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4703-3-07

Code of conduct.

Preamble.

In order to safeguard the health, safety and welfare of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the profession of architecture, the following rules of professional conduct, promulgated in accordance with Chapter 4703. of the Revised Code, shall be binding upon every person holding a certificate of qualification as a registered architect.

The registered architect, who holds a certificate of qualification from the architects board, is charged with having knowledge of the existence of the reasonable rules and regulations hereinafter provided for his or her professional conduct as a registered architect, and also shall be deemed to be familiar with their several provisions and to understand them.

Such knowledge shall encompass the understanding that the practice of architecture, is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written responses to the board or its representatives on matters pertaining to professional conduct.

(A) Competence

- (1) In practicing architecture, a registered architect shall act with reasonable care and competence and shall apply the knowledge and skill which is ordinarily applied by registered architects of good standing, practicing in the same locality.
- (2) In designing a project a registered architect shall take into account applicable state and municipal building laws and regulations. While a registered architect may rely on the advice of other professions (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registered architect shall not knowingly design a project in violation of such laws and regulations.
- (3) A registered architect shall undertake to perform professional services only when he or she, together with those whom the registered architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.
- (4) No individual shall be permitted to practice architecture if, in the board's judgment, such individuals' professional competence is substantially impaired by physical or mental disabilities.

(B) Conflict of interest

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- (1) A registered architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.
- (2) If a registered architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the registered architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the registered architect will either terminate such association or interest or offer to give up the commission or employment.
- (3) A registered architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- (4) When acting as the interpreter of building contract documents and the judge of contract performance, a registered architect shall render decisions impartially, favoring neither party to the contract.

(C) Full disclosure

- (1) A registered architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statements.
- (2) A registered architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- (3) If, in the course of his or her work on a project, a registered architect becomes aware of a decision taken by his or her employer or client, against the registered architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the registered architect's judgment, materially affect adversely the safety to the public of the finished project, the registered architect shall in writing:
 - (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;

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(b) Refuse to consent to the decision and;

(c) In circumstances where the registered architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his or her services with reference to the project.

In the case of a termination in accordance with paragraph (C)(3)(c) of this rule, the registered architect shall have no liability to his or her client on account of such termination.

(4) A registered architect shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with his or her application for registration or renewal thereof or otherwise lawfully requested by the board.

(5) A registered architect shall not assist the application for registration of a person known by the registered architect to be unqualified in respect to education, training, experience, or character.

(6) A registered architect possessing knowledge of a violation of these rules by another registered architect shall report such knowledge to the board.

(7) If a registered architect is found guilty of a felony in any jurisdiction or has been disciplined by another jurisdiction, during the current renewal period, the registered architect shall notify the board in writing within sixty days.

Disciplinary action includes, but is not limited to, reprimands, fines, probation, suspension, supervised practice, revocation, surrender, cease and desist or consent orders, settlement agreements or stipulations.

(8) If a registered architect is registered with the "Ohio Civil Child Sexual Abuse Registry" pursuant to Chapter 3797. of the Revised Code, the registered architect shall notify the board in writing within sixty days.

(D) Compliance with laws.

(1) A registered architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

(2) A registered architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of

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influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

- (3) A registered architect shall comply with the registration laws and regulations governing his or her professional practice in any lawful jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which led to disciplinary action in this jurisdiction, the architect was disciplined in any other lawful jurisdiction.
- (4) A registered architect shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination.
- (5) Each registered architect shall cooperate with the board in its investigation of complaints or possible violations of Chapter 4703. of the Revised Code. This cooperation shall include responding to written communications from the board, providing information or documents requested within thirty days of the date on which the communication was mailed, and appearing before the board or its designee upon request.
- (6) An architect or architecture firm shall comply with all terms, stipulations and orders of any official judgment or decree rendered against them by a court of justice as it relates to the performance of professional architecture services and the generally accepted business practices in the practice of architecture.

(E) Professional conduct.

- (1) An architect shall not sign or seal drawings, specifications, reports, or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.
- (2) A registered architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project which the architect is interested.

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- (3) A architect shall not engage in conduct involving fraud.
- (4) An architect shall not make misleading, deceptive or false statements or claims.
- (5) Each architect shall keep a true and correct record of all business transactions including but not limited to contracts, invoices for architectural services, employment records, and tax records relevant to enforcement of Chapter 4703. of the Revised Code. Such records shall be made available at all reasonable hours for inspection and copying or upon written request by the board.
- (6) The “Intern Development Program” supervisor shall not fail to respond to a request to verify experience hours reported to the “National Council of Architectural Registration Board’s Intern Development Program” when requested by a subordinate, associate, or intern who is, or has been, supervised by the “Intern Development Program” supervisor.