus an \$87.50 fee for each year that the license was expired, plus a \$175.00 renewal fee for the current and following year,~~ and

(b) Verification that the applicant has completed sixteen (16) PDU's ~~in proportion to the length of time that the license has been expired based on the requirements at the time of reissuance~~ within the twenty-four (24) months immediately preceding the date the complete application for reissuance was received by the Board.

Section 7. Temporary Licenses. Temporary licenses shall not be granted for any reason.

Section 8. Retired Status. In order to qualify for retired status, the licensee must;

(a) Have held a valid license as an architect or landscape architect in any jurisdiction for at least ten (10) consecutive years.

(b) Notify the Board, in writing prior to or at renewal, that they have retired and are not practicing, and will not practice, architecture or landscape architecture in any jurisdiction.

(c) The retired license shall expire and be renewable on the same two (2) year cycle as an original Wyoming active license.

(d) The licensee lists the licensee's occupation as retired on the board-approved renewal form and certifies that the licensee is not currently practicing, and will not practice, architecture or landscape architecture in any jurisdiction.

~~(e) Reactivation. If the retired licensee elects to return to active practice, the licensee shall earn PDUs for each year exempted prior to reinstatement of the active license.~~

Section 9. Reactivation of a Retired Status License. Any license in retired status may be reactivated by the Board. The Board shall require:

(a) A complete application for reactivation and application fee, and

(b) Verification that the licensee has completed sixteen (16) PDU's within the twenty-four (24) months immediately preceding the date the complete application for reactivation was received by the Board.

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CHAPTER 8

CONTINUING LICENSURE

Section 1. Required for License Renewal. Each licensee shall have acquired sixteen (16) Professional Development Units (PDUs) during the twenty-four (24) month period prior to the license expiration date. Persons who have not held a license in Wyoming for a full twenty-four (24) month period shall have acquired a prorated number of PDUs for the time frame in which they have held the Wyoming license. Failure to comply with these requirements shall result in non-renewal of the license.

(a) All sixteen (16) PDUs shall be in Health, Safety and Welfare (HSW) subjects acquired in structured educational activities or acquired in individual planned educational activities.

(b) PDUs need not be acquired within this jurisdiction but may be acquired at any location.

(c) PDUs earned in excess of the sixteen (16) required for renewal may not be carried forward to apply towards the next renewal period.

Section 2. Health, Safety and Welfare (HSW) Subjects. Technical and professional subjects, relative to the practice of architecture or landscape architecture, which the Board deems appropriate to safeguard the public's health, safety and welfare. Such subjects include, but are not limited to, sustainable design, building design, landscape design, environmental or land use analysis, life safety, architectural programming, site planning, site and soils analyses, plant material, accessibility, structural systems considerations, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration.

(a) All courses are subject to auditing and the Board may disapprove any course not meeting the intended continuing education criteria for HSW subjects.

(b) To qualify for PDU credit, the course must be a structured educational activity meeting the following criteria:

(i) Include technical and practical applications which impact public health, safety and welfare;

(ii) Maintain, improve, expand or enhance the quality of the existing technical knowledge;

(iii) Fill voids that may exist in the professional education and internship training or develop new and relevant professional skills and knowledge;

(iv) Have clear purposes and objectives;

(v) Be well organized, presented in a sequential manner, and provide evidence of pre-planning;

(vi) Be presented by persons who are qualified by education or experience in the field being taught;

(vii) Provide the participant documentation for individual record keeping and reporting.

(c) HSW subject content acceptable for landscape architectural PDU includes the following:

(i) Codes, laws and regulations.

(ii) Environmental issues.

(iii) Programming, planning or design proficiency.

(iv) Planning, engineering, horticulture, construction contracting and related disciplines.

(v) Legal aspects of contracts, documents, insurance, bonds, project administration, etc. This does not include business practice or money management.

(vi) Specialization in areas of concentration.

(vii) Construction means, methods, products and materials.

(viii) Construction documents and services. This does not include technical type training such as CAD classes.

(ix) Project administration.

(x) Professional ethics.

(xi) Safety issues.

(xii) Accessibility.

(xiii) Irrigation system design.

(xiv) Grading and drainage.

(d) HSW subject content acceptable for architectural PDU includes the following:

- (i) Codes, laws and regulations.
- (ii) Environmental issues.
- (iii) Programming, planning or design proficiency.
- (iv) Planning, engineering, interior design, construction contracting and related disciplines.
- (v) Legal aspects of contracts, documents, insurance, bonds, project administration, etc. This does not include business practice or money management.
- (vi) Specialization in areas of concentration.
- (vii) Construction means, methods, products and materials.
- (viii) Construction documents and services. This does not include technical type training such as CAD classes.
- (ix) Project administration.
- (x) Professional ethics.
- (xi) Safety issues.
- (xii) Accessibility.
- (xiii) Building system evaluation and selection.

Section 3. Professional Development Unit (PDU). One PDU, consisting of not less than fifty (50) minutes of actual instruction or presentation, spent in structured educational activities intended to increase the licensee's knowledge and competence in HSW subjects. PDUs will be awarded only for that portion of the activity which meets the definition of a HSW subject.

(a) The following types of activities have been deemed by the Board to be acceptable PDU activities:

- (i) Subjects for design professionals offered by organizations such as CLARB, NCARB, AIA, ASLA, etc. PDUs are awarded as established by the sponsor.
- (ii) Courses of study taught in person or by correspondence, organized lectures, presentations or workshops.
- (iii) University or college courses. One Semester credit hour may be counted for a maximum of 15 PDUs. One Quarter credit hour may be counted for a maximum of 10 PDUs.

(iv) In-house programs.

(v) Writing articles or papers which have been published in peer reviewed publications, publishing a book, or writing a PDU course on architectural or landscape architectural subject matters. Up to a maximum of eight (8) PDUs are allowed per biennium.

~~(vi) Professional presentations, teaching or instructing without compensation. Teaching credit shall be valid for the initial presentation only. Two (2) PDUs shall be awarded for each hour of presentation up to a maximum of eight (8) PDUs per biennium.~~

~~(vii)~~ (vi) Participation in professional and technical societies and their committees.

~~(viii)~~ (vii) Attendance at the Board of Architect and Landscape Architect board meetings.

(b) The following types of activities have been deemed by the Board to be unacceptable PDU activities:

(i) Serving on federal, state or municipal boards or commissions as a design professional.

(ii) Rendering pro bono services.

~~(iii) Faculty at college, university or other educational institution shall not receive teaching credit for teaching their regularly assigned courses.~~

~~(iv)~~ (iii) Participation on a public board.

Section 4. Reporting and Recordkeeping.

(a) PDUs shall be reported and documented at the time of renewal and in the manner prescribed upon the license renewal form provided by the Board.

(b) Copies of certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance are acceptable documents for evidence of compliance.

(c) Evidence of compliance shall contain no less than the following information:

(i) Participant's name;

(ii) Sponsor name and address;

(iii) Activity type;

- (iv) Course location and date given;
- (v) Course title and brief description of content;
- (vi) Instructor/speaker name;
- (vii) Monitor signature;
- (viii) Number of PDUs; and
- (ix) A declaration that the PDUs are considered health, safety and welfare.

(d) The licensee shall maintain evidence of compliance for two (2) years after submission of the form to which it relates.

Section 5. Reciprocity. A licensee who holds a current license in good standing in another jurisdiction may verify compliance with Wyoming's PDU requirements by providing a copy of their most current renewal card in that jurisdiction ~~with his/her Wyoming license renewal application~~, provided:

- (a) The jurisdiction in which they hold a license requires the equivalent of a minimum sixteen (16) professional development hours in HSW subjects per biennium, and
- (b) The licensee has renewed the license in ~~the another~~ that jurisdiction within one (1) year of renewing their Wyoming license.

Section 6. Exemptions.

(a) A licensee shall not be subject to the requirement for PDUs if during the current renewal period:

(i) The licensee is a civilian called to active duty in the armed forces of the United States for a period of time exceeding one hundred and eighty (180) consecutive days in any calendar year. The exemption shall be for a maximum of eight (8) PDUs for each calendar year that the licensee is performing active duty; or

(ii) The licensee experiences physical disability, illness or other extenuating circumstance exceeding one hundred and eighty (180) consecutive days in any calendar year causing them to suspend all professional activities during that time. The licensee shall provide supporting documentation from a third party acceptable to the Board. The exemption shall be for a maximum of eight (8) PDUs for each calendar year that the licensee experiences such circumstances, or

(iii) The licensee was initially issued their Wyoming license by examination within the twenty-four (24) months immediately preceding the license expiration date; or

- (iv) The licensee requests and remains in retired status.

Section 7. Audits. PDUs may be audited by the Board for verification of compliance with these requirements.

- (a) Failure to provide the documents requested for audit within thirty (30) days may subject the licensee to disciplinary action.

- (b) If the Board disallows any PDUs then the licensee shall have one hundred twenty (120) days from notice of such disallowance to;

- (i) provide further evidence that the disallowed PDUs meet the criteria established by these rules, or

- (ii) provide documentation of having acquired additional PDUs during the required time frame, or

- (iii) cure the disallowance by acquiring the required number of PDUs.

- (A) Any PDU activity completed past the renewal date to cure a disallowance may not be reported on subsequent applications for license renewal.

- (B) If a licensee fails to complete the required number of PDUs, the licensee shall be subject to disciplinary action.

CHAPTER 9

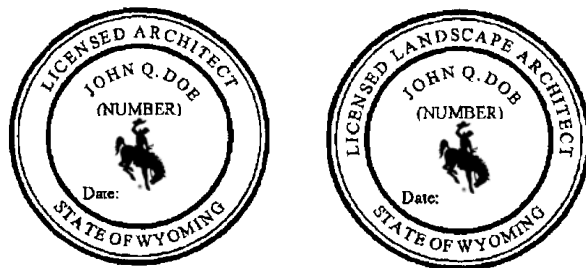
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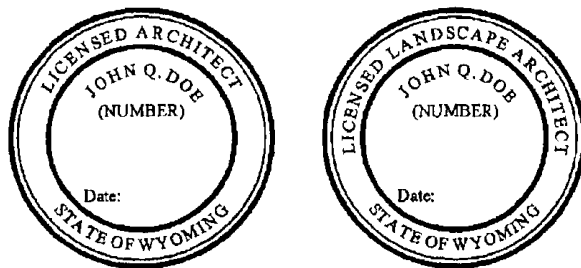
SEAL SPECIFICATIONS AND USE

Section 1. Design of the Seal.

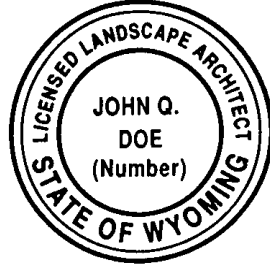
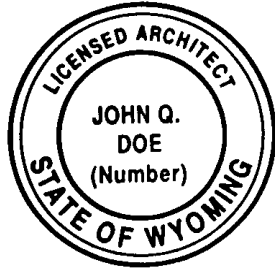
(a) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his/her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED LANDSCAPE ARCHITECT-STATE OF WYOMING" as appropriate. This seal shall approximate the format shown below:



(i) The seal design adopted by the Board in the Rules and Regulations dated April 27, 2001, as it appears below, will be accepted for persons licensed prior to the effective date of these rules.



(ii) The seal design adopted by the Board in the Rules and Regulations dated June 18, 1992, as it appears below, will be accepted for persons licensed prior to April 27, 2001.



(b) The format of the seal may be a rubber stamp, an embosser, or a digital image.

(c) Each licensee is responsible for procuring their own seal.

Section 2. Use of the Seal.

(a) The seal shall be imprinted on all technical submissions, as follows:

(i) On each final design and each final drawing;

(ii) On the cover, title or index pages of each set of specifications; and

(iii) On the cover or index page of all other technical submissions.

(b) The original signature of the individual named on the seal shall appear across the face of each original seal imprint, along with the date of signing. Digital seals and signatures are acceptable; however, it is the responsibility of the licensee to provide adequate security when documents with digital seals are distributed.

(c) The seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the responsible control of the individual named on said seal only if the seal has been signed and dated.

CHAPTER 910

REFUSAL, SUSPENSION, REVOCATION PROFESSIONAL CONDUCT AND GROUNDS FOR ACTION

Section 1. Grounds. Each of the following acts are grounds for refusal, suspension or revocation of license pursuant to W.S. 33-4-115 and these regulations:

- (a) Fraud, deceit or material misstatement of fact in applying for a license or in passage of the examination provided for in this act;
- (b) Untrustworthiness, incompetency or misconduct in the practice of architecture or landscape architecture as evidenced by conduct which endangers life, health, property or the public welfare;
- (c) Mental Incompetency;
- (d) Fraud or deceit in the practice of architecture or landscape architecture;
- (e) Affixing, or permitting to be affixed, a seal upon a document which ~~the architect or landscape architect was not responsible for preparing~~ was not prepared under the architect's or landscape architect's responsible control;
- (f) Violating this Act or a rule or regulation of the Board promulgated pursuant to this Act;
- (g) Suspension or revocation of licensure by another recognized jurisdiction; or
- (h) Conviction under W.S. 33-4-114, or conviction in another state of any crime which would constitute a violation of W.S. 33-4-114 had the actions been taken in this state. A copy of the judgment of conviction certified by the rendering court shall be presumptive evidence of the conviction in any hearing under this section. For purposes of this paragraph "conviction" includes a plea of nolo contendere or its equivalent.

Section 2. Rules of Professional Conduct. The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of persons whose activities are regulated by the Board. The following ethical standards are adopted and incorporated herein by the Board:

- (a) For Architects the National Council of Architectural Registration Boards Rules of Conduct, incorporated as Appendix ~~BA~~, are adopted by reference herein.
- (b) For Landscape Architects the American Society of Landscape Architects Code of Professional Ethics, incorporated as Appendix ~~CB~~, are adopted by reference herein. All references to "Member" in the Code of Professional Ethics shall mean the same as a Licensed Landscape Architect.

(c) Competence.

(i) In engaging in the practice of architecture or landscape architecture a licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by licensed architects or landscape architects of good standing, practicing in the same locality.

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

(iii) A licensed architect or landscape architect shall undertake to perform professional services only when he/she, together with those whom the licensed architect or landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(iv) No licensee shall be permitted to engage in the practice of architecture or landscape architecture if, in the Board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

(v) A licensee shall undertake to perform professional services only when he/she, together with those whom the licensee may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

(d) Conflict of Interest.

(i) A licensed architect or landscape architect shall not accept compensation for his/her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(ii) If a licensed architect or landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services the licensed architect or landscape architect shall fully disclose, in writing, to his/her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the licensed architect or landscape architect will either terminate such association or interest or offer to give up the commission or employment.

(iii) A licensed architect or landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(iv) When acting as the interpreter of building contract documents and the judge of contract performance, a licensed architect or landscape architect shall render decisions impartially, favoring neither party to the contract.

(v) A licensed architect or landscape architect in a position of public trust shall not use this position to influence any public employees or the general public. Nor should any personal knowledge of confidential information gained through such service be used for personal or professional gain.

(e) Full Disclosure

(i) A licensed architect or landscape architect, making public statements on architectural questions, shall disclose when he/she is being compensated for making such statements.

(ii) A licensed architect or landscape architect shall accurately represent to a prospective or existing client or employer his/her qualifications and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

(iii) If, in the course of his/her work on a project, a licensed architect or landscape architect becomes aware of a decision taken by his/her employer or client, against such licensed architect's or landscape architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the licensed architect's or landscape architect's ~~judgement~~ ~~judgment~~ materially and adversely affect the safety to the public of the finished project, the licensed architect or landscape architect shall:

(A) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations; and

(B) refuse to consent to the decision; and

(C) in circumstances where the licensed architect or landscape architect reasonably believes that other such decisions will be taken, not ~~with~~ ~~standing~~ ~~withstanding~~ his/her objection, terminate his/her services with respect to the project. In the case of a termination in accordance with this sub-section (iii), the licensed architect or landscape architect shall have no liability to his/her client or employer on account of such termination.

(iv) A licensed architect or landscape architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his/her application for licensure or renewal thereof.

(v) A licensed architect or landscape architect shall not assist the application for licensure of an individual known by the licensed architect or landscape architect to be unqualified in respect to education, training, experience or character.

(vi) A licensed architect or landscape architect possessing knowledge of a violation of the provisions set forth in the Act and these Rules by another licensed architect or landscape architect shall report such knowledge to the Board.

(f) Compliance with Laws

(i) A licensed architect or landscape architect shall not, in the conduct of his/her practice, knowingly violate any state or federal criminal law.

(ii) A licensed architect or landscape architect shall neither offer nor make any payment of gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the licensed architect or landscape architect is interested.

(iii) A licensed architect or landscape architect shall comply with the laws and regulations governing his/her professional practice in any United States jurisdiction.

(g) Professional Conduct

(i) An architect or landscape architect shall prefer the client's interest over the architect's or landscape architect's interests and, when the issues are clear, the public's interest over both.

(ii) Each office in Wyoming maintained for the practice of architecture or landscape architecture shall have a licensed architect or landscape architect resident and employed in that office having direct supervision of such work.

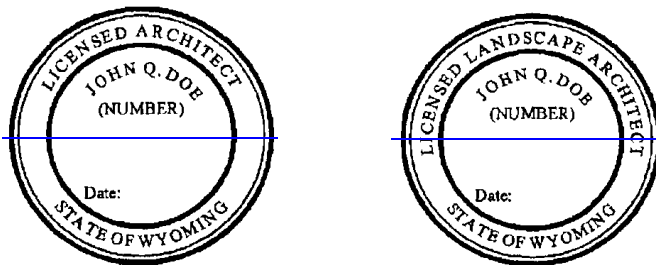
(iii) A licensed architect or landscape architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared under his/her ~~direct supervision~~ responsible control; provided, however, that in the case of the portions of such work prepared under the ~~direct supervision~~ responsible control of person consulting with or employed by the architect or landscape architect and who are licensed under this or another professional licensure law of this state, the architect or landscape architect may sign or seal those portions of the professional work if the architect or landscape architect has reviewed such portions and has coordinated their preparation.

(iv) A licensed architect or landscape architect shall neither offer nor make any gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensed architect or landscape architect is interested.

(v) A licensed architect or landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

~~(h) Designing and Use of Architect's or Landscape Architect's Seal.~~

~~(i) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter, and shall contain the name of the licensed architect or landscape architect; his/her license number, the word "Date:", and the words "LICENSED ARCHITECT STATE OF WYOMING" or "LICENSED LANDSCAPE ARCHITECT STATE OF WYOMING". This seal shall approximate the format shown below:~~



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~~The seal design adopted by the Board in the Rules and Regulations dated June 18, 1992 will be accepted for persons licensed prior to April 27, 2001.~~

~~(ii) The seal shall be imprinted on all technical submissions, as follows: On each final design and each final drawing; on the cover, title or index pages of each set of specifications; and on the cover or index page of all other technical submissions. The original signature of the individual named on the seal shall appear across the face of each original seal imprint, along with the date of signing. Digital seals and signatures are acceptable; however, it is the responsibility of the licensee to provide adequate security when documents with digital seals are distributed.~~

~~(iii) The seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the responsible control of the individual named on said seal only if the seal has been signed and dated.~~

CHAPTER ~~10~~11

APPLICATION REVIEW, ~~COMPLAINT~~ COMPLAINTS, -AND HEARING PROCEDURES

Section 1. Authority. These rules are promulgated by authority of W.S. 16-3-102, W.S. 33-4-104 and 33-4-108.

Section 2. Purpose. The Board establishes these rules to provide a fair and efficient method for investigating complaints and conducting administrative hearings relative to refusal of license, refusal of renewal, suspension or revocation of licenses, and these procedures may be utilized when a formal hearing is necessary for other purposes as well.

Section 3. Application Review Process.

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(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there are no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Committee (ARC).

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(b) The ARC shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If there are questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution for review.

(c) If, after review, the ARC following consultation with the Assistant Attorney General concludes that grounds exist to recommend denial of an application:

(i) A preliminary denial letter shall be sent to the applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within the allowed thirty (30) days, a reconsideration conference shall be held with the ARC, the Board Office, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or finally deny the application.

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the final denial letter.

(d) Application denial hearings.

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board with a hearing officer presiding.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(iv) If an applicant requests an administrative hearing on the denial of their application, the procedure for that hearing will be the same as the formal hearing procedure outlined in this Chapter.

Section 34. Complaints.

~~(a) All complaints against a licensee shall be filed with the Board in writing on forms provided by the Board and shall contain:~~

(a) A disciplinary review is initiated against a licensee by submitting a written complaint to the Board Office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member, or a member of the Board staff. The written complaint should provide as much of the following information as may be available and applicable:

(i) ~~Name and address of licensee~~The name, address, place of employment, and telephone number of the licensee against whom the charges are made;

(ii) ~~The Name~~name, address and telephone number of complainant;

(iii) ~~The Nature of alleged violations~~specific conduct alleged to constitute the violation;

(iv) ~~A short concise statement of facts relating to the alleged violations;~~
~~and~~The names, addresses, and telephone numbers of any other witnesses; and

(v) ~~The Signature~~signature of ~~the~~ complainant.

(b) The Board may also initiate and investigate complaints based upon its own knowledge, without a written complaint being filed.

Section 5. Review of Written Complaint. Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. The IBM shall promptly advise the Board staff of any known potential conflicts of interest. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

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(a) The IBM shall not take part in the consideration of any contested case.

(b) The IBM shall not, by this rule, be barred from attending any disciplinary hearing.

Section 46. ~~Investigation~~Investigations and Board Action.

(a) ~~The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is deemed necessary, the Board shall assign an investigator, which may be a Board member, or hire an independent investigator to assist a representative of the Attorney General's office as the investigative committee.~~The IBM and Board staff shall investigate those written complaints received which merit further investigation. An independent investigator may be hired if the IBM deems it necessary.

(b) Upon completion of the investigation, the ~~committee may~~IBM shall:

(i) ~~Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;~~

(ii) ~~Recommend to the Board that a reprimand be given;~~

(iii) ~~Recommend to the Board the complaint is dismissed;~~

(iv) ~~Recommend to the Board a settlement of the matter.~~

(i) Dismiss the complaint if no violation of the Act or Board rules is found; or

(ii) Prepare an investigative report which shall include:

(A) The findings;

(B) A list of statutes and/or Board rules believed to have been violated; and

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(C) Any relevant additional information.

(c) The IBM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

(d) Following consultation with the Assistant Attorney General, the IBM may:

(i) Send the notice required by Section 7;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Board dismiss the complaint.

(ee) The Board may resolve a complaint at any time by:

- (i) Sending a written letter of advice;
- (ii) Accepting a voluntary surrender of a license;
- (iii) Accepting conditional terms for settlement;
- (iv) Dispensing with it in an informal matter; or
- (v) Dismissal.

~~**Section 5. Docket.** A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be placed all papers, pleadings, documents, transcripts, evidence and exhibits.~~

Section 67. Notice and Opportunity to Show Compliance. Prior to commencing formal proceedings or taking disciplinary action, the ~~Board~~ IBM shall give notice by mail to the licensee of the facts or conduct which warrant the intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within ~~ten (10)~~ twenty (20) days of ~~receipt~~ the mailing of the notice. Such notice shall be sent to the licensee's last known address by both certified mail with return receipt requested and by first class mail.

~~**Section 7. Administrative Hearing Guidelines.** All administrative hearings will be held in accordance with the Wyoming Administrative Procedures Act, W.S. 16-3-101 through 16-3-115.~~

~~_____ (a) _____ If the Board as petitioner seeks a hearing, the respondent shall be accorded the rights of a licensee as set forth below.~~

~~_____ (b) _____ When any party requests and is granted a hearing, he/she shall also be accorded the rights of a licensee as set forth below. However, when the petitioner is outside the Board, in requesting the hearing, he/she shall provide the Board with the written information required in Section 8(b) through (d) below.~~

~~_____ (c) _____ These hearing procedures shall not alter the practice of holding informal hearings whenever possible.~~

Section 8. Formal Hearing Procedures. Formal proceedings for a hearing before the Board regarding action against a licensee shall be commenced by petition and notice of hearing, served in person, or by both certified mail return receipt requested and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

_____ (a) _____ The name and address of the licensee;

_____ (b) _____ A statement in ordinary and concise language, of the nature of the complaint filed with the Board, the facts upon which the complaint is based, as well as the specific statute(s) or Board Rules and Regulations alleged to have been violated;

_____ (c) _____ The time, place, and nature of the hearing;

_____ (d) _____ That the hearing is being held pursuant to the authority provided by W.S. 33-4-115, and

_____ (e) _____ That the licensee shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the licensee will be in default.

Section 89. Continuance~~Commencement of Action.~~ Upon an appropriate showing of violation of W.S. 33-4-101 through 33-4-117 or the Rules and Regulations, the Board may commence proceedings to refuse to renew, suspend or revoke the license of the alleged offender or take other disciplinary action. In a Petition the Board shall notify the licensee of:

~~_____ (a) _____ The time, place and nature of the hearing;~~

~~_____ (b) _____ The legal authority and jurisdiction under which the hearing is to be held;~~

~~_____ (c) _____ The particular sections of the statutes and rules involved; and~~

~~_____ (d) _____ A short and plain statement of the violations alleged.~~

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~~— No answer is required and, at the hearing, the licensee may appear and show why his/her license should be renewed or should not be refused, suspended, revoked or other disciplinary action taken.~~

For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.

~~— **Section 9. Time and Place of Hearing.** The hearing may be held no less than twenty (20) days after service of the Petition upon the licensee, in order that he/she may have adequate time for preparation. Upon motion and for good cause, the hearing may be continued by the Board until a later date. Hearings shall be conducted in a location determined by the Board.~~

~~— **Section 10. Service.** The Petition shall be served at least twenty (20) days prior to the date set for hearing personally or by certified mail, return receipt requested, addressed to the place of business of the licensee, or to the most recent residence address filed with the Board.~~

Section 11.10. Default. ~~In the event of the failure to appear at the hearing, a default shall be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an Order of the Board entered accordingly.~~ The Board may enter an order based on the allegations in a petition in any case where the licensee has not answered in writing ten (10) working days before the hearing, or in any case in which the licensee, or his/her representative, has not appeared at a scheduled hearing for which they had notice.

Section 12.11. Hearing Officer. ~~The Board may designate~~ appoint a hearing officer to ~~conduct the hearing and advise the Board but who shall take no part in prosecution of the case~~ take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.

~~— (a) — The licensee may move to disqualify a hearing officer by filing written motion and supporting affidavits of personal bias with the Board. After careful consideration of the evidence presented, the President of the Board shall rule upon the motion.~~

~~— (b) — The hearing officer may withdraw whenever he/she deems himself/herself disqualified because of personal bias or other substantial reason.~~

~~— **Section 13. Authority of Hearing Officer.** The hearing officer or the President of the Board, if there is no hearing officer, has the authority to:~~

~~— (a) — Administer oaths and affirmations;~~

~~— (b) — Issue subpoenas;~~

~~— (c) — Rule upon offers of proof and receive relevant evidence;~~

~~— (d) — Take or cause depositions to be taken in accordance with the provisions of the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115;~~

- ~~_____ (e) _____ Regulate the course of the hearing;~~
- ~~_____ (f) _____ Hold conferences for the settlement or simplification of the issues;~~
- ~~_____ (g) _____ Dispose of procedural requests and similar matters;~~
- ~~_____ (h) _____ Make recommended decisions when directed to do so by the Board; and~~
- ~~_____ (i) _____ Take any action authorized by Board regulations, the Wyoming Administrative Procedure Act, or W.S. 33-4-101 et seq.~~

~~_____ **Section 14. Counsel.** All parties may appear at the hearing with or without counsel. The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed. The Board and all parties shall be notified in writing of any withdrawal. Any person appearing before the Board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless the person is an attorney licensed to practice law in this State, or associated with an attorney licensed to practice law in this State. This rule shall not be construed to prohibit any licensee from representing themselves before the Board, but any licensee appearing on their own behalf shall not be relieved of abiding by all procedural rules established for the hearing.~~

~~_____ **Section 15. Attorney General to be Present.** In all hearings held upon formal action brought before the Board, a representative of the Office of the Attorney General of Wyoming shall appear on behalf of the petitioner, and shall present all evidence, testimony and legal authority in support of the Notice and Complaint to be considered by the Board.~~

~~_____ **Section 12. Discovery.** In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.~~

~~_____ **Section 1613. Subpoenas.** The Board, on behalf of any party, may issue subpoenas for appearance of witnesses and to produce testimony, books, papers, documents or exhibits related to the contested case.~~

~~_____ (a) _____ A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.~~

~~_____ (b) _____ Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.~~

~~_____ **Section 14. Witnesses.**~~

~~_____ (a) _____ All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.~~

~~_____ (b) _____ No testimony will be received from a witness except under oath or affirmation.~~

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(c) The party calling a witness shall bear the costs associated with his/her appearance.

(d) The Board and hearing officer shall have an opportunity to examine any witness.

Section 15. Representation.

(a) A licensee may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.

(b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.

(c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.

(d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the IBM.

Section 16. Prehearing Conference.

(a) The hearing officer may direct the parties to appear before him/her to consider:

(i) The issues;

(ii) Amending the pleadings;

(iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;

(iv) Formulating procedures to govern the hearing; and

(v) Such other matters as may aid in the presentation or disposition of the case.

(b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.

~~**Section 17. Inspection of File.** Each party or his/her authorized representative, shall be permitted to inspect and copy, at his/her own expense at the offices of the Board, all documents filed in the administrative proceedings, and all documents regarding the subject of the hearing contained in the Board's files which are permitted by law to be inspected and copied.~~

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~~Section 18. Record of Proceedings.~~ The hearing shall be reported verbatim, stenographically or by any other appropriate means determined by the Board or hearing officer. If one or more parties desires the hearing transcribed by a certified court reporter, he/she must make the necessary arrangements and bear the cost.

~~Section 19. Rules of Civil Procedure to Apply.~~ The Wyoming Rules of Civil Procedure shall apply to these procedures insofar as they are applicable and not inconsistent with the matters before the Board and applicable to the rules and orders promulgated by the Board.

Section 20~~17~~. Order of Procedure at Hearing. Hearings may be conducted substantially ~~as follows~~in the following order:

~~(a) The hearing officer or President will announce that the hearing is called to order and announce the matter to be heard, briefly summarizing the case and issues;~~

~~(b) The hearing officer or President shall administer the oath to all witnesses who will present testimony;~~

~~(c) The hearing officer or President will take up any preliminary motions or matters to be discussed;~~

~~(d) The Petitioner's attorney may present a brief opening statement of the charges, explain the theory of the case and what the evidence will show;~~

~~(e) The licensee or his/her attorney may present his/her opening statement in the same manner;~~

~~(f) The Petitioner's attorney will then present the evidence of the Board, subject to cross examination by the licensee or his/her counsel and the hearing officer and Board;~~

~~(g) The licensee or his/her counsel will present his/her evidence, subject to cross examination by the Board's attorney, the hearing officer and Board;~~

~~(h) Closing statements may be made at the conclusion of the evidence by both parties. These statements may include summaries of the evidence and legal arguments. The Petitioner's attorney will precede the licensee and may also briefly rebut the licensee's closing statement;~~

~~(i) After all proceedings have been concluded, the hearing officer or President shall dismiss and excuse all witnesses not already excused and declare the hearing closed.~~

(a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;

(b) Witnesses should be identified and sworn;

(c) Opening statements may be made at the discretion of the hearing officer. In cases of license denial, the applicant should go first. In disciplinary cases the IBM should go first;

(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;

(e) Exhibits offered in evidence by the licensee will be marked with the letters of the alphabet. Those offered by the IBM will be marked numerically;

(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.

Section ~~21~~18. Decisions, Findings of Fact and Conclusions of Law and Order.

~~(a) The Board shall, with the assistance of the hearing officer, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board and shall, without further action, become the decision and order as a result of the hearing.~~

~~(b) No member, staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.~~

~~(c) Upon entry and filing, the Board shall mail copies of the decision to each licensee and attorney of record.~~

(a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer shall prepare proposed findings of fact, conclusions of law, and order.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

Section 2219. Appeals to District Court. ~~Any licensee or petitioner aggrieved or adversely affected by a final decision of the Board after a hearing is entitled to judicial review. A~~
Petition for Judicial Review of the Board decision may be filed in the appropriate district court
~~pursuant to W.S. 16-3-114 and 33-4-108 and rule 12 of~~ in accordance with the Wyoming Rules
of Appellate Procedure.

Section 20. Transcripts. If a Petition for Judicial Review is filed in the district court,
the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or
reimburse the Board for the cost of the transcript if previously prepared at Board expense.

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~~APPENDIX A~~

~~WYOMING STATE STATUTES~~

~~TITLE 33, CHAPTER 4~~

~~ARCHITECTS AND LANDSCAPE ARCHITECTS PRACTICE ACT~~

~~33-4-101. Definitions.~~

~~(a) — As used in this act:~~

~~(i) — “Building” means a structure, including all the components which a structure comprises, including structural, mechanical and electrical systems, intended for use as shelter for man and his possessions;~~

~~(ii) — “Practice of architecture” means rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services; advice, consultation, planning, architectural design, drawings and specifications; general administration of the contract as the owner’s representative during the construction phase, wherein expert knowledge and skill are required in connection with the erection, enlargement or alteration of any building or buildings, or the equipment, or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved;~~

~~(iii) — “Architect” means anyone licensed to practice architecture under this act;~~

~~(iv) — “Practice of landscape architecture” means rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services; advice, consultation, planning, landscape architectural design, drawings and specifications; general administration of the contract as the owner’s representative during the construction phase, wherein expert knowledge and skill are required in connection with landscape enhancement or landscape development, including the formulation of graphic or written criteria to govern the planning or design of land construction projects, production of overall site plans, landscape grading and landscape drainage plans, planting plans, irrigation plans, and construction details wherein in the safeguarding of life, health or property is concerned.~~

~~(v) — “Landscape architect” means anyone licensed to practice landscape architecture under this act;~~

~~(vi) — “Board” means the Wyoming state board of architects and landscape architects;~~

~~(vii) — “This act” means W.S. 33-4-101 through 33-4-117.~~

~~33-4-102. Board of architects and landscape architects; created; composition; qualifications of members.~~ There is hereby created and established a board to be known as the Wyoming state board of architects and landscape architects, which shall be composed of three (3) practicing architects, one (1) practicing landscape architect and one (1) member of the public of integrity and ability, who shall be residents of the state of Wyoming. The architects and landscape architect shall have practiced architecture or landscape architecture continuously in the state of Wyoming for a period of at least five (5) years prior to their appointment.

~~33-4-103. Board of architects and landscape architects; appointment and term of members; vacancies; removal.~~ The governor shall appoint the members of the board of architects and landscape architects as provided in W.S. 33-4-102. Each member shall serve a term of three (3) years or until his successor has been appointed. The governor shall fill all vacancies occurring in the board. The governor may remove any board member as provided in W.S. 9-1-202.

~~33-4-104. Board of architects and landscape architects; meetings and officers; powers and duties.~~

(a) The board shall elect a president, vice president, and secretary treasurer. The board shall hold regular meetings at least once each year, with the date and place to be set by the board. The board may meet as designated by a majority of the board. A majority of the board shall constitute a quorum. The board shall have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters coming within the scope of its duties. The board shall have the authority to enter into interstate or intrastate agreements and associations with other boards of licensure for the purpose of establishing reciprocity, developing examinations, evaluating applicants or other activities to enhance the services of the board to the state, the licensee and the public. The board shall adopt a seal to be affixed to all licenses issued and shall adopt rules and regulations in accordance with the Wyoming Administrative Procedure Act. The board shall establish minimum educational requirements which shall be without prejudice, partiality or discrimination. The board may appoint or contract an executive secretary and other individuals deemed necessary to administer the affairs of the board and shall furnish necessary support and clerical services. Costs related to these services shall be paid from the earmarked revenue fund as provided in W.S. 33-4-109. The secretary of the board shall keep a record of the proceedings of the board, which shall at all times be open to public inspection.

(b) All meetings of the board shall be conducted in accordance with W.S. 16-4-403, except that the board may hold executive sessions as provided by W.S. 16-4-405.

~~33-4-105. Application for examination; qualifications.~~

(a) Any person wishing to practice architecture or landscape architecture in this state who is not a licensed architect or landscape architect shall make application for examination as prescribed by the board.

(b) Each applicant shall:

~~(i) Be an adult;~~

~~(ii) Have a good reputation for honesty, trustworthiness, integrity and competence in the practice of architecture or landscape architecture;~~

~~(iii) Hold a professional degree in architecture or landscape architecture from an accredited school of architecture or landscape architecture with practical experience, as the board deems appropriate.~~

~~(c) Until July 1, 1992 the board may license a person without a professional degree from an accredited school of architecture or landscape architecture, who has successfully completed the examination and who has the practical experience required by the board.~~

~~(d) Any person currently practicing landscape architecture in this state who holds a degree from an accredited school of landscape architecture and has at least five (5) years experience as a landscape architect prior to July 1, 1991 shall be exempt from taking the examination and shall be awarded a license to practice landscape architecture after meeting the other requirements of this act.~~

~~(e) The board shall provide by rules and regulations requirements for practical experience.~~

~~**33-4-106. Issuance of license; reexamination.** If the applicant is qualified, the board shall issue his license to practice architecture or landscape architecture. Any applicant who fails to pass an examination may be reexamined in the subjects which he failed at the next regularly scheduled examination date, upon the payment of an additional examination fee.~~

~~**33-4-107. License fee and renewal fee set by board; notice of expiration; failure to renew.** Persons practicing architecture or landscape architecture within this state shall pay initial and renewal license fees as set by the board pursuant to W.S. 33-1-201. Initial licenses shall expire on the thirty first day of December of the year following the date of issuance. A renewal license shall be issued by the board upon application and payment of the renewal fee, and shall be for a two (2) year period. Application for renewal shall be accompanied by evidence satisfactory to the board of compliance with this act and participation in continuing education activities as established by rules and regulations of the board, provided that requirements for renewal shall be no more stringent than the requirements recommended by the national council of architectural registration boards or the council of landscape architectural registration boards. The board may waive the continuing education requirement for the first renewal of a license. The secretary of the board shall notify each registrant by mail at his last known address at least two (2) months prior to the date of the expiration of his license. Failure of a licensee to secure renewal of his license prior to the date of its expiration shall forfeit his license to practice architecture within the state, provided, however, that the secretary of the board shall again notify the registrant by certified mail at his last known address at least two (2) weeks before the expiration date. Any licensee on active duty in the armed forces of the United States, or who shall establish his~~

residence elsewhere, upon returning to the state may apply for a renewal if the license was not revoked for any cause.

~~33-4-108. Licensing decisions of board.~~ Except as provided in W.S. 33-4-115(e), all decisions of the board involving the granting, denial, renewal, revocation, suspension or withdrawal of a license shall be conducted pursuant to the provisions of the Wyoming Administrative Procedure Act.

~~33-4-109. Disposition of money collected; compensation, mileage and per diem for members of board.~~ All money shall be received and deposited to the earmarked revenue fund and payments made according to regulations established by the department of commerce. The members of the board shall receive per diem and mileage allowance as provided in W.S. 9-3-102, for each official board meeting. The total expense for every purpose incurred by the board shall not exceed the total of revenue collected.

~~33-4-110. Interstate reciprocity.~~ Persons licensed to practice architecture or landscape architecture under the laws of any other state having requirements substantially equal to those provided for in this act may, in the discretion of the board, be issued a license to practice in this state without examination upon payment of the license fees as herein provided.

~~33-4-111. Persons not required to comply with provisions.~~ All officers and employees of the United States government while engaged in governmental work in this state shall not be required to comply with the provisions of this act. Landscape architecture as applied in this act shall not restrict the practice of architecture, or engineering; nor shall it restrict the customary services normally rendered by landscape nurseries and landscape contractors.

~~33-4-112. Persons required to qualify or register as "architect"; exceptions.~~ All persons shall register as an architect in order to make architectural plans and specifications for buildings except those buildings which are specifically exempted in W.S. 33-4-117.

~~33-4-113. Use of title "architect" or "landscape architect".~~ No person shall use the title "architect" or any title, sign, card or device to indicate that the person is practicing architecture or is an architect unless the person is licensed as an architect under the provisions of this act. No person shall use the title "landscape architect" or any title, sign, or card to indicate such person is practicing landscape architecture, unless the person is licensed as a landscape architect under the provisions of this act. Nothing in this act shall be construed to permit a person licensed as a landscape architect to use the title "architect" or to practice architecture.

~~33-4-114. Prohibited acts; penalty for violations.~~

(a) — It is a misdemeanor for any person to:

(i) — Sell, fraudulently obtain or furnish any license or renewal license to practice architecture or landscape architecture; or

(ii) — Without being licensed under this act:

~~(A) — Advertise, represent or in any manner hold himself out as an architect or landscape architect;~~

~~(B) — Engage in the practice of architecture or landscape architecture;~~

~~(C) — Use in connection with his business or name, or otherwise assume, use or advertise any title or description, or engage in any other conduct which reasonably might be expected to mislead another to believe the person is an architect or landscape architect; or~~

~~(D) — Without being an officer of the corporation, to engage in the practice of architecture or landscape architecture as a corporation.~~

~~(b) — A person convicted under subsection (a) of this section shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00) or by imprisonment for not more than six (6) months, or both.~~

~~(c) — The board may, through the attorney general, seek to enjoin any person from committing any act in violation of this section. The board shall not be required to prove irreparable injury to enjoin any violation of this section.~~

~~33-4-115. Grounds for refusal, suspension or revocation of license; notice; hearing; counsel at hearing.~~

~~(a) — The board may take disciplinary actions, singularly or in combination, against a licensee upon a finding of:~~

~~(i) — Fraud, deceit or material misstatement of fact in applying for a license or in passage of the examination provided for in this act;~~

~~(ii) — Untrustworthiness, incompetency or misconduct in the practice of architecture as evidenced by conduct which endangers life, health, property or the public welfare;~~

~~(iii) — Mental incompetency;~~

~~(iv) — Fraud or deceit in the practice of architecture or landscape architecture;~~

~~(v) — Affixing, or permitting to be affixed, a seal upon a document which the architect or landscape architect was not responsible for preparing;~~

~~(vi) — Violating this act or a rule or regulation of the board promulgated pursuant to this act;~~

~~(vii) — Suspension or revocation of licensure by another state; or~~

~~(viii) Conviction under W.S. 33-4-114, or conviction in another state of any crime which would constitute a violation of W.S. 33-4-114 had the actions been taken in this state. A copy of the judgment of conviction certified by the rendering court shall be presumptive evidence of the conviction in any hearing under this section. For purposes of this paragraph "conviction" includes a plea of nolo contendere or its equivalent.~~

~~(b) Except as provided in subsection (c) of this section, before refusing to issue a license, suspending or revoking a license for any reason set forth in this section the board shall notify the person as required in the Wyoming Administrative Procedure Act. If the applicant or licensee requests a hearing before the board, the board shall hold a hearing in accordance with the Wyoming Administrative Procedure Act.~~

~~(c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.~~

~~33-4-116. Documents, plans and designs; seal required.~~ ~~An architect or landscape architect shall affix his seal to all documents, plans or designs he provides.~~

~~33-4-117. Exemptions.~~

~~(a) Nothing in this act prohibits any person from preparing plans and specifications, designing, planning or administering the construction contracts for the construction, alteration, remodeling or repair of any of the following:~~

~~(i) Private residences;~~

~~(ii) Garages, commercial or industrial buildings, office buildings, preengineered metal buildings and buildings for the marketing, storage or processing of farm products and warehouses, which do not exceed two (2) stories in height, exclusive of a one (1) story basement, and which under applicable building code or codes, are not designed for occupancy by more than ten (10) persons;~~

~~(iii) Farm buildings;~~

~~(iv) Nonstructural alterations of any nature to any building if the alterations do not affect the safety of the occupants of the building.~~

~~(b) Nothing in this act shall be construed:~~

~~(i) As curtailing or extending the rights of any other legally recognized profession;~~

~~(ii) As prohibiting the practice of architecture by any legally qualified architect of this state or another state who is employed by the United States government while in the discharge of his official duties;~~

~~(iii) To prevent the independent employment of a registered professional engineer for any professional service related solely to civil, structural, mechanical or electrical engineering in connection with any building or building project.~~

~~(c) This act in no way supersedes, overrides or amends the provisions of chapter 29 of this title regarding registration of professional engineers and professional land surveyors.~~

APPENDIX BA

National Council of Architectural Registration Boards

RULES OF CONDUCT

(Revised July 2006)

RULE 1 COMPETENCE

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

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

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

1.4 No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

RULE 2 CONFLICT OF INTEREST

2.1 An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

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

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

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

RULE 3 FULL DISCLOSURE

3.1 An architect, making public statements on architectural questions, shall disclose when he/she is being compensated for making such statement or when he/she has an economic interest in the issue.

3.2 An architect shall accurately represent to a prospective or existing client or employer his/her qualifications, capabilities, experience, and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

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

(i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(ii) refuse to consent to the decision, and

(iii) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with reference to the project unless the architect is able to cause the matter to be resolved by other means. In the case of a termination in accordance with Clause (iii), the architect shall have no liability to his/her client or employer on account of such termination.

3.4 An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his/her application for registration or renewal or otherwise lawfully requested by the board.

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

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

RULE 4 COMPLIANCE WITH LAWS

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

4.2 An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

4.3 An architect shall comply with the registration laws and regulations governing his/her professional practice in any United States jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other United States jurisdiction.

4.4 An employer engaged in the practice of architecture shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination. For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.

RULE 5 PROFESSIONAL CONDUCT

5.1 Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.

5.2 An architect may sign and seal technical submissions only if the technical submissions were:

(i) prepared by the architect;

(ii) prepared by persons under the architect's responsible control;

(iii) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions; or

(iv) prepared by another architect registered in any United States jurisdiction and holding the certification issued by the National Council of Architectural Registration Board if

(a) the signing and sealing architect has reviewed the other architect's work and has integrated the work into his/her own technical submissions and

(b) the other architect's technical submissions are prototypical building documents. An architect may also sign and seal drawings, specifications, or other work which is not required by law to be prepared by an architect if the architect has reviewed such work and has integrated it into his/her own technical submissions. "Responsible control" shall be that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions

after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation. Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under clauses (iii) or (iv) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his/her own technical submissions, and that such review and integration met the required professional standard of care.

5.3 An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

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

5.5 An architect shall not make misleading, deceptive, or false statements or claims.

APPENDIX **EB**

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American Society of Landscape Architects

CODE OF PROFESSIONAL ETHICS

(Amended May 6, 2006)

Canon I: Professional Responsibility

ES1.1 Members should understand and honestly obey laws governing their professional practice and business affairs and conduct their professional duties within the art and science of landscape architecture and their professional Society with honesty, dignity, and integrity.

R1.101 Members shall deal with other Members, clients, employers, employees, and the public with honesty, dignity, and integrity in all actions and communications of any kind.

R1.102 Members shall not violate the law in the conduct of their professional practice, including any federal, state, or local laws and particularly laws and regulations in the areas of antitrust, employment, environmental and land-use planning, and those governing professional practice.

R1.103 Members shall not give, lend, or promise anything of value to any public official or representative of a prospective client in order to influence the judgment or actions in the letting of a contract of that official or representative of a prospective client.

R1.104 Members on full-time government employment shall not accept private practice work with anyone doing business with their agency or with whom the Member has any government contact on matters involving applications for grants, contracts, or planning and zoning actions. In the case of private practitioners elected or appointed to government positions or others doing business or having alliances with those doing business with their board, council, or agency, they must disqualify and absent themselves during any discussion of these matters.

R1.105 Members shall recognize the contributions of others engaged in the planning, design, and construction of the physical environment and shall give them appropriate recognition and due credit for professional work and shall not maliciously injure or attempt to injure the reputation, prospects, practice, or employment position of those persons so engaged. Credit shall be given to the design firm of record for the use of all project documents, plans, photographs, sketches, reports, or other work products developed while under the management of the design firm of record. Use of others' work for any purpose shall accurately specify the role of the individual in the execution of the design firm of record's work.

R1.106 Members shall not mislead through advertising or other means existing or prospective clients about the result that can be achieved through use of the Member's services or state that they can achieve results by means that violate the Code or the law.

R1.107 Members shall not accept compensation for their services on a project from more than one party unless all parties agree to the circumstances in writing.

R1.108 Members shall not misrepresent or knowingly permit the misrepresentation of their professional qualifications, capabilities, and experience to clients, employers, or the public or be a party to any exaggerated, misleading, deceptive, or false statements or claims by the firms, agencies, or organizations that employ them.

R1.109 Members shall not reveal information obtained in the course of their professional activities that they have been asked to maintain in confidence or that could affect the interests of another adversely. Unique exceptions: to stop an act that creates harm; a significant risk to the public health, safety, and welfare that cannot otherwise be prevented; to establish claims or defense on behalf of Members; or in order to comply with applicable law, regulations, or with the Code.

R1.110 Members shall not copy or reproduce the copyrighted works of others without prior written approval by the author of the copyrighted work.

R1.111 Members shall not seek to void awarded contracts for a specific scope of service held by another Member.

R1.112 Members shall not seek to obtain contracts, awards, or other financial gain relating to projects or programs for which they may be serving in an advisory or critical capacity.

ES1.2 Members should seek to make full disclosure of relevant information to the clients, public, and other interested parties who rely on their advice and professional work product.

R1.201 Members making public statements on landscape architectural issues shall disclose compensation other than fee and their role and any economic interest in a project.

R1.202 Members shall make full disclosure during the solicitation and conduct of a project of the roles and professional status of all project team members and consultants, including professional degrees, state licenses, professional liability insurance coverage, and any other potential material limits to qualifications.

R1.203 Members shall make full disclosure to the client or employer of any financial or other interest that bears on the service or project.

R1.204 Members shall convey to their clients their capacity to produce the work, their availability during normal working hours, and their ability to provide other construction or supervisory services.

ES1.3 Members should endeavor to protect the interests of their clients and the public through competent performance of their work and participate in continuing education, educational

research, and development and dissemination of technical information relating to planning, design, construction, and management of the physical environment.

R1.301 Members shall undertake to perform professional services only when education, training, or experience in the specific technical areas involved qualifies them, together with those persons whom they may engage as consultants.

R1.302 Members shall not sign or seal drawings, specifications, reports, or other professional work for which they do not have direct professional knowledge or direct supervisory control.

R1.303 Members shall continually seek to raise the standards of aesthetic, ecological, and cultural excellence through compliance with applicable state requirements for continuing professional education.

R1.304 Public discussion of controversial projects and issues shall be conducted on a professional level and shall be based on issue-oriented, factual analysis.

Canon II: Member Responsibilities

ES2.1 Members should understand and endeavor to uphold the Ethical Standards of the ASLA Code of Environmental Ethics.

ES2.2 Members should work to ensure that they, their employees or subordinates, and other Members adhere to the Code of Professional Ethics and the Constitution and Bylaws of the American Society of Landscape Architects.

R2.201 Members having information that leads to a reasonable belief that another Member has committed a violation of the Code shall report such information.

R2.202 The seal or logo of the American Society of Landscape Architects shall be used only as specified in the ASLA Bylaws.

R2.203 Members shall adhere to the specific, applicable terms of the ASLA Bylaws regarding use of references to ASLA membership. Members are encouraged to use the appropriate ASLA designation after their names.

ES2.3 Members are encouraged to serve on elected or appointed boards, committees, or commissions dealing with the arts and environmental and land-use issues.

R2.301 Members who are elected or appointed to review boards, committees, and commissions shall seek to avoid conflicts of interest and the appearance of conflicts of interest and shall comply with local rules and policies with regard to conflict of interest. Members serving on such boards, committees, and commissions shall disqualify themselves in accordance with rules of ethics and this Code and shall not be present when discussion is held relative to an

action in which they have an interest. A Member shall make full disclosure and request disqualification on any issue that could involve a potential conflict of interest.