



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	



Additional Rule Information

Revised November 2016

<u>1. General Information</u>		
a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Program		

<u>2. Rule Type and Information, Cont.</u>

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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STATEMENT OF PRINCIPAL REASONS
FOR ADOPTION OF REGULAR RULES

The Wyoming Board of Architects and Landscape Architects is amending their Rules in order to reorganize Chapters and Sections to flow better logically, clarify repetitive language, and remove unnecessary provisions.

Chapter 1: General Provisions

- Section 1:
 - Changed the section title from “Purpose” to “Authority” to be consistent with other Board Rules. Additionally, the purpose here is to explain the Board’s authority, so the rename is more appropriate.
 - Clarified authority language and used terms the public would better understand.
- Section 2:
 - Removed as we defined the term “Board Rules” in former Section 6 (new Section 2) instead.
- Section 3:
 - Removed as this is already clarified in Section 1.
- Section 4:
 - Removed as was not necessary to be in Rule.
- Section 5:
 - Removed as was not necessary to be in Rule.
- Section 6 (New Section 2):
 - Added quotations to all definitions for consistency.
 - Defined ARC as it is a term frequently used in Chapter 3 and 11.
 - Removed the word “current” from the ARE definition to better clarify that older applicants do not need to re-take this examination if a prior version was already completed.
 - Defined AXP and clarified this was the program formerly defined as IDP.
 - Defined Board Rules here for consistency as this information was stricken in Section 2 above.
 - Defined Continuing Education Hours as term is frequently used in Chapter 8.
 - Revised the definition of Examination because ARE and LARE are defined terms.
 - Removed IDP as it is encompassed under new title AXP.
 - Defined HSW as it is a term frequently used in Chapter 8.
 - Defined IC as it is a term frequently used in Chapter 11.
 - Removed the term “Rules” because it is addressed by defining “Board Rules” which is consistent with other Board Rules definitions.
 - Defined WAPA as it is a term is frequently used in Chapter 11.
- Section 7:
 - Removed Fees section and created a stand alone fee chapter in new Chapter 12. A stand alone fee chapter is consistent with other Board practices and makes content easier to find for licensees and applicants.
- New Section 3:
 - Added location of Board Office.

- Section 8 (New Section 4):
 - Clarified that regular meetings will be held by resolution. This provides advanced notice to interested parties without the difficulty of defining a permanent date and location.
- New Section 5:
 - Added reference by incorporation section.
 - Incorporated the Department of Administration and Information's uniform rules governing public records requests.
 - Incorporated the Office of Administrative Hearing's uniform rules for contested cases.
 - Incorporated the Codes of Ethics for architects and landscape architects that were previously adopted as Appendix A and Appendix A.
- New Section 6:
 - Added that all public record inspections will be conducted in accordance with newly incorporated A&I Rules.
- New Section 7:
 - Added requirement for applicants and licensees to update their contact information with the Board.

Chapter 3: Licensure Requirements

- Section 1:
 - Reorganized content so there is not a subsection (a) without a subsection (b).
- Section 2:
 - Removed the burdensome experience requirement subsection and clarified that the experience must have been supervised by a specific license holder and the content of the experience must be related to the scope of practice. This reduces confusing requirements and is consistent with national standard according to the model language drafted by the Council of Landscape Architectural Registration Boards.
- Section 3:
 - Removed U.S. Code citation as this is required by the State of Wyoming
 - Removed subsection d as clarified above in New Section 4.
 - Removed subsection e as clarified above in New Section 5.
 - Removed subsection f as this applies to those that failed to renew and not new applicants. This information is found in Chapter 11.
- New Section 4:
 - Added section to clarify completion requirements for application files and to clarify the duration an application file is valid
- New Section 5:
 - Added section to clarify application review is conducted by the Application Review Committee.
 - Added criteria that if a violation of the grounds for discipline occurs, the Board will investigate to determine if sufficient restitution is made and that the safety of the public is ensured. The Board's intent is to protect the public consumer and to not unnecessarily bar qualified candidates from practice.
- Section 4 (New Section 6):

- Clarified types of reciprocal licensure to be consistent with national practice and to ease confusion for applicants.
- Section 5:
 - Removed content as this is better outlined in Chapter 11.
- New Section 7:
 - Moved content here from Chapter 7, so requirements affecting applicants are found in one place.
- New Section 8
 - Moved content here from Chapter 7, so requirements affecting applicants are found in one place.
- New Section 9
 - Moved content here from Chapter 7, so requirements affecting applicants are found in one place.

Chapter 7: Licensure for Architects and Landscape Architects

- Repealed Chapter as majority of content was moved to either Chapter 3 (applicants) or Chapter 8 (existing licensees renewal requirements). The Board felt it was clearer to eliminate this chapter and streamline requirements between these two types of processes.
- Section 1:
 - Moved to Chapter 3 as this content applies to new applicants seeking a license.
- Section 2:
 - Moved to Chapter 3 as this content applies to new applicants seeking a license.
- Section 3:
 - Moved to Chapter 8 as this content applies to existing licensees and their renewal requirements.
- Section 4:
 - Moved to Chapter 3 as this content applies to new applicants seeking a license.
- Section 5:
 - Moved to Chapter 11 as this content applies to disciplinary proceedings.
- Section 6:
 - Moved to Chapter 8 as this content applies to existing licensees and their renewal requirements.
- Section 7:
 - Removed as the Practice Act does not provide the Board with temporary licensure authority. Furthermore, temporary processes are unnecessary as applications for licensure are approved within 1-2 weeks of completion.
- Section 8:
 - Moved to Chapter 8 as this content applies to existing licensees and their renewal requirements.
- Section 9:
 - Moved to Chapter 8 as this content applies to existing licensees and their renewal requirements.

Chapter 8: Renewal and Continuing Licensure

- Added renewal to Chapter title so licensees can better understand content within.

- New Section 1:
 - Moved content here from Chapter 7 to streamline information.
- Section 1 (New Section 2):
 - Removed failure to comply as any action affecting the license is outlined in Chapter 11.
- Section 2 (New Section 3):
 - Clarified first sentence for grammatical sense.
 - Removed requirement for CEH courses to be well organized and presented sequentially as this requirement is subjective.
 - Reorganized HSW content to list what is accepted for both architects and landscape architects, then specify what is only applicable to each profession.
- Section 3 (New Section 4):
 - Clarified language including spelling out numbers.
 - Removed unclear CEH requirements like “In-house programs”
 - Removed participating in practice related societies and committees from acceptable CEH activities because the content doesn’t generally meet expectations of HSW criteria.
 - Removed attending Board meetings from acceptable CEH activities. This was intended to encourage licensees to attend board meetings, albeit unsuccessfully. Additionally, Board members aren’t permitted to take advantage of this as it appears self-serving. For transparency’s sake, the Board decided to remove this section.
- Section 4 (New Section 5):
 - Clarified language mandating CE documentation retention.
- Section 5 (New Section 6):
 - Renumbered section.
 - Clarified existing language.
- Section 6 (New Section 7):
 - Renumbered section.
 - Clarified existing language.
- Section 7 (New Section 8):
 - Renumbered section.
 - Clarified existing language.
- New Section 9:
 - Moved content here from Chapter 7 to streamline information.
- New Section 10:
 - Moved content here from Chapter 7 to streamline information.
- New Section 11:
 - Moved content here from Chapter 7 to streamline information.

Chapter 9: Seal Specifications and Use

- Section 2:
 - Corrected grammatical errors.

Chapter 10: Professional Conduct and Grounds for Action

- Section 1:

- Spelled out Wyoming Statute per Secretary of State's Rules on Rules.
- Section 2:
 - Removed adoption of ethics as already referenced by incorporation in Chapter 1.
 - Clarified general language within.
 - Reduced language by referring to both license types as licensees.
 - Removed subsection (c)(v) as this is clarified in the Practice Act.

Chapter 11: Practice and Procedures for Disciplinary, Application, and Licensure Matters

- Renamed chapter to better reflect content within and order of organization.
- Corrected formatting within entire chapter.
- Section 1:
 - Removed references to various state statutes as they were not necessary.
- Section 2 (New Section 1):
 - Clarified and better described statement of purpose for this chapter.
- Section 3 (New Section 2):
 - Clarified and reorganized Application Review process and possible actions.
- Section 4 (New Section 3):
 - Clarified and reorganized Complaint Review and Discipline Process.
- New Section 4:
 - Added Summary Suspension section and clarified the process.
- Section 5:
 - Removed this section as now encompassed in New Section 3.
- New Section 5:
 - Added Petition and Complaint and Notice of Hearing section.
- Section 6:
 - Removed this section as content was clarified under New Section 3.
- Section 7:
 - Removed this section and clarified notice language in New Section 5.
- Section 8:
 - Cut since we have adopted OAH Uniform Rules.
- Section 9 (New Section 7):
 - Clarified existing language and added a provision to dismiss an application when the applicant does not pursue proceedings
- Section 10 (New Section 8):
 - Clarified language and referred to reference by incorporation in Chapter 1.
- Section 11 (New Section 9):
 - Clarified language, reorganized section, and listed possible board action after a contested case.
- Section 12:
 - Clarified language.
- Section 13:
 - Removed as not necessary.

- Repealed Chapter as content was instead incorporated by reference in Chapter 1 and mentioned in Chapter 10.

Appendix B: American Society of Landscape Architects Code of Professional Ethics Amended May 6, 2006.

- Repealed Chapter as content was instead incorporated by reference in Chapter 1 and mentioned in Chapter 10.

Chapter 12: Fees

- Moved Fee content from Chapter 1.
- Separated reciprocal application fees to show difference in NCARB/CLARB and state reciprocity forms. Lowered fee for NCARB/CLARB reciprocal applications as the administrative time involved for these is significantly less. Additionally, applicants do pay a transmittal fee to NCARB/CLARB and the Board sought a reduction to acknowledge the total application costs for these individuals.

APPENDIX A

National Council of Architectural Registration Boards

RULES OF CONDUCT

(Revised July 2006)

REPEALED

APPENDIX B

American Society of Landscape Architects

CODE OF PROFESSIONAL ETHICS

(Amended May 6, 2006)

REPEALED

CHAPTER 1
GENERAL PROVISIONS

Section 1. Authority. These Board Rules are adopted to implement the Board’s authority under the Act as it relates to the licensure and discipline of architects and landscape architects and the regulation of the practices of architecture and landscape architecture in the state of Wyoming.

Section 2. Definitions.

- (a) “Applicant” means an individual who has submitted an application for licensure to the Board.
- (b) “AIA” means the American Institute of Architects.
- (c) “ARC” means the Application Review Committee.
- (d) “ARE” means the Architect Registration Examination prepared by NCARB.
- (e) “ASLA” means the American Society of Landscape Architects.
- (f) “AXP” means the Architectural Experience Program administered by NCARB, formerly called the Intern Development Program.
- (g) “Board Rules” means the administrative rules promulgated by the Board.
- (h) “CEH” means continuing education hour.
- (i) “CLARB” means the Council of Landscape Architectural Registration Boards.
- (j) “EESA” means Educational Evaluation Services for Architects, a program administered by Educational Credential Evaluators, Inc.
- (k) “Examination” means the ARE or LARE.
- (l) “HSW” means health, safety, and welfare.
- (m) “IC” means Investigative Committee.
- (n) “LAAB” means the Landscape Architectural Accrediting Board.
- (o) “LARE” means the Landscape Architect Registration Examination prepared by CLARB.

- (p) “Licensee” means an architect or landscape architect licensed by the Board.
- (q) “NAAB” means the National Architectural Accrediting Board.
- (r) “NCARB” means the National Council of Architectural Registration Boards.
- (s) “Practical Experience” means experience that demonstrates an essential understanding of the practice of architecture or landscape architecture.
- (t) “Principal” means a licensed architect or landscape architect who is in charge of an organization’s architectural or landscape architectural practice respectively, either alone or with other licensed architects or landscape architects.
- (u) “Responsible control” means that amount of control over and detailed knowledge of the content of technical submissions during the preparation as is ordinarily exercised by licensed architects and landscape architects applying the required professional standard of care.
- (v) “Technical submission” means designs, drawings, specifications, studies, and other technical reports prepared or presented in the course of practicing architecture or landscape architecture.
- (w) “WAPA” means Wyoming Administrative Procedure Act, Wyoming Statute 16-3-101 through -115.

Section 3. Board Office. The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 4. Board Meetings. The Board shall establish a regular meeting by resolution. The Board may call special meetings as necessary.

Section 5. Reference by Incorporation. The Board hereby incorporates by reference the following rules:

- (a) Each rule and code incorporated by reference is further identified as follows:
 - (i) Chapter 2 - Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, available on the Board’s website at <http://architects.wyo.gov/rules>.
 - (ii) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, available on the Board’s website at <http://architects.wyo.gov/rules>.
 - (iii) For Architects, NCARBs Rules of Conduct adopted by the Board and effective on July 2014, found at <http://architects.wyo.gov/rules>.

(iv) For Landscape Architects, ASLAs Code of Professional Ethics adopted by the Board and effective on November 5, 2015, found at <http://architects.wyo.gov/rules>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board Office and are available for public inspection and copying at cost at the same location.

Section 6. Public Records Inspection. Public records inspections shall be conducted pursuant to the Department of Administration and Information's rules concerning public records.

Section 7. Change of Name, Address, or Telephone Number. Each applicant and licensee shall notify the Board in writing of any change to his or her legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

CHAPTER 3

LICENSURE REQUIREMENTS

Section 1. Licensure Standards for Architects. To be granted licensure in addition to the requirements set forth in Wyoming Statute 33-4-101 through -117, an applicant must:

- (a) Hold a professional degree in architecture from a degree program that has been accredited by NAAB, or hold a foreign degree in architecture from a degree program having requirements substantially equal to those established by NAAB and evaluated by EESA; and
- (b) Have satisfied the AXP requirements in accordance with NCARB AXP guidelines; and
- (c) Have passed the ARE.

Section 2. Licensure Standards for Landscape Architects. To be granted licensure in addition to the requirements set forth in W. S. 33-4-101 through -117, an applicant must:

- (a) Hold a professional degree in landscape architecture from a degree program that has been accredited by LAAB, 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
- (b) The work experience required of each applicant shall expose the applicant to all phases of work integral to the practice of Landscape Architecture, and shall be performed under the supervision of a licensed landscape architect, licensed architect, licensed civil engineer, or credentialed planner. Landscape architectural work experience shall fall within the definition of the practice of landscape architecture as defined in W.S. 33-4-101(a)(iv).
- (c) Successfully complete the LARE.

Section 3. Application Procedure. Every individual seeking 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;
 - (ii) The non-refundable application fee; and
 - (iii) Proof of legal presence.

(b) An NCARB record sent directly from NCARB to the Board, or a CLARB record sent directly from CLARB to the Board, showing completion of the education, examination, and experience criteria established herein.

(c) Three (3) professional references sent directly to the Board from the author unless three (3) references are included in the NCARB or CLARB record.

(i) For application for licensure as an Architect, at least one (1) reference must be from a licensed architect.

(ii) For application for licensure as a Landscape Architect, at least one (1) reference must be from a licensed landscape architect.

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

Section 4. Application Status.

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed “complete” when all necessary documentation has been received by the Board Office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 5. ARC.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts that are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 6. Reciprocal Licensure. In order to qualify for a reciprocal license, the applicant must hold a current license, in the profession for which they are applying, in good standing from a jurisdiction with licensure requirements substantially equal, as determined by the Board, to those established by the Board Rules and 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.

(a) Direct State Reciprocity. Applicants seeking reciprocity through the standards of another jurisdiction must meet the requirements outlined in Section 1 of this Chapter for architect applicants and Section 2 for landscape architect applicants.

(b) NCARB or CLARB Certificate Reciprocity. The Board may accept NCARB and CLARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.

Section 7. 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 8. License Classification. Three types of license classifications 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.

(b) Type B License, Licensure by Examination: Type B licenses shall be issued to applicants granted a license by examination.

(c) Type C License, Licensure by Reciprocity: Type C licenses shall be issued to applicants granted a license by reciprocity.

Section 9. Wall Certificate and Card. The Board shall issue a wall certificate of standard design, bearing the Board seal and signed by the designated Board members. A card shall be issued bearing the number, and expiration date of the license, and shall be reissued only upon license renewal.

CHAPTER 7

LICENSURE FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

REPEALED

CHAPTER 8

RENEWAL AND CONTINUING LICENSURE

Section 1. Issue and Renewal. The initial license shall expire on December 31st of the year following the year of issue. Thereafter, each license shall expire on December 31st every two (2) years.

Section 2. Requirements for License Renewal. Each licensee shall have acquired twenty-four (24) CEHs during the twenty-four (24) month period prior to the license expiration date. Licensees who have not held a license in Wyoming for a full twenty-four (24) month period shall have acquired a prorated number of CEHs for the time frame in which they have held a Wyoming license.

- (a) All twenty-four (24) CEHs shall be in HSW subjects.
- (b) CEHs may be acquired in any jurisdiction.
- (c) CEHs earned in excess of the twenty-four (24) required for renewal may not be carried forward to apply toward the next renewal period.

Section 3. Health, Safety and Welfare (HSW) Subjects. HSW subjects include 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 CEH credit, the course must be a structured educational activity meeting the following criteria:
 - (i) Include technical and practical applications that impact public HSW;
 - (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 presented by persons who are qualified by education or experience in the field being taught; and

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

(c) HSW subject content acceptable for CEH includes the following:

(i) Codes, laws, and regulations;

(ii) Environmental issues;

(iii) Programming, planning, or design proficiency;

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

(v) Construction means, methods, products, and materials;

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

(vii) Project administration;

(viii) Professional ethics;

(ix) Safety issues; and

(x) Accessibility.

(d) Additional HSW subject content acceptable for landscape architectural CEH includes the following:

(i) Planning, engineering, horticulture, construction contracting and, related disciplines;

(ii) Irrigation system design; and

(iii) Grading and drainage.

(e) Additional HSW subject content acceptable for architectural CEH includes the following:

(i) Planning, engineering, interior design, construction contracting, and related disciplines; and

- (ii) Building system evaluation and selection.

Section 4. Continuing Education Hour (CEH). One (1) CEH consists 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. CEHs will be awarded only for that portion of the activity that meets the definition of a HSW subject.

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

(i) Subjects for design professionals sponsored by organizations such as CLARB, NCARB, AIA, and ASLA.

(ii) Courses of study taught in person or by correspondence, organized lectures, presentations, or workshops.

(iii) University or college courses. One (1) Semester credit hour may be counted for a maximum of fifteen (15) CEHs. One (1) Quarter credit hour may be counted for a maximum of ten (10) CEHs.

(iv) Writing articles or papers that have been published in peer-reviewed publications, publishing a book, or writing a CEH course on architectural or landscape architectural subject matters. Up to a maximum of eight (8) CEHs are allowed per renewal biennium.

(b) The following types of activities are unacceptable CEH activities:

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

(ii) Rendering pro bono services; and

(iii) Participation on a public board.

Section 5. Reporting and Recordkeeping.

(a) CEHs 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 that serve as proof of participation or attendance are acceptable documents for evidence of compliance.

(c) Evidence of compliance shall contain 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 or speaker name;
- (vii) Monitor signature;
- (viii) Number of CEHs; and
- (ix) A declaration that the CEHs are considered HSW.

(d) The licensee shall maintain evidence of CEH compliance for at least two (2) years after the renewal period in which the course was applied.

Section 6. Reciprocity. A licensee who holds a current license in good standing in another jurisdiction may verify compliance with Wyoming's CEH requirements by providing a copy of their most current renewal card in that jurisdiction provided:

(a) The jurisdiction requires a minimum twenty-four (24) CEHs 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 7. Exemptions. A licensee shall not be subject to the requirement for CEHs during the current renewal period if:

(i) The licensee experiences physical disability, illness, or other extenuating circumstance exceeding one hundred and eighty (180) consecutive days 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 twelve (12) CEHs for each calendar year that the licensee experiences such circumstances;

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

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

Section 8. Audits. CEHs 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 CEHs, the licensee shall have one hundred twenty (120) days from notice of such disallowance to:

(i) Provide evidence that the disallowed CEHs meet the criteria established by these rules, or

(ii) Provide documentation of having acquired additional CEHs during the required time frame, or

(iii) Cure the disallowance by acquiring the required number of CEHs.

(A) Any CEH 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 CEHs, the licensee shall be subject to disciplinary action.

Section 9. 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 twenty-four (24) CEH's in HSW courses within the twenty-four (24) months immediately preceding the date the complete application for reissuance was received by the Board.

Section 10. Retired Status. In order to be eligible for retired status, the Wyoming licensee shall:

(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.

Section 11. Reactivation of a Retired Status License. Any license in retired status may be reactivated by the Board. The Board shall require:

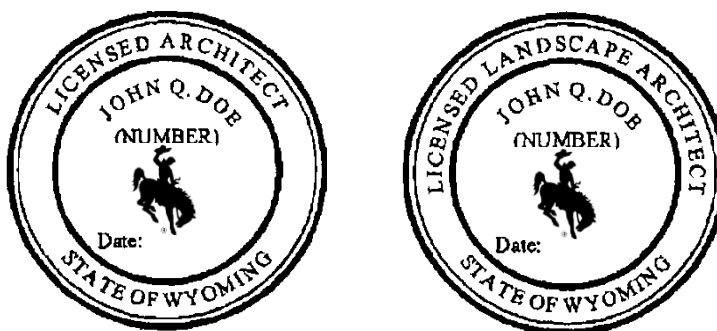
- (a) A complete application for reactivation and application fee, and
- (b) Verification that the licensee has completed twenty-four (24) CEH's in HSW courses within the twenty-four (24) months immediately preceding the date the complete application for reactivation was received by the Board.

CHAPTER 9

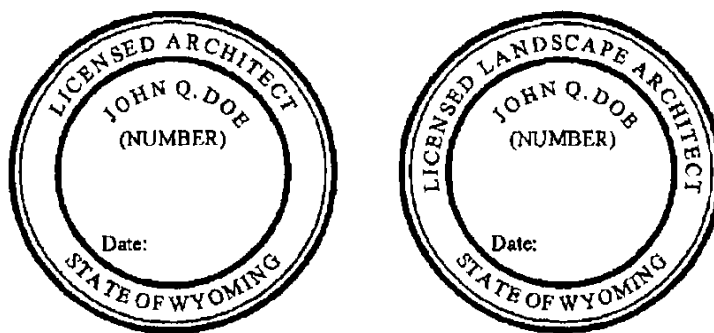
SEAL SPECIFICATIONS AND USE

Section 1. Design of the Seal.

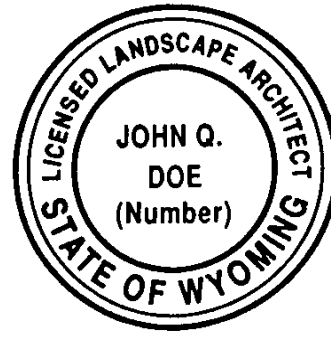
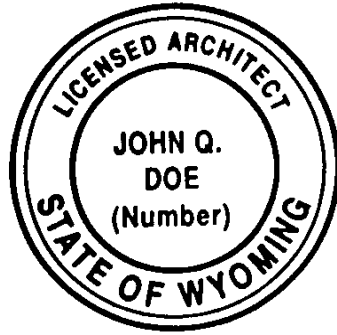
(a) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his or her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED 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 the technical submission was prepared by or under the responsible control of the individual named on the seal only if the seal has been signed and dated.

CHAPTER 10

PROFESSIONAL CONDUCT AND GROUNDS FOR ACTION

Section 1. Grounds. In addition to the acts enumerated in Wyoming Statute 33-4-115, any violation of the rules of professional conduct in this Chapter or any violation of the incorporated codes of conduct and codes of professional ethics are grounds for discipline as allowed in this Act.

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.

(a) In addition to the conduct outlined below, architects shall adhere to the NCARB Rules of Conduct and landscape architects shall adhere to ASLA Code of Professional Ethics as adopted by reference in Chapter 1.

(b) 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 that are ordinarily applied by licensed architects or landscape architects of good standing practicing in the same locality.

(ii) In designing a project, a licensee shall take into account all applicable state and municipal building laws and regulations. While a licensee 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 licensee shall not knowingly design a project in violation of such laws and regulations.

(iii) A licensee shall undertake to perform professional services only when he or she, together with those whom the licensee 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.

(c) Conflict of Interest.

(i) A licensee shall not accept compensation for his or her services from more than one (1) party on a project unless the circumstances are fully disclosed and agreed to by all interested parties. The disclosure and agreement shall be in writing.

(ii) If a licensee has any business association or direct or indirect financial interest substantial enough to influence his or her judgment in connection with his or her performance of professional services, the licensee shall fully disclose, in writing, to his or 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 licensee shall either terminate such association or interest or offer to give up the commission or employment.

(iii) A licensee 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 licensee shall render decisions impartially, favoring neither party to the contract.

(v) A licensee 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.

(d) Full Disclosure.

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

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

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

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

(B) Refuse to consent to the decision; and

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

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

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

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

(e) Compliance with Laws.

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

(ii) A licensee 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 licensee is interested.

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

(f) Professional Conduct.

(i) A licensee shall prefer the client's interest over the licensee's interests and, when the issues are clear, the public's interest over both.

(ii) A licensee shall not sign or seal drawings, specifications, reports, or other professional work that were not prepared under his or her responsible control. When the licensee uses a licensed consultant or licensed employee, the licensee may sign or seal those portions of the professional work if the licensee has reviewed and coordinated their preparation.

(iii) A licensee 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 licensee is interested.

(iv) A licensee shall not engage in conduct involving fraud or wanton disregard of the rights of others.

CHAPTER 11

PRACTICE AND PROCEDURES FOR APPLICATION, LICENSURE, AND DISCIPLINARY MATTERS

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Alleged violations of the Act or the Board Rules; or
 - (ii) Actions relating to an application for a licensure including granting or denying.
- (b) Determine and administer appropriate disciplinary action against licensee.

Section 2. Application Review and Investigation Process.

(a) **Application Review.** Every application for a license or permit issued by the Board shall be subject to investigation by the ARC to determine whether the requirements set forth in the Act and Board Rules are satisfied.

- (b) **ARC Action.** The ARC may recommend:
- (i) A license or permit be issued or renewed;
 - (ii) A license be issued, renewed, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;
 - (iii) A settlement agreement, which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand, or a combination thereof; or
 - (iv) Denial of the application.

(c) **Notice of Intent.** The ARC shall notify the applicant of its intent to recommend approval subject to conditions, restrictions, other disciplinary action, or denial. Such notification shall contain:

- (i) A brief description of the facts or conduct that warrant the approval subject to conditions, restrictions, other disciplinary action, or denial of licensure;
- (ii) A statement of the nature of the actions which warrant the approval subject to conditions, restrictions, other disciplinary action, or denial, the facts upon which the action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board Office within thirty (30) days of the date of mailing the notice of intent.

(d) Applicant's Request for Hearing. If the ARC recommends approval subject to conditions, restrictions, other disciplinary action, or denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

Section 3. Complaint Review and Disciplinary Investigation Process.

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by an IC.

(b) Investigative Committee Action. The IC may recommend:

(i) Dismissal of a complaint;

(ii) Issuance of an advisory letter;

(iii) A settlement agreement, which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand, or other discipline;

(iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or

(v) Summary suspension.

Section 4. Summary Suspension.

(a) Recommendation. If the IC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the public health, safety, or welfare imperatively requires emergency action.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The IC shall notify the licensee of its intent to recommend summary suspension;

(ii) The Notice of Intent shall contain:

(A) Copy of the complaint; and

(B) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled;

(c) Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the IC shall notify the licensee in writing of the date and time of the proceeding.

(d) Scope of Expedited Proceeding. The scope of the expedited summary suspension proceeding shall be limited to a presentation of the evidence the IC believes warrants summary suspension. The board shall order summary suspension if it concludes probable cause exists that the charges, if proven, would imperatively require emergency action to protect the public health, safety, or welfare. The board shall incorporate a finding to that effect in its order granting summary suspension.

(e) Expiration of Summary Suspension. Licenses summarily suspended under this section shall automatically reinstate within ninety (90) days of the order granting summary suspension unless the IC files a formal petition and complaint seeking disciplinary action against a license. The filing of a formal petition and complaint shall continue the summary suspension until the resolution of the petition and complaint.

Section 5. Petition and Complaint and Notice of Hearing.

(a) Petition and Complaint. Formal proceedings for disciplinary action against a licensee shall be commenced by serving a petition and complaint and notice of hearing by certified or regular mail at least thirty (30) days prior to the date set for hearing.

(b) Notice of Hearing. The notice of hearing shall contain:

(i) The name and last known address of the licensee;

(ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the Board, the facts upon which the complaint is based, the specific statutory provisions, and the specific Board Rules that the licensee is alleged to have violated;

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

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition and complaint within twenty (20) days of its receipt may result in a default judgment.

Section 6. Lawful Service. There shall be a presumption of lawful service of a petition and complaint, notice of hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by certified mail, regular mail, or electronic mail to the e-mail address indicated to be the preferred method of communication.

Section 7. Dismissal or Default.

(a) The Board may enter an order of dismissal based on the allegations contained in the recommendation to deny in any case where the applicant or the applicant's representative has not appeared at a noticed hearing or pursued proceedings.

(b) The Board may enter an order of default judgment based on the allegations contained in the petition and complaint in any case where the licensee or the licensee's representative has not answered responded nor appeared at a scheduled noticed.

Section 8. Contested Case. The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings' rules concerning contested case proceedings as referenced in Chapter 1.

Section 9. Board Decision and Order.

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the IC or ARC;

(ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Dismiss the complaint due to lack of clear and convincing evidence;

(B) Issue, renew, relicense, or reinstate a license;

(C) Issue an advisory letter;

(D) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(E) Impose discipline by revocation, suspension, reprimand, restrictions, conditions, non-renewal, or a combination thereof, for a violation of any provision of the Act or the Board Rules; or

(F) Deny a license, renewal, reactivation, or reinstatement.

(b) Board Order. The Board shall issue a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

Section 10. Appeals.

(a) Appeals from decisions of the Board are governed by the WAPA and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

CHAPTER 12

FEES

Section 1. 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:

(i)	License Application	
	(A) By Examination	No fee
	(B) By NCARB or CLARB Reciprocity	\$175.00
	(C) By State Reciprocity	\$300.00
	(D) Reissuance of an expired license	\$375.00
	(E) Reactivation of a retired license	\$375.00
(ii)	Paper License Renewal	\$150.00
(iii)	Online License Renewal	\$125.00
(iv)	Retired Status License Renewal	No fee
(v)	Duplicate Wall Certificates	\$25.00 each
(vi)	Non-sufficient funds fee in accordance with W.S. 1-1-115.	\$30.00

APPENDIX A

National Council of Architectural Registration Boards

RULES OF CONDUCT

(Revised July 2006)

REPEALED

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)

REPEALED

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

GENERAL PROVISIONS SCOPE, DEFINITIONS, FEES

Section 1. Authority Purpose. ~~These Wyoming State Board of Architects and Landscape Architects Rules and Regulations are adopted to implement the Board's authority under the Act as it relates to the 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 and discipline 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 62. Definitions 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": means ~~a~~An individual who has submitted an ~~complete~~ application for licensure to the Board.

~~(b)~~ "AIA" means the American Institute of Architects.

~~(c)~~ "ARC" means the Application Review Committee.

~~(d)(b)~~ "ARE": means ~~t~~The current Architect Registration Examination, prepared by NCARB.

~~(e)~~ "ASLA" means the American Society of Landscape Architects.

(f) “AXP” means the Architectural Experience Program administered by NCARB, formerly called the Intern Development Program.

(g) “Board Rules” means the administrative rules promulgated by the Board.

(h) “CEH” means continuing education hour.

(i)(e) “CLARB” means The Council of Landscape Architectural Registration Boards.

(j)(d) “EESA” means 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.

(k)(e) “Examination” means 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.

(l) “HSW” means health, safety, and welfare.

(m) “IC” means Investigative Committee.

(n)(g) “LAAB” means The Landscape Architectural Accrediting Board.

(o)(h) “LARE” means The current Landscape Architect Registration Examination prepared by CLARB.

(p) “Licensee” means an architect or landscape architect licensed by the Board.

(q)(i) “NAAB” means The National Architectural Accrediting Board.

(r)(j) “NCARB” means The National Council of Architectural Registration Boards.

(s)(k) “Practical Experience” means Experience that which demonstrates an essential understanding of the practice of architecture or landscape architecture.

(t)(l) “Principal” means An individual who is a licensed architect or landscape architect, and who is in charge of an organization’s architectural or landscape architectural practice respectively, either alone or with other licensed architects or landscape architects.

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

~~(p) “Rules” The Wyoming State Board of Architects and Landscape Architects Rules and Regulations.~~

~~(v)(n) “Technical submission” means designs, drawings, specifications, studies, and other technical reports prepared or presented in the course of practicing architecture or landscape architecture.~~

~~(w) “WAPA” means Wyoming Administrative Procedure Act, Wyoming Statute 16-3-101 through -115.~~

Section 7. — 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:~~

(i) License Application	
(A) By Examination	\$5.00
(B) By Reciprocity	\$300.00
(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 these rules are adopted	\$175.00
(iii) Paper License Renewal	\$150.00
(iv) Online License Renewal	\$125.00
(iv) Retired Status License Renewal	No fee
(v) Duplicate Wall Certificates	\$25.00 each
(vi) Non-sufficient funds fee in accordance with W.S. 1-1-115.	

~~**Section 3. Board Office.** The Board Office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.~~

~~**Section 84. Board Regular Meetings.** The Wyoming Board of Architects and Landscape Architects will shall establish a regular meeting by resolution hold their regular annual~~

~~meeting on the first Tuesday of May at the Laramie County Library at 2200 Pioneer Avenue in Cheyenne, Wyoming. The Board may call special meetings as necessary.~~

Section 5. Reference by Incorporation. The Board hereby incorporates by reference the following rules:

(a) Each rule and code incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, available on the Board's website at <http://architects.wyo.gov/rules>.

(ii) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, available on the Board's website at <http://architects.wyo.gov/rules>.

(iii) For Architects, NCARBs Rules of Conduct adopted by the Board and effective on July 2014, found at <http://architects.wyo.gov/rules>.

(iv) For Landscape Architects, ASLAs Code of Professional Ethics adopted by the Board and effective on November 5, 2015, found at <http://architects.wyo.gov/rules>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board Office and are available for public inspection and copying at cost at the same location.

Section 6. Public Records Inspection. Public records inspections shall be conducted pursuant to the Department of Administration and Information's rules concerning public records.

Section 7. Change of Name, Address, or Telephone Number. Each applicant and licensee shall notify the Board in writing of any change to his or her legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

CHAPTER 3

LICENSURE REQUIREMENTS STANDARDS

Section 1. Licensure Standards for Architects.

—(a)—To be granted licensure in addition to the requirements set forth in Wyoming Statute 33-4-101 through ~~33-4-117~~, an applicant must:

(a) (i)—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

(b) (ii)—Have satisfied the AXPIDP requirements in accordance with ~~current~~ NCARB AXPIDP guidelines; and

(c) (iii)—Have passed the ARE ~~where the examination administration and grading were conducted in accordance with NCARB's standards in effect at the time~~.

Section 2. Licensure Standards for Landscape Architects.

—(a)—To be granted licensure in addition to the requirements set forth in Wyoming Statute, 33-4-101 through ~~33-4-117~~, an applicant must:

(a) (i)—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

(b) (ii)—Demonstrate work experience that exposed the applicant to all phases of work integral to the practice of landscape architecture and that was performed under the supervision of a licensed landscape architect, licensed architect, licensed civil engineer, or credentialed planner. Landscape architectural work experience shall fall within the definition of the practice of landscape architecture as defined in W.S. 33-4-101(a)(iv). ~~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~~

<u>Experience</u>	<u>Percent Allowed</u>	<u>Maximum Credit</u>
*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 2, Section 2(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.~~

~~(c) (iii) Successfully complete the LARE where the examination administration and grading were conducted in accordance with CLARB's standards in effect at the time.~~

Section 3. Application Procedure. Every individual seeking licensure shall submit:

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

(i) ~~A~~ A color photograph taken within six (6) months of the date of application; ~~and~~

(ii) ~~The~~ The non-refundable application fee; ~~and~~

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

(b) An NCARB record sent directly from NCARB to the Board, or a CLARB record sent directly from CLARB to the Board, showing completion of the education, examination, and experience criteria established herein.

(c) Three (3) professional references sent directly to the Board from the author unless three (3) references are included in the NCARB or CLARB record.

(i) For application for licensure as an Architect, at least one (1) reference must be from a licensed architect.

(ii) For application for licensure as a Landscape Architect, at least one (1) reference must be from a licensed landscape architect.

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

~~—(d)— All required documentation must be submitted within one (1) year of the date the application was received by the Board, otherwise the application will be closed without further notice.~~

~~—(e)— 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.~~

~~—(f)— 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 this chapter.~~

Section 4. Application Status.

(a) For applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed “complete” when all necessary documentation has been received by the Board Office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 5. ARC.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts that are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 46. Reciprocal Licensure. In order to qualify for a reciprocal license, the applicant must hold a current license, in the profession for which they are applying, in good standing from a jurisdiction with licensure requirements substantially equal, as determined by the Board, to those established by the Board Rules and 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 and CLARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.~~

(a) Direct State Reciprocity. Applicants seeking reciprocity through the standards of another jurisdiction must meet the requirements outlined in Section 1 of this Chapter for architect applicants and Section 2 for landscape architect applicants.

(b) NCARB or CLARB Certificate Reciprocity. The Board may accept NCARB and CLARB certification as satisfactory evidence of meeting the requirements for reciprocal licensure.

~~**Section 5. Notification of Applicants and Right of Appeal.** When an applicant has submitted evidence that they have 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 7.~~

Section 7. 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 8. License Classification. Three types of license classifications 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.

(b) Type B License, Licensure by Examination: Type B licenses shall be issued to applicants granted a license by examination.

(c) Type C License, Licensure by Reciprocity: Type C licenses shall be issued to applicants granted a license by reciprocity.

Section 9. Wall Certificate and Card. The Board shall issue a wall certificate of standard design, bearing the Board seal and signed by the designated Board members. A card shall be issued bearing the number and expiration date of the license, and shall be reissued only upon license renewal.

CHAPTER 7

LICENSURE FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

REPEALED

~~**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 classifications 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 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 twenty four (24) CEH'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 only be granted in accordance with W.S. 33-1-116.~~

~~———— **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 twenty four (24) CEH's within the twenty four (24) months immediately preceding the date the complete application for reactivation was received by the Board.~~

CHAPTER 8

RENEWAL AND CONTINUING LICENSURE

Section 1. Issue and Renewal. The initial license shall expire on December 31st of the year following the year of issue. Thereafter, each license shall expire on December 31st every two (2) years.

Section 21. Requirements for License Renewal. ~~Each licensee shall have acquired twenty-four (24) Continuing Education Hours (CEHs) during the twenty-four (24) month period prior to the license expiration date. Persons/Licensees who have not held a license in Wyoming for a full twenty-four (24) month period shall have acquired a prorated number of CEHs 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 twenty-four (24) CEHs shall be in ~~Health, Safety and Welfare (HSW) subjects acquired in structured educational activities or acquired in individual planned educational activities.~~

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

(c) CEHs earned in excess of the twenty-four (24) required for renewal may not be carried forward to apply towards the next renewal period.

Section 32. Health, Safety and Welfare (HSW) Subjects. HSW subjects include ~~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 CEH credit, the course must be a structured educational activity meeting the following criteria:

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

(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; and

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

(c) HSW subject content acceptable for ~~landscape architectural~~ CEH 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; and

~~(xii)~~ Accessibility;

~~(xiii) Irrigation system design; or~~

~~_____ (xiv) Grading and drainage.~~

(d) Additional HSW subject content acceptable for landscape architectural CEH includes the following:

_____ (i) Planning, engineering, horticulture, construction contracting, and related disciplines;

_____ (ii) Irrigation system design; and

_____ (iii) Grading and drainage.

(e)(d) Additional HSW subject content acceptable for architectural CEH includes the following:

~~_____ (i) Codes, laws and regulations.~~

~~_____ (ii) Environmental issues.~~

~~_____ (iii) Programming, planning or design proficiency.~~

(i)(iv) Planning, engineering, interior design, construction contracting, and related disciplines; and

~~_____ (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; or~~

(ii)(xiii) Building system evaluation and selection.

Section 43. Continuing Education Hour (CEH). -One (1) CEH, ~~consist~~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. -CEHs will be awarded only for that portion of the activity ~~that~~which meets the definition of a HSW subject.

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

(i) Subjects for design professionals ~~sponsored~~offered by organizations such as CLARB, NCARB, AIA, and ASLA, etc. ~~CEHs 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 (1) Semester credit hour may be counted for a maximum of fifteen (15) CEHs. -One (1) Quarter credit hour may be counted for a maximum of ten (10) CEHs.

~~_____ (iv) In-house programs.~~

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

~~_____ (vi) Participation in architecture or landscape architecture-related 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 ~~are~~have been deemed by the Board to be unacceptable CEH activities:

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

(ii) Rendering pro bono services;:- and

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

Section 54. Reporting and Recordkeeping.

(a) CEHs 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 ~~that 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/or speaker name;
- (vii) Monitor signature;
- (viii) Number of CEHs; and
- (ix) A declaration that the CEHs are considered HSW~~health, safety and~~

welfare.

(d) The licensee shall maintain evidence of CEH compliance for at least two (2) years after the renewal period in which the course was applied~~submission of the form to which it relates.~~

Section 65. Reciprocity. A licensee who holds a current license in good standing in another jurisdiction may verify compliance with Wyoming's CEH 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 twenty-four (24) CEHs 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 76. Exemptions.

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

~~(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 twelve (12) CEHs 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 twelve (12) CEHs 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 87. Audits. -CEHs 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 CEHs, then the licensee shall have one hundred twenty (120) days from notice of such disallowance to:

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

(ii) Provide documentation of having acquired additional CEHs during the required time frame, or

(iii) Cure the disallowance by acquiring the required number of CEHs.

(A) Any CEH 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 CEHs, the licensee shall be subject to disciplinary action.

Section 9. 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 twenty-four (24) CEH's in HSW courses within the twenty-four (24) months immediately preceding the date the complete application for reissuance was received by the Board.

Section 10. Retired Status. In order to be eligible for retired status, the Wyoming licensee shall:

(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.

Section 11. 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

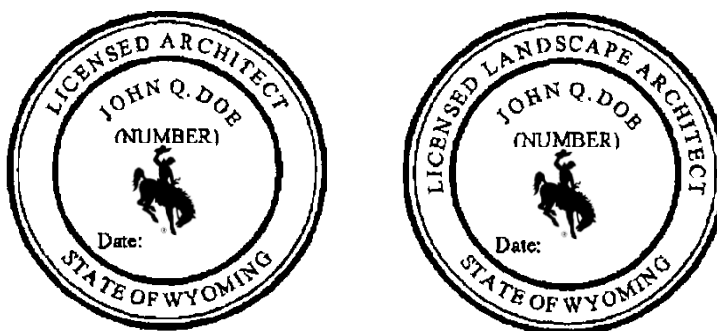
(b) Verification that the licensee has completed twenty-four (24) CEH's in HSW courses within the twenty-four (24) months immediately preceding the date the complete application for reactivation was received by the Board.

CHAPTER 9

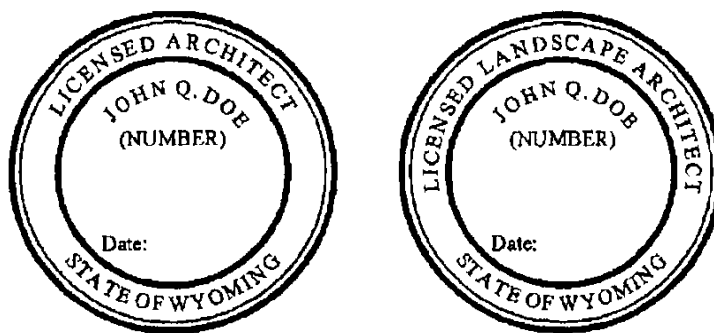
SEAL SPECIFICATIONS AND USE

Section 1. Design of the Seal.

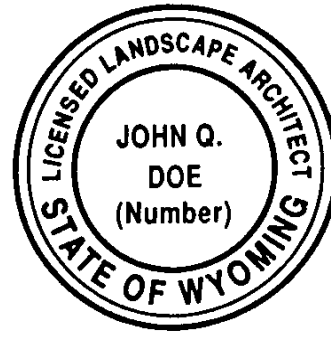
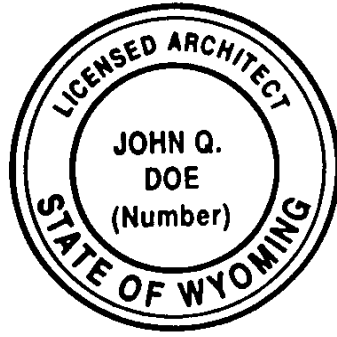
(a) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter. -It shall contain the name of the licensed architect or landscape architect; his/ or her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED 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~~the technical submission was prepared by or under the responsible control of the individual named on ~~said~~the seal only if the seal has been signed and dated.

CHAPTER 10

PROFESSIONAL CONDUCT AND GROUNDS FOR ACTION

Section 1. Grounds. In addition to the acts enumerated in Wyoming Statute 33-4-115, any violation of the rules of professional conduct in this Chapter ~~and/or~~ any violation of the incorporated codes of conduct and codes of professional ethics are grounds for discipline as allowed in this Act.

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.~~

(a) In addition to the conduct outlined below, architects shall adhere to the NCARB Rules of Conduct and landscape architects shall adhere to ASLA Code of Professional Ethics as adopted by reference in Chapter 1.

(b)(e) 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 ~~that which~~ are ordinarily applied by licensed architects or landscape architects of good standing, practicing in the same locality.

(ii) In designing a project, a ~~licensee~~ licensed architect or landscape architect shall take into account all applicable state and municipal building laws and regulations. ~~While a licensee~~ licensed architect or 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 ~~licensee~~ licensed architect or landscape architect shall not knowingly design a project in violation of such laws and regulations.

(iii) A ~~licensee~~ licensed architect or landscape architect shall undertake to perform professional services only when he ~~or~~ she, together with those whom the ~~licensee~~ 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.~~

~~(c)(d)~~ Conflict of Interest.

(i) A ~~licensee~~ licensed architect or landscape architect shall not accept compensation for his or /her services from more than one (1) 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. The disclosure and agreement shall be in writing.

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

(iii) A ~~licensee~~ 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 ~~licensee~~ licensed architect or landscape architect shall render decisions impartially, favoring neither party to the contract.

(v) A ~~licensee~~ 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.

~~(d)(e)~~ Full Disclosure.

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

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

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

(A) ~~R~~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) ~~R~~Refuse to consent to the decision; and

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

(iv) A ~~licensee~~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 or /her application for licensure or renewal thereof.

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

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

~~(e)~~(f) Compliance with Laws.

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

(ii) A ~~licensee~~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 ~~licensee~~licensed architect or landscape architect is interested.

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

~~(f)~~(g) Professional Conduct.

(i) ~~An architect or landscape architect licensee shall prefer the client's interest over the licensee's 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.~~

~~—————(ii) A licensee shall not sign or seal drawings, specifications, reports, or other professional work that were not prepared under his or her responsible control. When the licensee uses a licensed consultant or licensed employee, the licensee may sign or seal those portions of the professional work if the licensee has reviewed and coordinated their preparation.~~

~~(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.~~

~~(iii)(iv) A licensee 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 licensee licensed architect or landscape architect is interested.~~

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

CHAPTER 11

PRACTICE AND PROCEDURES FOR APPLICATION, LICENSURE, AND DISCIPLINARY MATTERS 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 12. Statement of 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. These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Alleged violations of the Act or the Board Rules; or
 - (ii) Actions relating to an application for a licensure including granting or denying.
- (b) Determine and administer appropriate disciplinary action against licensee.

Section 23. Application Review and Investigation Process.

(a) Application Review. Every application for a license or permit issued by the Board shall be subject to investigation by the ARC to determine whether the requirements set forth in the Act and Board Rules are satisfied.

- (b) ARC Action. The ARC may recommend:
 - (i) A license or permit be issued or renewed;
 - (ii) A license be issued, renewed, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;
 - (iii) A settlement agreement, which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand, or a combination thereof; or
 - (iv) Denial of the application.

_____ (c) _____ Notice of Intent. The ARC shall notify the applicant of its intent to recommend approval subject to conditions, restrictions, other disciplinary action, or denial. Such notification shall contain:

_____ (i) _____ A brief description of the facts or conduct that warrant the approval subject to conditions, restrictions, other disciplinary action, or denial of licensure;

_____ (ii) _____ A statement of the nature of the actions which warrant the approval subject to conditions, restrictions, other disciplinary action, or denial, the facts upon which the action is based, the specific statutory provisions or the specific Board Rules involved; and

_____ (iii) _____ Notice of the right to a hearing if a written request is received in the Board Office within thirty (30) days of the date of mailing the notice of intent.

_____ (d) _____ Applicant's Request for Hearing. If the ARC recommends approval subject to conditions, restrictions, other disciplinary action, or denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

~~_____ (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 and Assistant Attorney General 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 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 applicant has the burden of proving that he/she meets all requirements for the license requested.~~

~~_____ (e) The ARC may attend hearings, but shall not take part in the consideration of any contested case.~~

Section 34. Complaints Review and Disciplinary Investigation Process.

~~_____ (a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by an IC.~~

~~_____ (b) Investigative Committee Action. The IC may recommend:~~

~~_____ (i) Dismissal of a complaint;~~

~~_____ (ii) Issuance of an advisory letter;~~

~~_____ (iii) A settlement agreement, which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand, or other discipline;~~

~~_____ (iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or~~

~~_____ (v) Summary suspension.~~

~~_____ (a) A disciplinary review is initiated against a license holder 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 Board staff member. 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 4. Summary Suspension.

_____ (a) Recommendation. If the IC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the public health, safety, or welfare imperatively requires emergency action.

_____ (b) Notice of Intent to Recommend Summary Suspension.

_____ (i) The IC shall notify the licensee of its intent to recommend summary suspension;

_____ (ii) The Notice of Intent shall contain:

_____ (A) Copy of the complaint; and

_____ (B) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled;

_____ (c) Notice of Expedited Proceeding. Upon confirmation of the date and time of the expedited proceeding, the IC shall notify the licensee in writing of the date and time of the proceeding.

_____ (d) Scope of Expedited Proceeding. The scope of the expedited summary suspension proceeding shall be limited to a presentation of the evidence the IC believes warrants summary suspension. The board shall order summary suspension if it concludes probable cause exists that the charges, if proven, would imperatively require emergency action to protect the public health, safety, or welfare. The board shall incorporate a finding to that effect in its order granting summary suspension.

_____ (e) Expiration of Summary Suspension. Licenses summarily suspended under this section shall automatically reinstate within ninety (90) days of the order granting summary suspension unless the IC files a formal petition and complaint seeking disciplinary action against

a license. The filing of a formal petition and complaint shall continue the summary suspension until the resolution of the petition and complaint.

~~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. 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 5. Petition and Complaint and Notice of Hearing.

(a) Petition and Complaint. Formal proceedings for disciplinary action against a licensee shall be commenced by serving a petition and complaint and notice of hearing by certified or regular mail at least thirty (30) days prior to the date set for hearing.

(b) Notice of Hearing. The notice of hearing shall contain:

(i) The name and last known address of the licensee;

(ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the Board, the facts upon which the complaint is based, the specific statutory provisions, and the specific Board Rules that the licensee is alleged to have violated;

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

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition and complaint within twenty (20) days of its receipt may result in a default judgment.

Section 6. Investigations and Board Action.

~~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.~~

~~(a) 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.~~

- ~~_____ (b) 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.~~

- ~~_____ (c) 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.~~

- ~~_____ (d) The Board may resolve a complaint at any time by:~~
 - ~~_____ (i) Accepting a voluntary surrender of a license;~~
 - ~~_____ (ii) Accepting conditional terms for settlement;~~
 - ~~_____ (iii) Dismissal.~~

Section 6. Lawful Service. There shall be a presumption of lawful service of a petition and complaint, notice of hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by certified mail, regular mail, or electronic mail to the e-mail address indicated to be the preferred method of communication.

~~_____ **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 Prerequisites.** 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 license holder;~~
- ~~_____ (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 license holder 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 license holder will be in default.~~

Section 79. Dismissal or Default.

~~_____ (a) _____ The Board may enter an order of dismissal based on the allegations contained in the recommendation to deny in any case where the applicant or the applicant's representative has not appeared at a noticed hearing or pursued proceedings.~~

~~_____ (b) _____ The Board may enter an order of default judgment based on the allegations contained in the petition and complaint in any case where the licensee or the licensee's representative has not answered responded nor appeared at a scheduled noticed 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 810. Contested Case Hearings. ~~The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings' rules concerning contested case proceedings as referenced in Chapter 1.~~

~~_____ (b) _____ At the Board's discretion, contested case hearings shall either be conducted in the presence of a quorum of Board Members or a committee of one (1) or more Board Members.~~

~~_____ (c) _____ During the formal contested case hearing, Board Members may ask questions of the witnesses and/or the parties including their attorneys.~~

~~_____ (d) _____ A court reporter shall be present during the hearing and report the entire proceeding.~~

Section 911. Board Decisions and Order.

- (a) Board Action. The Board may resolve a complaint by:
- (i) Approving the recommendations of the IC or ARC;
 - (ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:
 - (A) Dismiss the complaint due to lack of clear and convincing evidence;
 - (B) Issue, renew, relicense, or reinstate a license;
 - (C) Issue an advisory letter;
 - (D) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;
 - (E) Impose discipline by revocation, suspension, reprimand, restrictions, conditions, non-renewal, or a combination thereof, for a violation of any provision of the Act or the Board Rules; or
 - (F) Deny a license, renewal, reactivation, or reinstatement.
- (b) Board Order. The Board shall issue a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

~~(a) Proposed Decisions:~~

~~(i) At the discretion and direction of the hearing officer, 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 or the Assistant Attorney General assigned to advise the Board shall prepare proposed findings of fact, conclusions of law, and order following deliberations by the Board or its committee.~~

~~(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 1012. 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.~~

(a) Appeals from decisions of the Board are governed by the WAPA and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

~~**Section 13. 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.~~

CHAPTER 12

FEES

Section 1. 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:

(i) License Application

<u>(A) By Examination</u>	<u>No fee</u>
<u>(B) By NCARB or CLARB Reciprocity</u>	<u>\$175.00</u>
<u>(C) By State Reciprocity</u>	<u>\$300.00</u>
<u>(D) Reissuance of an expired license</u>	<u>\$375.00</u>
<u>(E) Reactivation of a retired license</u>	<u>\$375.00</u>
<u>(ii) Paper License Renewal</u>	<u>\$150.00</u>
<u>(iii) Online License Renewal</u>	<u>\$125.00</u>
<u>(iv) Retired Status License Renewal</u>	<u>No fee</u>
<u>(v) Duplicate Wall Certificates</u>	<u>\$25.00 each</u>
<u>(vi) Non-sufficient funds fee in accordance with W.S. 1-1-115.</u>	<u>\$30.00</u>