



Notice of Intent to Adopt Rules

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

Revised June 2020

<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. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> 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.			
<u>2. Legislative Enactment</u> For purposes of this Section 2, "new" only applies to regular non-emergency 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 non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<u>3. Rule Type and Information</u> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
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 Repealed	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 Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			



Additional Rule Information

Revised June 2020

Include this page only if needed.

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. Program		
Amended Program Name (if applicable):		

2. Rule Type and Information, Cont.

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
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
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
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Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		

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/revoked 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. The Agency has completed a takings assessment as required by 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: _____

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>	

STATEMENT OF PRINCIPAL REASONS
FOR ADOPTION OF REGULAR RULES

The Wyoming Board of Architects and Landscape Architects is amending their Rules in order to add authority sections to each chapter, update the disciplinary process to better match other licensing boards, clarify repetitive language, and remove unnecessary provisions.

Chapter 1: General Provisions

- Section 1:
 - Updated the Authority section to cite the specific statutory section and WAPA.
- Section 2:
 - Updated program administrator name for the Educational Evaluation Services for Architects from the Educational Credential Evaluators, Inc. to the National Architectural Accrediting Board.
 - Abbreviated Wyoming Statute to W.S. under the definition of WAPA.
- Section 5:
 - Updated the adopted NCARB Rules of Conduct from the July 2014 edition to the July 2018 edition.

Chapter 3: Licensure Requirements

- New Section 1:
 - Added authority section to clarify the Board’s authority to create rules related to application and licensure procedures. Renumbered chapter sections accordingly.
- New Section 2:
 - Abbreviated Wyoming Statute to W.S.
 - Changed language for applicant requirements from “must” to “shall” to be consistent with this and other board requirement language
- New Section 3:
 - Removed extra space in W. S. to W.S.
 - Changed language for applicant requirements from “must” to “shall” to be consistent with this and other board requirement language
- New Section 4:
 - Removed requirement for a color photograph. This was initially required when the Board proctored national examination sections. National exams are now handled solely by the national organizations and photos are no longer necessary.
 - Renumbered section 4(a)(ii) and (iii) accordingly since (i) was stricken.
 - Changed “legal” presence to “lawful” presence to comply with phrasing used federally and by other boards
 - Remove requirement for letters of reference. It has been discussed that Boards should not deny licensure based on negative references and the Board elected to remove the requirement if it no longer serves a licensing purpose.
- New Section 6:
 - Restated text in (c) to be clearer.
- New Section 7:

- Removed a sentence regarding the Board’s ability to deny licensure if someone gained licensure in another state in error. The Board has the ability to deny if Wyoming’s requirements are not met and this sentence is unnecessary.
- New Section 11:
 - Added new section on reinstatement. This will require someone whose license has been restricted by the Board to demonstrate compliance with that disciplinary order and provide evidence that they can safely practice following the disciplinary action.

Chapter 8: Renewal and Continuing Licensure

- New Section 1:
 - Added authority section to clarify the Board’s authority to create rules related to continuing licensure. Renumbered chapter sections accordingly.
- New Section 4:
 - More clearly defined HSW subjects and provided content categories within. These categories align with what is tested nationally for architecture licensing.

Chapter 9: Seal Specifications and Use

- New Section 1:
 - Added authority section to clarify the Board’s authority to create rules related to the adoption of a professional seal. Renumbered chapter sections accordingly.

Chapter 10: Professional Conduct and Grounds for Action

- New Section 1:
 - Added authority section to clarify the Board’s authority to create rules related to the standards of practice. Renumbered chapter sections accordingly.
- New Section 2:
 - Abbreviated Wyoming Statute to W.S.

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

- New Section 1:
 - Added authority section to clarify the Board’s authority to create rules related to the discipline. Renumbered chapter sections accordingly.
- New Section 3:
 - Clarified Application Review portion by moving down existing text and added text that any application that merits additional information will be assigned to an Application Review Committee (ARC).
 - Removed “permit” as this Board does not issue any permits.
 - Added reissued, reactivated, and reinstated to encompass all application titles for ARC recommendations.
 - Fixed wording by adding “approval of” a settlement agreement.
 - Separated ARC recommendation within Notice of Intent.
 - Clarified and added to what the Notice of Intent shall contain.
 - Removed Applicant’s Request for Hearing and added Applicant’s response to Notice of Intent to better describe applicant options.

- Added Applicant's Failure to Respond to Notice of Intent to make clear that applications may be dismissed in these matters. This allows the Board to clear a pending docket without taking every failure to respond to a hearing.
- New Section 4:
 - Added section to allow licensees to request modification of certain conditions or restrictions imposed upon their license. This clarifies what is expected of the licensee (evidence of compliance) and what process the investigator must follow (file motion with Board or deny). This also clarifies what the Board may consider if such a request is made.
- New Section 5:
 - Clarified the advisory letter recommendation is part of a complaint dismissal.
 - Fixed wording by adding "approval of" a settlement agreement.
 - Added new option for investigator recommendations to include approval of a voluntary surrender.
- New Section 6:
 - Reworded Recommendation portion to be clearer
 - In Scope of Expedited Proceeding, added licensee ability to present information and clarified probable cause exists based on allegations, not charges.
 - Removed Expiration of Summary Suspension in the event emergency circumstances require additional time to complete the investigation.
- New Section 7:
 - Added section on voluntary surrender. This allows a licensee to request voluntary surrender of a license in lieu of discipline, requires the Board to consider this petition at their earliest convenience, allows the Board to consider if the licensee is under investigation, and allows the Board to approve or deny this petition.
- New Section 8:
 - Added formal proceedings for disciplinary action.
 - Clarifies what the Notice of Intent for disciplinary action shall contain.
- Old Section 5
 - Removed as New Sections 9 and 10 better clarify both the Petition and Notice of Hearing processes.
- New Section 9:
 - Added new Petition section which specifies such notice will be sent to the licensee's last known address.
 - Adds that failure for a licensee to respond to the Petition with twenty (20) days may result in default judgement.
- New Section 10:
 - Added Notice of Hearing Section which requires notice to an applicant or licensee thirty (30) days prior to a hearing.
 - Adds additional requirements for Notice of Hearing content.
- New Section 11:
 - Removes additional language regarding mail methods for lawful service. Documents with specific service requirements are listed within their appropriate sections.
- New Section 12:
 - Clarified dismissal and default language to be clearer and more easily understood.

- New Section 14:
 - Added new Burden and Standard of Proof section.
 - Clarifies burden and standard of proof in application matters, disciplinary matters, and petition for modification matters.
- New Section 15:
 - Made section title Board Decision and Order instead of Board Decisions and Order.
 - Added Ruling in favor of a party on a dispositive motion as Board resolution.
 - Reorganized and clarified dismissal and disciplinary resolutions.
 - Changed attorneys to representatives.
 - Removed requirement to send Board order via certified mail.

Chapter 12: Fees

- New Section 1:
 - Added authority section to clarify the Board's authority to create rules related to fees. Renumbered chapter sections accordingly.
- New Section 2:
 - Added reinstatement fee to match new application process outlined in Chapter 3, New Section 11. This fee was assessed at the same amount of similar application processes.
 - Removed citation of non-sufficient funds as it is unclear if that explicitly applies to licensing board fees.

CHAPTER 1

GENERAL PROVISIONS

Section 1. Authority. The Board is authorized under Wyoming Statute 33-4-104(a) and the WAPA to promulgate rules and regulations related to the licensure and discipline of architects and landscape architects and the practice of architecture and landscape architecture in 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. The Application Review Committee may be comprised of one (1) or more board members and/or board staff.

(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 the National Architectural Accrediting Board.

(k) “Examination” means the ARE or LARE.

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

(m) “IC” means Investigative Committee. The Investigative Committee may be comprised of one (1) or more board members and/or board staff.

(n) “LAAB” means the Landscape Architectural Accreditation 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, W.S. 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 2018, 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. Authority. The Board is authorized under Wyoming Statute 33-4-104(a), 33-4-105(e), and the WAPA to promulgate rules and regulations related to the application and licensure procedures to practice architecture and landscape architecture in Wyoming.

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

(a) Hold a professional degree in architecture from a NAAB-accredited program, 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 3. 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 shall:

(a) Hold a professional degree in landscape architecture from a LAAB-accredited program, 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) Demonstrate three (3) years 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).

Section 4. 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) The non-refundable application fee; and

(ii) Proof of lawful 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.

Section 5. 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 6. 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) The ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 7. 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.

- (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 8. 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 9. 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 10. 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.

Section 11. Reinstatement.

(a) Eligibility. An applicant may seek to have his or her license reinstated if the applicant's Wyoming license has been revoked, surrendered, suspended, conditioned, or restricted.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order;

(iii) Submit evidence of applicant's ability to safely and competently practice; and

(iv) Submit evidence demonstrating just cause for reinstatement.

CHAPTER 8

RENEWAL AND CONTINUING LICENSURE

Section 1. Authority. The Board is authorized under Wyoming Statute 33-4-107 and the WAPA to promulgate rules and regulations related to the continuing licensure of architects and landscape architects.

Section 2. 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 3. 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 4. Health, Safety and Welfare (HSW) Subjects.

(a) HSW subjects include technical and professional subjects related to the practice of architecture or landscape architecture that the Board deems appropriate to safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, and construction of architecture and landscape architecture projects:

(i) **Practice Management:** This category focuses on areas related to the management of architectural and landscape architectural practice and the details of running a business.

(ii) **Project Management:** This category focuses on areas related to the management of architectural and landscape architectural projects through execution.

(iii) **Programming and Analysis:** This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

(iv) **Project Planning and Design:** This category focuses on areas related to the preliminary design of sites and buildings.

(v) Project Development and Documentation: For the purpose of architecture, this category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project. For the purpose of landscape architecture, this category focuses on areas related to the integration and documentation of site development, material selection, and material assemblies into a project.

(vi) Construction and Evaluation: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

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

(c) 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.

(d) 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.

(e) 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.

(f) 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 5. 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 6. 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 7. 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 8. Exemptions. A licensee shall not be subject to the requirement for CEHs during the current renewal period if:

- (a) 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;
- (b) The licensee was initially issued their Wyoming license by examination within the twenty-four (24) months immediately preceding the license expiration date; or
- (c) The licensee requests and remains in retired status.

Section 9. 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;
 - (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 10. 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 11. 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 12. 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.

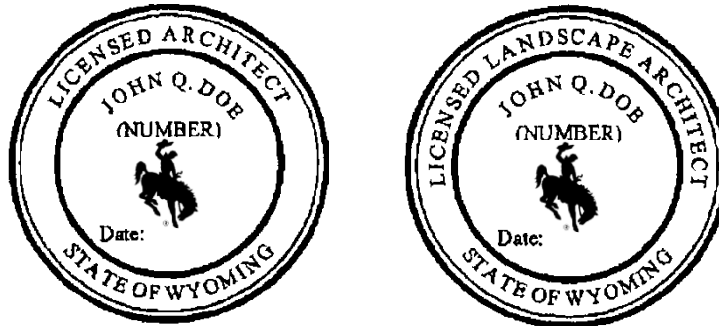
CHAPTER 9

SEAL SPECIFICATIONS AND USE

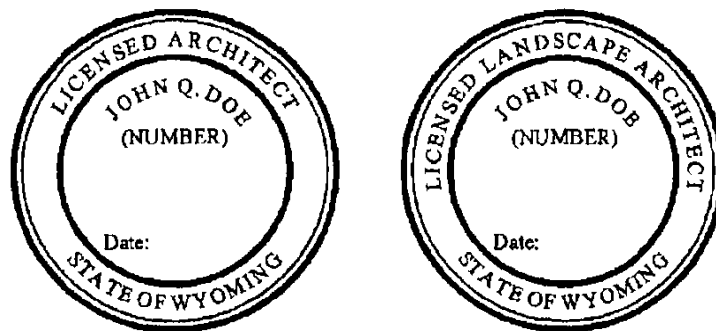
Section 1. Authority. The Board is authorized under Wyoming Statute 33-4-104(a) and the WAPA to promulgate rules and regulations related to the adoption of a seal.

Section 2. Design of the Seal.

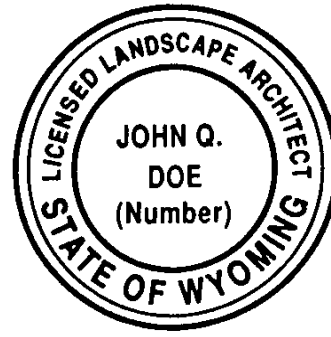
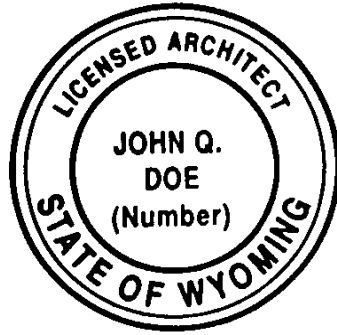
(a) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his or her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED 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 3. 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. Authority. The Board is authorized under Wyoming Statute 33-4-115 and the WAPA to promulgate rules and regulations related to the standards of the practice of architecture and landscape architecture.

Section 2. Grounds. In addition to the acts enumerated in W.S. 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 3. 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. Authority. The Board is authorized under Wyoming Statute 33-4-115 and the WAPA to promulgate rules and regulations related to the discipline of architects and landscape architects in Wyoming.

Section 2. 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 3. Application Review and Investigation Process.

- (a) Application Review.
 - (i) Every application for a license issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.
 - (ii) If any application, including renewals, reveals any information that merits further investigation, the matter shall be assigned to the ARC.
- (b) ARC Action. The ARC may recommend:
 - (i) A license be issued, reissued, reactivated, reinstated, or renewed;
 - (ii) A license be issued, reissued, reactivated, reinstated, or renewed subject to conditions, restrictions, or other disciplinary action;
 - (iii) Approval of 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:
 - (i) Issuance of a license subject to conditions, restrictions, other disciplinary action; or
 - (ii) Denial of a license.
- (d) The Notice of Intent shall contain:
 - (i) A brief description of the facts or conduct that warrant denial or issuance of a license subject to conditions, restrictions, other disciplinary action;
 - (ii) A statement of the nature of the actions that warrant denial or issuance of a license subject to conditions, restrictions, other disciplinary action and a citation to the applicable statutory provisions or Board Rules involved;
 - (iii) An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and
 - (iv) 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.
- (e) Applicant's Response to Notice of Intent. Within thirty (30) days of the date of the Notice of Intent, the applicant shall submit a written request to the Board office to:
 - (i) Hold a hearing on the ARC's recommendation;
 - (ii) Table consideration of the application; or
 - (iii) Withdraw the application.
- (f) Applicant's Failure to Respond to Notice of Intent. If the applicant fails to timely respond to the Notice of Intent, the Board shall dismiss the application.

Section 4. Petition for Modification of Conditions or Restrictions.

- (a) Petition for Modification of Conditions or Restrictions.
 - (i) A licensee may petition the Board for modification of the conditions or restrictions imposed upon their license.
 - (ii) A licensee shall submit a written petition for modification to the Board office. The petition for modification shall include documentation demonstrating:
 - (A) Compliance with a previously entered Board order;

(B) That the modification is consistent with their treatment plan, if applicable; and

(C) That the modification is sufficient to ensure the public is adequately protected.

(b) Investigative Committee Action. A petition for modification shall be reviewed by the IC.

(i) If the IC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the IC does not agree with the requested modification, the IC shall notify the licensee of its intent to recommend denial of the petition.

(c) Board Consideration.

(i) The Board shall consider the petition, the IC's recommendation, and/or a stipulated motion at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.

Section 5. 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) Dismissal of a complaint with an advisory letter;

(iii) Approval of 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;

(v) Summary suspension; or

(vi) Approval of voluntary surrender.

Section 6. Summary Suspension.

(a) Recommendation. If the IC recommends summary suspension, the Board shall

conduct an expedited proceeding to determine whether the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(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 and any information the licensee may present on his or her behalf. The board shall order summary suspension if it concludes probable cause exists that the allegations, 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.

Section 7. Voluntary Surrender.

(a) A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.

(b) The Board shall consider the petition at its earliest convenience.

(c) The Board may consider whether the licensee is under investigation and may approve or deny the petition.

Section 8. Formal Proceedings for Disciplinary Action.

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The IC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The Notice of Intent shall:

(A) Include a brief description of the facts or conduct that warrants the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing.

Section 9. Petition.

(a) The IC shall initiate formal proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(b) Failure to respond to the Petition within twenty (20) days of the filing with the Board office may result in a default judgment.

Section 10. Notice of Hearing.

(a) Timing of Hearing. Upon receipt of a written request for hearing from an applicant or filing of a Petition, the Board shall conduct a hearing. Board staff shall serve a Notice of Hearing on the applicant or licensee at least thirty (30) days prior to the hearing.

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

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

(ii) A brief statement of the matters asserted:

(A) In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board Rules the applicant is alleged to have violated; or

(B) In disciplinary matters, the nature of the Petition and Complaint, the facts upon which the Petition and Complaint is based, and the statutory provisions or Board Rules 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:

(A) The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(B) The licensee's failure to answer the allegations contained in the Petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 11. Lawful Service. There shall be a presumption of lawful service of a petition, notice of hearing, or any other communication required by these Board Rules if sent to the last known address.

Section 12. Dismissal or Default.

(a) The Board may dismiss an application where the applicant or the applicant's representative has not requested a hearing or appeared at a noticed hearing.

(b) The Board may enter an order of default judgment based on the allegations contained in the Petition in any case where the licensee or the licensee's representative has not answered the Petition and has not appeared at a noticed hearing.

Section 13. 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 14. Burden and Standard of Proof.

(a) Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence, that he or she meets the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence, that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.

(b) Disciplinary Matters. The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Board Rules, or both.

(c) Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.

Section 15. Board Decisions and Order.

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

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

(ii) Ruling in favor of a party on a dispositive motion;

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

(A) Issue, reissue, reactivate, reinstate, or renew a license;

(B) Issue, reissue, reactivate, reinstate, or renew a license with conditions, restrictions, or other disciplinary action;

- (C) Deny a license, reactivation, reinstatement, or renewal;
- (D) Dismiss the complaint or Petition;
- (E) Dismiss the complaint or Petition with an advisory letter; or
- (F) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(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 representatives by regular mail.

Section 16. 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. Authority. The Board is authorized under Wyoming Statute 33-4-107 and the WAPA to establish fees related to the licensure of architects and landscape architects.

Section 2. 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
	(F) Reinstatement	\$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	\$30.00

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. The Board is authorized under Wyoming Statute 33-4-104(a) and the WAPA to promulgate rules and regulations related to the licensure and discipline of architects and landscape architects and the practice of architecture and landscape architecture in 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. The Application Review Committee may be comprised of one (1) or more board members and/or board staff.
- (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 the National Architectural Accrediting Board~~Educational Credential Evaluators, Inc.~~
- (k) "Examination" means the ARE or LARE.
- (l) "HSW" means health, safety, and welfare.
- (m) "IC" means Investigative Committee. The Investigative Committee may be comprised of one (1) or more board members and/or board staff.

- (n) “LAAB” means the Landscape Architectural Accreditation 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~~July 2018, 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. Authority. The Board is authorized under Wyoming Statute 33-4-104(a), 33-4-105(e), and the WAPA to promulgate rules and regulations related to the application and licensure procedures to practice architecture and landscape architecture in Wyoming.

Section 21. 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~~shall:

- (a) Hold a professional degree in architecture from a NAAB-accredited program, 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 32. 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~~shall:

- (a) Hold a professional degree in landscape architecture from a LAAB-accredited program, 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) Demonstrate three (3) years 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).

Section 43. 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;~~
 - ~~(i)(ii)~~ The non-refundable application fee; and
 - ~~(ii)(iii)~~ Proof of lawful 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 54. 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 65. 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~~The ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 76. 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 87. 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 98. 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 109. 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.

Section 11. Reinstatement.

(a) Eligibility. An applicant may seek to have his or her license reinstated if the applicant's Wyoming license has been revoked, surrendered, suspended, conditioned, or restricted.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order;

 (iii) Submit evidence of applicant's ability to safely and competently practice;
and

 (iv) Submit evidence demonstrating just cause for reinstatement.

CHAPTER 8

RENEWAL AND CONTINUING LICENSURE

Section 1. Authority. The Board is authorized under Wyoming Statute 33-4-107 and the WAPA to promulgate rules and regulations related to the continuing licensure of architects and landscape architects.

Section 21. 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 32. 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 43. 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) HSW subjects include technical and professional subjects related to the practice of architecture or landscape architecture that the Board deems appropriate to safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, and construction of architecture and landscape architecture projects:

(i) Practice Management: This category focuses on areas related to the management of architectural and landscape architectural practice and the details of running a business.

(ii) Project Management: This category focuses on areas related to the management of architectural and landscape architectural projects through execution.

(iii) Programming and Analysis: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

(iv) Project Planning and Design: This category focuses on areas related to the preliminary design of sites and buildings.

(v) Project Development and Documentation: For the purpose of architecture, this category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project. For the purpose of landscape architecture, this category focuses on areas related to the integration and documentation of site development, material selection, and material assemblies into a project.

(vi) Construction and Evaluation: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

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

~~(c)(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.

~~(d)(e)~~ 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.

~~(e)(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.

~~(f)(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 54. 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 65. 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 76. 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 87. Exemptions. A licensee shall not be subject to the requirement for CEHs during the current renewal period if:

- (a) 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;
- (b) The licensee was initially issued their Wyoming license by examination within the twenty-four (24) months immediately preceding the license expiration date; or
- (c) The licensee requests and remains in retired status.

Section 98. 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;
 - (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 109. 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 1140. 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 1244. 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.

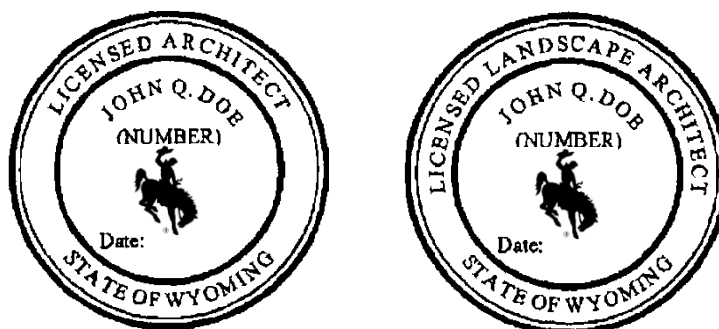
CHAPTER 9

SEAL SPECIFICATIONS AND USE

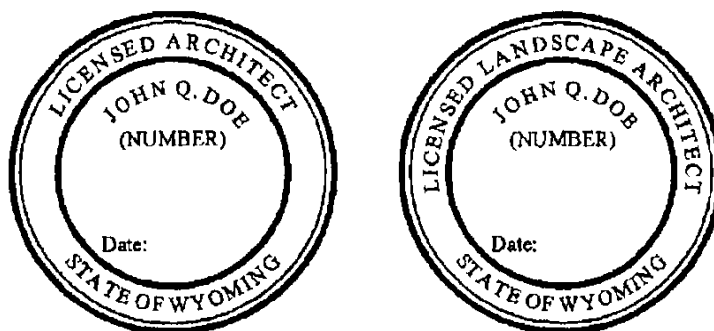
Section 1. Authority. The Board is authorized under Wyoming Statute 33-4-104(a) and the WAPA to promulgate rules and regulations related to the adoption of a seal.

Section 24. Design of the Seal.

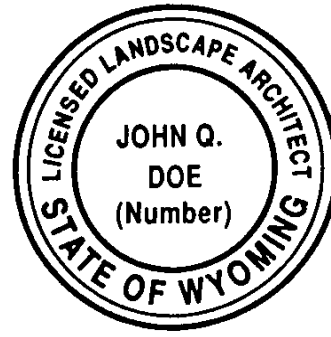
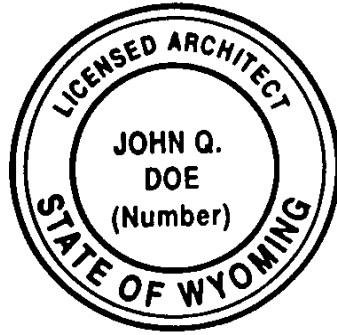
(a) Each licensed architect and landscape architect's seal shall be no less than 1½" and no more than 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his or her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED 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 32. 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. **Authority.** The Board is authorized under Wyoming Statute 33-4-115 and the WAPA to promulgate rules and regulations related to the standards of the practice of architecture and landscape architecture.

Section 21. **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 32. **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. Authority. The Board is authorized under Wyoming Statute 33-4-115 and the WAPA to promulgate rules and regulations related to the discipline of architects and landscape architects in Wyoming.

Section 24. 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 32. 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.~~

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

(ii) If any application, including renewals, reveals any information that merits further investigation, the matter shall be assigned to the ARC.

- (b) ARC Action. The ARC may recommend:
 - (i) A license ~~or permit~~ be issued, reissued, reactivated, reinstated, or renewed;
 - (ii) A license be issued, reissued, reactivated, reinstated, or renewed; ~~relicensed, or reinstated~~ subject to conditions, restrictions, or other disciplinary action;
 - (iii) Approval of 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.~~

~~_____ (i) Issuance of a license subject to conditions, restrictions, other disciplinary action; or~~

~~_____ (ii) Denial of a license.~~

~~_____ (d) The Notice of Intent shall contain:~~

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

~~_____ (ii) A statement of the nature of the actions that warrant denial or issuance of a license subject to conditions, restrictions, other disciplinary action and a citation to the applicable statutory provisions or Board Rules involved;~~

~~_____ (iii) An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and~~

~~_____ (iv) 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.~~

~~_____ (e) Applicant's Response to Notice of Intent. Within thirty (30) days of the date of the Notice of Intent, the applicant shall submit a written request to the Board office to:~~

~~_____ (i) Hold a hearing on the ARC's recommendation;~~

(ii) Table consideration of the application; or

(iii) Withdraw the application.

(f) Applicant's Failure to Respond to Notice of Intent. If the applicant fails to timely respond to the Notice of Intent, the Board shall dismiss the application.

Section 4. Petition for Modification of Conditions or Restrictions.

(a) Petition for Modification of Conditions or Restrictions.

(i) A licensee may petition the Board for modification of the conditions or restrictions imposed upon their license.

(ii) A licensee shall submit a written petition for modification to the Board office. The petition for modification shall include documentation demonstrating:

(A) Compliance with a previously entered Board order;

(B) That the modification is consistent with their treatment plan, if applicable; and

(C) That the modification is sufficient to ensure the public is adequately protected.

(b) Investigative Committee Action. A petition for modification shall be reviewed by the IC.

(i) If the IC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the IC does not agree with the requested modification, the IC shall notify the licensee of its intent to recommend denial of the petition.

(c) Board Consideration.

(i) The Board shall consider the petition, the IC's recommendation, and/or a stipulated motion at its earliest convenience.

(ii) The Board may approve or deny the petition for modification.

Section 53. 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) Dismissal of a complaint with an~~Issuance of an~~ advisory letter;
 - (iii) Approval of a~~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;~~;~~ or
 - (vi) Approval of voluntary surrender.

Section ~~6~~4. Summary Suspension.

(a) Recommendation. If the IC recommends summary suspension, the Board shall conduct an expedited proceeding to determine whether the licensee's continued practice imperatively requires emergency action to protect 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 and any information the licensee may present on his or her behalf. The board shall order summary suspension if it concludes probable cause exists that the allegations~~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 7. Voluntary Surrender.

~~_____ (a) A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.~~

~~_____ (b) The Board shall consider the petition at its earliest convenience.~~

~~_____ (c) The Board may consider whether the licensee is under investigation and may approve or deny the petition.~~

Section 8. Formal Proceedings for Disciplinary Action.

~~_____ (a) Notice of Intent to Recommend Disciplinary Action.~~

~~_____ (i) The IC shall notify the licensee of its intent to recommend disciplinary action.~~

~~_____ (ii) The Notice of Intent shall:~~

~~_____ (A) Include a brief description of the facts or conduct that warrants the intended action; and~~

~~_____ (B) Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing.~~

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 9. Petition.

(a) The IC shall initiate formal proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(b) Failure to respond to the Petition within twenty (20) days of the filing with the Board office may result in a default judgment.

Section 10. Notice of Hearing.

(a) Timing of Hearing. Upon receipt of a written request for hearing from an applicant or filing of a Petition, the Board shall conduct a hearing. Board staff shall serve a Notice of Hearing on the applicant or licensee at least thirty (30) days prior to the hearing.

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

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

(ii) A brief statement of the matters asserted:

(A) In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board Rules the applicant is alleged to have violated; or

(B) In disciplinary matters, the nature of the Petition and Complaint, the facts upon which the Petition and Complaint is based, and the statutory provisions or Board Rules 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:

(A) The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(B) The licensee's failure to answer the allegations contained in the Petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 116. 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 127. Dismissal or Default.

(a) The Board may dismiss an application ~~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 requested a ~~appeared at a noticed hearing or appeared at a noticed hearing~~ pursued proceedings.

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

Section 138. 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 14. Burden and Standard of Proof.

(a) Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence, that he or she meets the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence, that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.

(b) Disciplinary Matters. The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Board Rules, or both.

(c) Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.

Section 159. Board Decisions and Order.

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

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

(ii) Ruling in favor of a party on a dispositive motion;

~~(iii)~~(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;~~

~~(A)(B) Issue, reissue, reactivate, reinstate, or renew, relicense, or reinstate~~
a license;

~~(B)(C) Issue, reissue, reactivate, reinstate, or renew a license with~~
conditions, restrictions, or other disciplinary action;

~~(C) Deny a license, reactivation, reinstatement, or renewal;~~

~~(D) Dismiss the complaint or Petition;~~

~~(E) Dismiss the complaint or Petition with an advisory letter; or~~

~~(F) Impose a reprimand, conditions, restrictions, suspension,~~
revocation, other discipline, or a combination thereof.

~~(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 representatives~~attorneys~~ by ~~certified~~ or regular mail.

Section ~~1610~~. 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. Authority. The Board is authorized under Wyoming Statute 33-4-107 and the WAPA to establish fees related to the licensure of architects and landscape architects.

Section 21. 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
(F) Reinstatement	\$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