

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 240

10/19 agency requested to send authorizing resolution, SR and signed St. Compliance
10/20 all rec'd

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-9
DATE FOR REVIEW ~~10-19~~ 10/19
DATE DUE 10-23

Adopted w/a hearing
Adopted w/o a hearing X
Temporary rule

Approved ~~11/24~~ Disapproved 10/23 Returned to Agency

Resubmitted 11/13 Due 11/23
Approved 11/24 Disapproved Returned to Agency 11-24

Date filed w/Secretary of State 11/24 Revisor approved
disapproved

- -

✓ Rule as Adopted

✓ Rule as Proposed

✓ (1) Order Adopting 10.1.81 Date (2) Supplemental Order Adopting 11.10.81

✓ Notice of Intent to Solicit Outside Opinion 3.2.81

✓ Order for rulemaking
N/A Date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice of rulemaking
7.9.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.27.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ (1) Certificate of Board's Resolution Adopting Rules -
(2) Labeled "Authorizing" but achieves same effect.

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

Rules as Adopted

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer,

land surveyor, or landscape architect is $17 per year. The initial license fee is prorated at six month intervals during each biennium. The fee for months 24 to 18 is $34; for months 18 to 12, $25.50; for months 12 to 6, $17; and for months 6 to 0, $8.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

D. Delayed renewal fee. A renewal fee is a "delayed renewal fee" within the meaning of Minn. Stat. S 326.10, subd. 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect

a. Application for admission to examination $25.00

~~b. Qualifying Test in 1981 $40.00~~

~~c.~~ b. Qualifying Test in 1982 and thereafter $60.00

~~d. Section A, Professional Examination in 1981 $45.00~~

~~e.~~ c. Section A, Professional Examination in 1982 and thereafter $50.00

~~f. Section B, Professional Examination in 1981 $65.00~~

~~g.~~ d. Section B, Professional Examination in 1982 and thereafter $75.00

2. Professional engineer

a. Fundamentals of Engineering Examination $30.00

b. Principles and Practice of Engineering Examination $100.00

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor

a. Fundamentals of Land Surveying Examination $30.00

b. Principles and Practice of Land Surveying Examination $100.00

4. Landscape architect

a. Application for admission to examination $25.00

~~b. Uniform National Examination in 1981~~ ~~$135.00~~

~~c~~ b. Uniform National Examination in 1982 and 1983 $150.00

~~d~~ c. Uniform National Examination in 1984 and 1985 $165.00

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

1. Architect~~.~~

a. Qualifying Test per part retaken~~.~~ $15.00

~~b. Section A, Professional Examination in 1981.~~ ~~$45.00~~

~~c~~ b. Section A, Professional Examination in 1982 and thereafter~~.~~ $50.00

~~d. Section B, Professional Examination in 1981.~~ ~~$65.00~~

~~e~~ c. Section B, Professional Examination in 1982 and thereafter~~.~~ $75.00

2. Professional engineer~~.~~

a. Fundamentals of Engineering~~.~~ $20.00

b. Principles and Practice of Engineering- $20.00

3. Land surveyor-

a. Fundamentals of Land Surveying- $20.00

b. Principles and Practice of Land Surveying-

(1) Part III- $15.00

(2) Part IV- $30.00

(3) Parts III and IV- $45.00

4. Landscape architect-

a. Subject A - History- $15.00

b. Subject B - Professional Practice- $15.00

c. Subject C - Design- $60.00

d. Subject D - Design Implementation- $60.00

G. Additional fees. In addition to all other fees for examination or registration, as provided in this rule or Minn. Stat. S 326.10, subd. 1, the following schedule of fees is applicable:

1. For each application for registration by comity under the provisions of Minn. Stat. S 326.10, subd. 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of $100;

2. For reissuance of a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, $5;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines.

4 MCAR S 7.009 Examination of architect applicants.

A. Education and experience. An applicant for licensure as an architect shall be required to pass a written examination as provided in C. and may be required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. To qualify for admission to the

written examination, applicants shall present satisfactory evidence that they have:

1. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board at the time of their graduation or within two years subsequent to that graduation; and

** 2. Completed at least three years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience is credited as provided in Table III. In lieu of meeting the experience requirements set forth in Table III, an applicant may participate in the Intern Development Program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the Intern Development Program experience criteria may be obtained from the board office. An Intern Development Program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the Intern Development Program. The board shall notify the Intern Develoment Program participant when the Intern Development Program experience requirements have been completed to the satisfaction of the board.

C. Written examination.

1. Qualifying Test. The Qualifying Test shall be administered once annually at a time and place determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Qualifying Test include ten years of combined architectural education and experience as provided in Tables I, II, and III, or a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board. All persons applying for registration as architect by examination after ~~June 30, 1981~~ April 1, 1982 will be required to take and pass the Qualifying Test before being admitted to a Section B, Professional Examination. Any person failing one or more parts

of the Qualifying Test must retake the failed parts.

2. Section A, Professional Examination; Site Planning and Design Test. The Section A, Professional Examination; Site Planning and Design Test shall be administered once annually at a time and place as determined by the board to those applicants approved for admission to the examination. The qualification requirements for admission include a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board or ten years of board approved combined education and experience as provided in Tables I, II, and III.

3. Section B, Professional Examination. The Section B, Professional Examination shall be administered once annually at a time and place as determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board, a minimum of three years of diversified qualifying architectural experience and successful completion of the Qualifying Test. Any person making original application for admission to registration examinations after ~~June 30, 1981~~ April 1, 1982 shall take the Qualifying Test. Any person who fails only one part of this examination may retake that part during a subsequent examination. A person who fails more than one part of the examination shall retake the entire examination.

4. Effective January 1, 1991 only those persons holding a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board, or an equivalent architectural degree acceptable to the board, will qualify for admission to the Professional Examination and for registration and licensure to practice architecture in the State of Minnesota.

5. Handbooks, tables, reference books and hand-held, battery-operated electronic calculators may be used only when authorized by the board.

4 MCAR S 7.010 Examination of engineer applicants.

B. Oral examination. An applicant may be required to appear before the board for oral examination and submit two exhibits of engineering work the applicant has performed in the event that the experience record does not clearly indicate four years of qualifying engineering experience, or the applicant does not hold a degree from an approved engineering program, or the applicant qualifies for waiver of the Fundamentals of Engineering Examination as provided in 4 MCAR S 7.010 D. ~~The~~ An applicant residing in an overseas area may be ~~given the option by the board~~ required to submit one exhibit of the applicant's engineering work with a written critique of that exhibit ~~in lieu of appearing before the board for an oral examination~~ in the event that the experience record does not clearly indicate four years of qualifying engineering experience.

4 MCAR S 7.012 Rule of professional conduct. This rule of professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying and landscape architecture including Minn. Stat. S 326.11. This rule is applicable to and binding upon each person, corporation or partnership subject to the regulatory jurisdiction of the board and each person subject to the control of the licensee.

Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of this rule. In the exercise of the privileges and rights granted by the certificate of licensure, the licensee shall conform his professional conduct to the public and to the board in accordance with the provisions of this rule, and shall, as a condition of licensure, subscribe to and agree that he will conduct his practice in accordance with the provisions of this rule.

C. Improper solicitation of employment.

1. A licensee shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training or

experience.

2. A licensee shall not falsify or misrepresent the extent of his education, training, experience or qualifications to any person or to the public; nor shall he misrepresent the extent of his responsiblity in connection with any prior employment.

3. A licensee shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding his own qualifications, training, or experience or that of his employer, employees, associates, or joint venturers.

4. A licensee shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

4 MCAR S 7.014 Registration. No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, or landscape architecture, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, or landscape architectural character as defined in Minn. Stat. SS 326.02-326.15 unless a member or employee of the corporation, partnership, or other firm, in responsible charge of the work is registered and licensed under the provisions of Minn. Stat. SS 326.02-326.15 to practice the profession called for by the employment.

4 MCAR S 7.015 Responsible charge and direct supervision. A person in responsible charge of architectural, engineering, land surveying, or landscape architectural work as used in Minn. Stat. S 326.14 means the person who determines design policy, including technical questions, advises with the client, superintends subordinates during the course of the work and, in general, the person whose professional skill and judgment are

embodied in the plans, designs and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the state building code adopted by the Department of Administration where the building code is in effect.

A person in direct supervision of work as referred to in Minn. Stat. S 326.12, subd. 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of technical architectural, engineering, land surveying, or landscape architectural work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, or clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

4 MCAR S 7.017 Certificates.

A. Certificates of record. The board ~~may~~ shall issue to each applicant who successfully completes the Fundamentals of Engineering Examination, or land surveyor-in-training examination, a certificate indicating that the applicant's name has been recorded as such in the office of the board. The board ~~may~~ shall, upon written application, issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board. The

certificates of record as engineer-in-training, land surveyor-in-training, or landscape architect-in-training are permanent, subject only to suspension or revocation for cause in the manner provided by law.

B. Certificate of registration. The board ~~may~~ shall issue to each applicant who has successfully completed the Fundamentals of Engineering examination, unless the Fundamentals of Engineering examination is waived as stated under 4 MCAR S 7.010 D., applying only in the case of engineer applicants, or Land Surveyor-in-Training examination, or has been certified as a landscape architect-in-training, or has successfully completed the professional practice examination, a certificate of registration properly filled out, signed and sealed, giving the licensee proper authority to practice the profession of architecture, professional engineering, land surveying, or landscape architecture under the Registration Act of the State of Minnesota for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued after which date the certificate will expire unless renewed. Applicants who are registered by comity from other states, having met the Minnesota registration requirements, ~~may~~ shall be issued certificates of registration in the same manner as provided in this rule.

4 MCAR S 7.019 Seal. Each registrant may, upon licensure, also obtain a seal of a design approved by the board bearing the licensee's name and the legend, "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Landscape Architect." Plans, specifications, plats, reports, and other documents prepared by a licensee may be stamped with the seal during the life of a licensee's certificate if the certificate remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under 4 MCAR S 7.018.

4 MCAR S 7.021 Professional corporations. Professional

corporations and foreign professional corporations are required to file periodic reports with the board in accordance with Minn. Stat. S 319A.21.

Repealer. 4 MCAR S 7.013 is repealed.

Effective date. 4 MCAR S 7.004 applies to all applications submitted to the board after the effective date of that rule.

11/13/81
File #14

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rule Numbers: 4 MCAR SS 7.004, 7.009, 7.010, 7.012, 7.014, 7.015, 7.017, 7.019, 7.021; repealing 4 MCAR S 7.013

Rule Title: Adopted Rules Governing Licensing, Examination, Certification and Reporting Requirements

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference: State Building Code

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
Nov. 23 19 81
WARREN SPANNAUS, ATTORNEY GENERAL
BY H Pauline Grindal
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Paul M. Marinac
Paul M. Marinac

Title: Assistant Revisor

Phone: 296-0948

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 24 1981
Joan Anderson Growe
Secretary of State
2:35 pm

Rules as Adopted

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer,

land surveyor, or landscape architect is $17 per year. The initial license fee is prorated at six month intervals during each biennium. The fee for months 24 to 18 is $34; for months 18 to 12, $25.50; for months 12 to 6, $17; and for months 6 to 0, $8.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

D. Delayed renewal fee. A renewal fee is a "delayed renewal fee" within the meaning of Minn. Stat. S 326.10, subd. 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect

a. Application for admission to examination $25.00

b. Qualifying Test in 1981 $40.00

c. Qualifying Test in 1982 and thereafter $60.00

d. Section A, Professional Examination in 1981 $45.00

e. Section A, Professional Examination in 1982 and thereafter $50.00

f. Section B, Professional Examination in 1981 $65.00

g. Section B, Professional Examination in 1982 and thereafter $75.00

2. Professional engineer

a. Fundamentals of Engineering Examination $30.00

b. Principles and Practice of Engineering Examination $100.00

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor

a. Fundamentals of Land Surveying Examination $30.00

b. Principles and Practice of Land Surveying Examination $100.00

4. Landscape architect

a. Application for admission to examination $25.00

b. Uniform National Examination in 1981 $135.00

c. Uniform National Examination in 1982 and 1983 $150.00

d. Uniform National Examination in 1984 and 1985 $165.00

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

1. Architect~~:~~

a. Qualifying Test per part retaken~~:~~ $15.00

b. Section A, Professional Examination in 1981~~:~~ $45.00

c. Section A, Professional Examination in 1982 and thereafter~~:~~ $50.00

d. Section B, Professional Examination in 1981~~:~~ $65.00

e. Section B, Professional Examination in 1982 and thereafter~~:~~ $75.00

2. Professional engineer~~:~~

a. Fundamentals of Engineering~~:~~ $20.00

b. Principles and Practice of Engineering- $20.00

3. Land surveyor-

a. Fundamentals of Land Surveying- $20.00

b. Principles and Practice of Land Surveying-

(1) Part III- $15.00

(2) Part IV- $30.00

(3) Parts III and IV- $45.00

4. Landscape architect-

a. Subject A - History- $15.00

b. Subject B - Professional Practice- $15.00

c. Subject C - Design- $60.00

d. Subject D - Design Implementation- $60.00

G. Additional fees. In addition to all other fees for examination or registration, as provided in this rule or Minn. Stat. S 326.10, subd. 1, the following schedule of fees is applicable:

1. For each application for registration by comity under the provisions of Minn. Stat. S 326.10, subd. 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of $100;

2. For reissuance of a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, $5;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines.

4 MCAR S 7.009 Examination of architect applicants.

A. Education and experience. An applicant for licensure as an architect shall be required to pass a written examination as provided in C. and may be required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. To qualify for admission to the

written examination, applicants shall present satisfactory evidence that they have:

1. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board at the time of their graduation or within two years subsequent to that graduation; and

** 2. Completed at least three years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience is credited as provided in Table III. In lieu of meeting the experience requirements set forth in Table III, an applicant may participate in the Intern Development Program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the Intern Development Program experience criteria may be obtained from the board office. An Intern Development Program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the Intern Development Program. The board shall notify the Intern Develoment Program participant when the Intern Development Program experience requirements have been completed to the satisfaction of the board.

C. Written examination.

1. Qualifying Test. The Qualifying Test shall be administered once annually at a time and place determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Qualifying Test include ten years of combined architectural education and experience as provided in Tables I, II, and III, or a degree from an architectural curriculum accredited by the National Architectural ~~Aeereditatien~~ Accrediting Board. All persons applying for registration as architect by examination after June 30, 1981 will be required to take and pass the Qualifying Test before being admitted to a Section B, Professional Examination. Any person failing one or more parts

of the Qualifying Test must retake the failed parts.

2. Section A, Professional Examination; Site Planning and Design Test. The Section A, Professional Examination; Site Planning and Design Test shall be administered once annually at a time and place as determined by the board to those applicants approved for admission to the examination. The qualification requirements for admission include a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board or ten years of board approved combined education and experience as provided in Tables I, II, and III.

3. Section B, Professional Examination. The Section B, Professional Examination shall be administered once annually at a time and place as determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board, a minimum of three years of diversified qualifying architectural experience and successful completion of the Qualifying Test. Any person making original application for admission to registration examinations after June 30, 1981 shall take the Qualifying Test. Any person who fails only one part of this examination may retake that part during a subsequent examination. A person who fails more than one part of the examination shall retake the entire examination.

4. Effective January 1, 1991 only those persons holding a degree from an architectural curriculum accredited by the National Architectural ~~Accreditation~~ Accrediting Board, or an equivalent architectural degree acceptable to the board, will qualify for admission to the Professional Examination and for registration and licensure to practice architecture in the State of Minnesota.

5. Handbooks, tables, reference books and hand-held, battery-operated electronic calculators may be used only when authorized by the board.

4 MCAR S 7.010 Examination of engineer applicants.

B. Oral examination. An applicant may be required to appear before the board for oral examination and submit two exhibits of engineering work the applicant has performed. The applicant may be given the option by the board to submit one exhibit of the applicant's engineering work with a written critique of that exhibit in lieu of appearing before the board for an oral examination.

4 MCAR S 7.012 Rule of professional conduct. This rule of professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying and landscape architecture including Minn. Stat. S 326.11. This rule is applicable to and binding upon each person, corporation or partnership subject to the regulatory jurisdiction of the board and each person subject to the control of the licensee.

Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of this rule. In the exercise of the privileges and rights granted by the certificate of licensure, the licensee shall conform his professional conduct to the public and to the board in accordance with the provisions of this rule, and shall, as a condition of licensure, subscribe to and agree that he will conduct his practice in accordance with the provisions of this rule.

C. Improper solicitation of employment.

1. A licensee shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training or experience.

2. A licensee shall not falsify or misrepresent the extent of his education, training, experience or qualifications to any person or to the public; nor shall he misrepresent the extent of his responsiblity in connection with any prior employment.

3. A licensee shall not transmit, distribute, or publish

or allow to be transmitted, distributed, or published, any false or misleading information regarding his own qualifications, training, or experience or that of his employer, employees, associates, or joint venturers.

4. A licensee shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

4 MCAR S 7.014 Registration. No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, or landscape architecture, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, or landscape architectural character as defined in Minn. Stat. SS 326.02-326.15 unless a member or employee of the corporation, partnership, or other firm, in responsible charge of the work is registered and licensed under the provisions of Minn. Stat. SS 326.02-326.15 to practice the profession called for by the employment.

4 MCAR S 7.015 Responsible charge and direct supervision. A person in responsible charge of architectural, engineering, land surveying, or landscape architectural work as used in Minn. Stat. S 326.14 means the person who determines design policy, including technical questions, advises with the client, superintends subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it

Surveyor-in-Training examination, or has been certified as a landscape architect-in-training, or has successfully completed the professional practice examination, a certificate of registration properly filled out, signed and sealed, giving the licensee proper authority to practice the profession of architecture, professional engineering, land surveying, or landscape architecture under the Registration Act of the State of Minnesota for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued after which date the certificate will expire unless renewed. Applicants who are registered by comity from other states, having met the Minnesota registration requirements, may be issued certificates of registration in the same manner as provided in this rule.

4 MCAR S 7.019 Seal. Each registrant may, upon licensure, also obtain a seal of a design approved by the board bearing the licensee's name and the legend, "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Landscape Architect." Plans, specifications, plats, reports, and other documents prepared by a licensee may be stamped with the seal during the life of a licensee's certificate if the certificate remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under 4 MCAR S 7.018.

4 MCAR S 7.021 Professional corporations. Professional corporations and foreign professional corporations are required to file periodic reports with the board in accordance with Minn. Stat. S 319A.21.

Repealer. 4 MCAR S 7.013 is repealed.

Effective date. 4 MCAR S 7.004 applies to all applications submitted to the board after the effective date of that rule.

10/22/81
File #14

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rule Numbers:
4 MCAR SS 7.004, 7.009, 7.010, 7.012, 7.014, 7.015, 7.017, 7.019, 7.021; repealing 4 MCAR S 7.013

Rule Title: Adopted Rules Governing Licensing, Examination, Certification and Reporting Requirements

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference: State Building Code

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : LOWELL E. TORSETH
Executive Secretary
Board of Architecture, Engineering
Land Surveying and Landscape Architecture

DATE: 11/24/81

ATTN : Merwin Peterson
Special Assistant Attorney General

FROM : H. Theodore Grindal
Special Assistant Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

HTG/cae

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Commerce-Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Office Memorandum

TO : Ted Grindal, Office of the Attorney General
Ann Bateson, Office of the Revisor of Statutes

DATE: November 13, 1981

FROM : Lowell E. Torseth, Executive Secretary

PHONE: 296-2389

SUBJECT: Resubmission of Rules for Adoption

Enclosed are two copies each of the following documents:

1. Board Resolution Adopting Rules.

2. Supplementary Order Adopting Rules.

3. Rules revised in accordance with Attorney General Memo of October 23, 1981. (Original and two copies of this document)

Also enclosed is a copy of the Attorney General Memo of October 23, 1981.

I believe the revised rules fully comply with the recommendations made in the memo of October 23, 1981. If you have any questions concerning either of the attachments to this memo, please call Carol Andersen or me at 296-2389.

LET:ca
Encls.

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Commerce-Board of Architecture, Engineering, Land Surveying and Landscape Architecture

TO : Ms. Judith Wehrwein
Attorney General
5th Floor - State Office Building

DATE: 10/19/81

FROM : Lowell E. Torseth, Executive Secretary

Lowell E Torseth

PHONE: 6-2388

SUBJECT: Supplementary Data to Material Submitted October 9, 1981

In accordance with your telephone request today, we are enclosing the following documents:

1. Board's Authorizing Resolution.

2. Copy of pages from the State Register of July 27, 1981.

3. Statement of Compliance with Rulemaking Procedures signed by Merwin Peterson, Board Counsel.

If you need additional information, please call me at 296-2388.

RECEIVED
OCT 20 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

LET:ca
Encls.

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Commerce-Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Office Memorandum

TO : Office of the Attorney General
Administration-Finance Division
G25 Administration Building

DATE: 10/9/81

FROM : Lowell E. Torseth, Executive Secretary

PHONE: 6-2388

SUBJECT: Rules Review

We are enclosing the following documents for your review and approval:

1. Rules as Adopted - Original and 3 copies.
2. Order Adopting Rules - Original and 1 copy.
3. Certificate of Board's Resolution Adopting Rules - Original.
4. Notice of Intent to Solicit Outside Opinion Concerning the Revision of Current Rules and the Adoption of New Rules Governing the Regulation of Architects, Engineers, Land Surveyors and Landscape Architects - Copy of Publication from SR March 2, 1981.
5. Order for Notice of Intent to Adopt Rules Without Public Hearing - Original.
6. Notice of Intent to Adopt Rules Without a Public Hearing - Approved copy of Revisor's Office.
7. Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing - Original.
8. Certificate of Mailing List - Original.
9. Rule as Proposed - Approved copy of Revisor's Office - same as attached to Notice of Intent.
10. Statement of Need and Reasonableness of Proposed Rules - Original.
11. Written comments on the rule or requests for public hearing received by the agency - one letter with response from agency and a second letter from same individual.
12. Affidavit of Mailing Notice of Submission to the Attorney General with Notice of Submission to the Attorney General attached. Originals.
13. Statement of Compliance with Rulemaking Procedures for signature by the Attorney General's office.

If there is any additional data we are to submit or if you have any questions relative to this submission, please call me at 296-2388.

LET:ca
Encls.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

RECEIVED OCT 26 1981

TO : LOWELL E. TORSETH
Executive Secretary
Board of Architecture, Engineering
Land Surveying and Landscape Architecture

DATE: October 23, 1981

FROM : H. Theodore Grindal
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture

The above-captioned rules have been rejected for the following reasons:

1. In 4 MCAR § 7.0004 E.1.b,d,f 4.b and § 7.004 F.1.b,d. certain fees are set forth to take effect in 1981. However, this rule will not be in effect to collect these new fees for the current year. Therefore, references to 1981 fees would appear to be needed to be deleted.

2. In 4 MCAR § 7.009 C.1 seems to make a retroactive requirement with the June 30, 1981 date. It would appear as if this date should be changed to June 30, 1982, or some other 1981 date that would be internally consistent with the rule.

3. In 4 MCAR § 7.010 B. the Board grants itself undue discretion as to when it can require oral examinations. Also, the Board has discretion to provide an alternative to oral examination, but no criteria are set forth to guide such discretion.

4. In 4 MCAR § 7.015 it requires licensed architects, professional engineers or landscape architects to certify that compliance with the state building code has occured. Since the building code is not applicable in all areas of the state, perhaps this statement could be modified by adding the language "where the building code is applicable."

5. In 4 MCAR § 7.017 A. and B the Board grants itself undue discretion by use of the term "may" as to to when it will grant an applicant a certificate. No criteria is set forth to indicate how the Board will be guided in reaching such a discretionary decision.

After consideration of the above comments and agency action, if any, these rules may be resubmitted for review. Upon resubmission, please include two copies of a new or

supplemental Order Adopting, and the original and two copies of the new Rule as Adopted. Also, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

Please be advised that pursuant to Minn. Stat. § 15.0412 subd. 4g effective July 1, 1981, "(n)o rule shall be filed with the secretary of state or published in the state register unless the revisor of statutes has endorsed on the rule that it is approved as to form." Therefore, at the time when you resubmit the new rule to this office, you must submit two copies of the same to the revisor of statutes.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

HTG/cae

Enc.

cc: Duane Harves
Kathy Burek
Ann Bateson

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of
Rules of the State Board of Architecture,
Engineering, Land Surveying, and
Landscape Architecture

SUPPLEMENTAL
ORDER ADOPTING
RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on July 27, 1981 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on July 9, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as relating to the increase of certain licensing and examination fees (4MCAR Sect. 7.004C-G); the examination of architect applicant to add a provision for a voluntary Intern Development Program (4MCAR Sect. 7.009A2) and a requirement that all applicants must pass the Qualifying Test (4MCAR Sect. 7.009C); examination of engineer applicant to make permissive the mandatory requirement for oral examinations (4MCAR Sect. 7.010B); Rules of Professional Conduct to repeal the section prohibiting one professional from supplanting another, modifying the section on advertising, and repealing the section on moonlighting (4MCAR Sect. 7.012C2, 4, and 6); the formation of partnerships to repeal the rule prohibiting one professional from forming a partnership with an unlicensed person (4MCAR Sect. 7.013); registration by adding Landscape Architects and making minor changes clarifying existing language (4MCAR Sect. 7.014); responsible charge by redefining the term "responsible charge" and adding a definition of the term "direct supervision", also adds a provision authorizing Minnesota licensees to review plans prepared by out-of-state professionals under certain conditions (4MCAR Sect. 7.015); certificates by adding Landscape Architects and adding minor clarifying language (4MCAR Sect. 7.017; requirements for use of a seal by adding Landscape Architects and certain minor clarifying language (4MCAR Sect. 7.019); and by the adding of a new rule providing for the filing of initial and annual reports with a fee by professional corporations (4MCAR Sect. 7.021) are adopted this 12th day of November, 1981 pursuant to authority vested in the Board by Minnesota Statutes section 326.06, 1980.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, G. Leigh Morrow, do hereby certify that I am a member and the Chairman of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture duly and properly called and held on the 10th day of November, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the increase of certain licensing and examination fees to delete reference to 1981 (4MCAR Sect. 7.004 E and F); the examination of architect applicant to change the effective date for the Qualifying Test requirement from June 30, 1981 to April 1, 1982 (4MCAR Sect. 7.009 C); examination of engineer applicant to make permissive the mandatory requirement for oral examinations to specify circumstances under which a candidate would be required to appear for oral examination (4MCAR Sect. 7.010B); provision authorizing Minnesota licensees to review plans prepared by out-of-state professionals under certain conditions limited by the applicability of the State Building Code (4MCAR Sect. 7.015); certificates by adding Landscape Architects and certain minor clarifying language to define circumstances whereby certificates would be issued (4MCAR Sect. 7.017) be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 326.06 and that G. Leigh Morrow, the Chairman of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of November, 1981.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

Attest: Elaine M Fink
Public Member

11/17/81
File #14

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

X The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

The attached rule is disapproved for the reasons stated in the revisor's disapproval of the proposed rules dated 10/22/81.

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marcum

Title: Assistant Revisor

Phone: 296-0948

____ The changes requested by the revisor are approved by the agency.

____ The changes requested by the revisor are not approved by the agency

Agency's Representative

____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

Assistant Attorney General

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rules as Adopted

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is $17 per year. The initial license fee is prorated at six month intervals

during each biennium. The fee for months 24 to 18 is $34; for months 18 to 12, $25.50; for months 12 to 6, $17; and for months 6 to 0, $8.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

D. Delayed renewal fee. .A renewal fee is a "delayed renewal fee" within the meaning of Minn. Stat. S 326.10, subd. 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect

a. Application for admission to examination	$25.00
~~b. Qualifying Test in 1981~~	~~$40.00~~
b. Qualifying Test in 1982 and thereafter	$60.00
~~d. Section A, Professional Examination in 1981~~	~~$45.00~~
c. Section A, Professional Examination in 1982 and thereafter	$50.00

~~f. Section B, Professional Examination in 1981~~ ~~$65.00~~

g.d. Section B, Professional Examination in 1982 and thereafter $75.00

2. Professional engineer

a. Fundamentals of Engineering Examination $30.00

b. Principles and Practice of Engineering Examination $100.00

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor

a. Fundamentals of Land Surveying Examination $30.00

b. Principles and Practice of Land Surveying Examination $100.00

4. Landscape architect

a. Application for admission to examination $25.00

~~b. Uniform National Examination in 1981~~ ~~$135.00~~

e.b. Uniform National Examination in 1982 and 1983 $150.00

d.c. Uniform National Examination in 1984 and 1985 $165.00

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

1. Architect.

a. Qualifying Test per part retaken	$15.00
~~b. Section A, Professional Examination in 1981~~	~~$45.00~~
b. Section A, Professional Examination in 1982 and thereafter	$50.00
~~d. Section B, Professional Examination in 1981~~	~~$65.00~~
c. Section B, Professional Examination in 1982 and thereafter	$75.00

2. Professional engineer.

a. Fundamentals of Engineering	$20.00
b. Principles and Practice of Engineering	$20.00

3. Land surveyor

a. Fundamentals of Land Surveying	$20.00
b. Principles and Practice of Land Surveying	
(1) Part III	$15.00
(2) Part IV	$30.00
(3) Parts III and IV	$45.00

4. Landscape architect

a.	Subject A - History	$15.00
b.	Subject B - Professional Practice	$15.00
c.	Subject C - Design	$60.00
d.	Subject D - Design Implementation	$60.00

G. Additional fees. In addition to all other fees for examination or registration as provided in this rule or Minn. Stat. S 326.10, Subd. 1, the following schedule of fees is applicable.

1. For each application for registration by comity under the provisions of Minn. Stat. S 326.10, Subd. 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of $100.

2. For reissuance of a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, $5;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines.

4 MCAR S 7.009 Examination of architect applicants.

A. Education and experience. An applicant for licensure as an architect shall be required to pass a written examination as provided in C. and may be

required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. To qualify for admission to the written examination, applicants shall present satisfactory evidence that they have:

1. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board at the time of their graduation or within two years subsequent to that graduation; and

** 2. Completed at least three years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience is credited as provided in Table III. In lieu of meeting the experience requirements set forth in Table III, an applicant may participate in the Intern Development Program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the Intern Development Program experience criteria may be obtained from the board office. An Intern Development Program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the Intern Development Program. The Board shall notify the Intern Development Program participant when the Intern Development Program experience requirements have been completed to the satisfaction of the board.

C. Written examination.

1. Qualifying Test. The Qualifying Test shall be administered once

annually at a time and place determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Qualifying Test include ten years of combined architectural education and experience as provided in Tables I, II, and III, or a degree from an architectural curriculum accredited by the National Architectural Accredit~~ation~~ ing Board. All persons applying for registration as architect by examination after ~~June 30, 1981~~ April 1, 1982 will be required to take and pass the Qualifying Test before being admitted to a Section B, Professional Examination. Any person failing one or more parts of the Qualifying Test must retake the failed parts.

2. Section A, Professional Examination; Site Planning and Design Test. The Section A, Professional Examination; Site Planning and Design Test shall be administered once annually at a time and place as determined by the board to those applicants approved for admission to the examination. The qualification requirements for admission include a degree from an architectural curriculum accredited by the National Architectural Accredit~~ation~~ ing Board or ten years of board approved combined education and experience as provided in Tables I, II, and III.

3. Section B, Professional Examination. The Section B, Professional Examination shall be administered once annually at a time and place as determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the

National Architectural Accreditation-ing Board, a minimum of three years of diversified qualifying architectural experience and successful completion of the Qualifying Test. Any person making original application for admission to registration examinations after June 30, 1981 April 1, 1982 shall take the Qualifying Test. Any person who fails only one part of this examination may retake that part during a subsequent examination. A person who fails more than one part of the examination shall retake the entire examination.

4. Effective January 1, 1991 only those persons holding a degree from an architectural curriculum accredited by the National Architectural Accreditation ing Board, or an equivalent architectural degree acceptable to the board, will qualify for admission to the Professional Examination and for registration and licensure to practice architecture in the State of Minnesota.

5. Handbooks, tables, reference books and hand-held,battery-operated electronic calculators may be used only when authorized by the board.

4 MCAR S 7.010 Examination of engineer applicants.

B. Oral examination. An applicant may be required to appear before the Board for oral examination and submit two exhibits of engineering work the applicant has performed. in the event that the experience record does not clearly indicate four (4) years of qualifying engineering experience, or the applicant does not hold a degree from an approved engineering program, or the applicant qualifies for waiver of the Fundamentals of Engineering Examination as provided in 4 MCAR Section 7.010D. The An applicant residing in an overseas area may be given the option by the board required to submit one exhibit of the applicant's engineering work with a written critique of that exhibit

~~in lieu of appearing before the board for an oral examination.~~ in the event that the experience record does not clearly indicate four (4) years of qualifying engineering experience.

4 MCAR S 7.012 Rule of Professional Conduct. This rule of professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying and landscape architecture including Minn. Stat. S 326.11. This rule is applicable to and binding upon each person, corporation or partnership subject to the regulatory jurisdiction of the board and each person subject to the control of the licensee. Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of this rule. In the exercise of the privileges and rights granted by the certificate of licensure, the licensee shall conform his professional conduct to the public and to the board in accordance with the provisions of this rule, and shall, as a condition of licensure, subscribe to and agree that he will conduct his practice in accordance with the provisions of this rule.

C. Improper solicitation of employment.

1. A licensee shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training or experience.

2. A licensee shall not falsify or misrepresent the extent of his education, training, experience or qualifications to any person or to the public;

nor shall he misrepresent the extent of his responsibility in connection with any prior employment.

3. A licensee shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding his own qualifications, training, or experience or that of his employer, employees, associates, or joint venturers.

4. A licensee shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

4 MCAR S 7.014 Registration. No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, or landscape architecture, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, or landscape architectural character as defined in Minn. Stat. SS 326.02-326.15 unless a member or employee of the corporation, partnership, or other firm, in responsible charge of the work is registered and licensed under the provisions of Minn. Stat. SS 326.02-326.15 to practice the profession called for by the employment.

4 MCAR S 7.015 Responsible charge and direct supervision. A person in responsible charge of architectural, engineering, land surveying, or landscape architectural work as used in Minn. Stat. S 326.14 means the person who determines design policy, including technical questions, advises with the client, superintends subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the state building code adopted by the Department of Administration, where the building code is in effect.

A person in direct supervision of work as referred to in Minn. Stat. S 326.12, subd. 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of technical architectural, engineering, land surveying, or landscape architectural work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, or clerical persons assigned

to that work and is in responsible charge of the project comprising the work being supervised.

4 MCAR S 7.017 Certificates.

A. Certificates of record. The board ~~may~~ shall issue to each applicant who successfully completes the Fundamentals of Engineering Examination, or land surveyor-in-training examination, a certificate indicating that the applicant's name has been recorded as such in the office of the board. The board ~~may~~ shall, upon written application, issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board. The certificates of record as engineer-in-training, land surveyor-in-training, or landscape architect-in-training are permanent, subject only to suspension or revocation for cause in the manner provided by law.

B. Certificate of registration. The board ~~may~~ shall issue to each applicant who has successfully completed the Fundamentals of Engineering examination, unless the Fundamentals of Engineering examination is waived as stated under 4 MCAR S 7.010D., applying only in the case of engineer applicants, or Land Surveyor-in-Training examination, or has been certified as a landscape architect-in-training, or has successfully completed the professional practice examination, a certificate of registration properly filled out, signed and sealed, giving the licensee proper authority to practice the profession of architecture, professional

engineering, land surveying, or landscape architecture under the Registration Act of the State of Minnesota for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued after which date the certificate will expire unless renewed. Applicants who are registered by comity from other states, having met the Minnesota registration requirements, ~~may~~ shall be issued certificates of registration in the same manner as provided in this rule.

4 MCAR S 7.019 Seal. Each registrant may, upon licensure, also obtain a seal of a design approved by the board bearing the licensee's name and the legend, "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Landscape Architect." Plans, specifications, plats, reports, and other documents prepared by a licensee may be stamped with the seal during the life of a licensee's certificate if the certificate remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under 4 MCAR S 7.018.

4 MCAR S 7.021 Professional corporations. Professional corporations and foreign professional corporations are required to file periodic reports with the board in accordance with Minn. Stat. S 319A.21.

Repealer. 4 MCAR S 7.013 is repealed.

Effective date. 4 MCAR S 7.004 applies to all applications submitted to the board after the effective date of that rule.

10/22/81
File #14

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

__X__ The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

Page 2, line 5, underline the first "fee" which did not appear in the State Register

Page 2, line 9, delete the period after the section sign

Page 4, lines 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 insert and strike the period which appeared in the State Register

Page 5, lines 1, 2, 3, 4, and 5, insert and strike a period which appeared in the State Register

Page 5, line 12, after "$100" delete the period and insert a semicolon

Page 7, line 7, and page 8, lines 3 and 12, strike "Accreditation" and insert "Accrediting"

Page 8, line 20, underline the period which did not appear in the State Register

Page 12, line 14, underline the comma which did not appear in the State Register

Page 7, line 17, strike "Accreditation" and insert "Accrediting"

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

____ The changes requested by the revisor are approved by the agency.

____ The changes requested by the revisor are not approved by the agency

Agency's Representative

____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

Assistant Attorney General

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rules as Adopted

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is $17 per year. The initial license fee is prorated at six month

intervals during each biennium. The fee for months 24 to 18 is $34; for months 18 to 12, $25.50; for months 12 to 6, $17; and for months 6 to 0, $8.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

D. Delayed renewal fee. A renewal fee is a "delayed renewal fee" within the meaning of Minn. Stat. S. 326.10, subd. 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect

a. Application for admission to examination	$25.00
b. Qualifying Test in 1981	$40.00
c. Qualifying Test in 1982 and thereafter	$60.00
d. Section A, Professional Examination in 1981	$45.00
e. Section A, Professional Examination in 1982 and thereafter	$50.00

f. Section B, Professional Examination in 1981 $65.00

g. Section B, Professional Examination in 1982 and thereafter $75.00

2. Professional engineer

a. Fundamentals of Engineering Examination $30.00

b. Principles and Practice of Engineering Examination $100.00

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor

a. Fundamentals of Land Surveying Examination $30.00

b. Principles and Practice of Land Surveying Examination $100.00

4. Landscape architect

a. Application for admission to examination $25.00

b. Uniform National Examination in 1981 $135.00

c. Uniform National Examination in 1982 and 1983 $150.00

d. Uniform National Examination in 1984 and 1985 $165.00

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

1. Architect	
a. Qualifying Test per part retaken	$15.00
b. Section A, Professional Examination in 1981	$45.00
c. Section A, Professional Examination in 1982 and thereafter	$50.00
d. Section B, Professional Examination in 1981	$65.00
e. Section B, Professional Examination in 1982 and thereafter	$75.00
2. Professional engineer	
a. Fundamentals of Engineering	$20.00
b. Principles and Practice of Engineering	$20.00
3. Land surveyor	
a. Fundamentals of Land Surveying	$20.00
b. Principles and Practice of Land Surveying	
(1) Part III	$15.00
(2) Part IV	$30.00
(3) Parts III and IV	$45.00

4. Landscape architect

a. Subject A - History $15.00

b. Subject B - Professional Practice $15.00

c. Subject C - Design $60.00

d. Subject D - Design Implementation $60.00

G. Additional fees. In addition to all other fees for examination or registration, as provided in this rule or Minn. Stat. S 326.10, subd. 1, the following schedule of fees is applicable:

1. For each application for registration by comity under the provisions of Minn. Stat. S 326.10, subd. 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of $100;

2. For reissuance of a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, $5;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines.

4 MCAR S 7.009 Examination of architect applicants.

A. Education and experience. An applicant for licensure as an architect shall be required to pass a written examination as provided in C. and may be

required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. To qualify for admission to the written examination, applicants shall present satisfactory evidence that they have:

1. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board at the time of their graduation or within two years subsequent to that graduation; and

** 2. Completed at least three years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience is credited as provided in Table III. In lieu of meeting the experience requirements set forth in Table III, an applicant may participate in the Intern Development Program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the Intern Development Program experience criteria may be obtained from the board office. An Intern Development Program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the Intern Development Program. The board shall notify the Intern Development Program participant when the Intern Development Program experience requirements have been completed to the satisfaction of the board.

C. Written examination.

1. Qualifying Test. The Qualifying Test shall be administered once annually at a time and place determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Qualifying Test include ten years of combined architectural education and experience as provided in Tables I, II, and III, or a degree from an architectural curriculum accredited by the National Architectural Accreditation ing Board. All persons applying for registration as architect by examination after June 30, 1981 will be required to take and pass the Qualifying Test before being admitted to a Section B, Professional Examination. Any person failing one or more parts of the Qualifying Test must retake the failed parts.

2. Section A, Professional Examination; Site Planning and Design Test. The Section A, Professional Examination; Site Planning and Design Test shall be administered once annually at a time and place as determined by the board to those applicants approved for admission to the examination. The qualification requirements for admission include a degree from an architectural curriculum accredited by the National Architectural Accreditation ing Board or ten years of board approved combined education and experience as provided in Tables I, II, and III.

3. Section B, Professional Examination. The Section B, Professional Examination shall be administered once annually at a time and place as determined by the board to those applicants approved by the board for ad-

mission to the examination. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural Accreditation-ing Board, a minimum of three years of diversified qualifying architectural experience and successful completion of the Qualifying Test. Any person making original application for admission to registration examinations after June 30, 1981 shall take the Qualifying Test. Any person who fails only one part of this examination may retake that part during a subsequent examination. A person who fails more than one part of the examination shall retake the entire examination.

4. Effective January 1, 1991 only those persons holding a degree from an architectural curriculum accredited by the National Architectural Accreditation ing Board, or an equivalent architectural degree acceptable to the board, will qualify for admission to the Professional Examination and for registration and licensure to practice architecture in the State of Minnesota.

5. Handbooks, tables, reference books and hand-held, battery-operated electronic calculators may be used only when authorized by the board.

4 MCAR S 7.010 Examination of engineer applicants.

B. Oral examination. An applicant may be required to appear before the board for oral examination and submit two exhibits of engineering work the applicant has performed. The applicant may be given the option by the board to submit one exhibit of the applicant's engineering work with a written critique of that exhibit in lieu of appearing before the board for an oral examination.

4 MCAR S 7.012 Rule of professional conduct. This rule of professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying and landscape architecture including Minn. Stat. S 326.11. This rule is applicable to and binding upon each person, corporation or partnership subject to the regulatory jurisdiction of the board and each person subject to the control of the licensee. Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of this rule. In the exercise of the privileges and rights granted by the certificate of licensure, the licensee shall conform his professional conduct to the public and to the board in accordance with the provisions of this rule, and shall, as a condition of licensure, subscribe to and agree that he will conduct his practice in accordance with the provisions of this rule.

C. Improper solicitation of employment.

1. A licensee shall seek and engage in only the professional work or employment the professional is competent and qualified to perform by reason of education, training or experience.

2. A licensee shall not falsify or misrepresent the extent of his education, training, experience or qualifications to any person or to the public; nor shall he misrepresent the extent of his responsibility in connection with any prior employment.

3. A licensee shall not transmit, distribute, or publish or allow

to be transmitted, distributed, or published, any false or misleading information regarding his own qualifications, training, or experience or that of his employer, employees, associates, or joint venturers.

4. A licensee shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment. A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

4 MCAR S 7.014 Registration. No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, or landscape architecture, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, or landscape architectural character as defined in Minn. Stat. SS 326.02-326.15 unless a member or employee of the corporation, partnership, or other firm, in responsible charge of the work is registered and licensed under the provisions of Minn. Stat. SS 326.02-326.15 to practice the profession called for by the employment.

4 MCAR S 7.015 Responsible charge and direct supervision. A person in responsible charge of architectural, engineering, land surveying, or landscape architectural work as used in Minn. Stat. S 326.14 means the person who determines design policy, including technical questions, advises with the client,

superintends subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the state building code adopted by the Department of Administration.

A person in direct supervision of work as referred to in Minn. Stat. S 326.12, subd. 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of technical architectural, engineering, land surveying, or landscape architectural work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, or clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

4 MCAR S 7.017 Certificates.

A. Certificates of record. The board may issue to each applicant who successfully completes the Fundamentals of Engineering Examination, or land surveyor-in-training examination, a certificate indicating that the applicant's name has been recorded as such in the office of the board. The board may issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board. The certificates of record as engineer-in-training, land surveyor-in-training, or landscape architect-in-training are permanent, subject only to suspension or revocation for cause in the manner provided by law.

B. Certificate of registration. The board may issue to each applicant who has successfully completed the Fundamentals of Engineering examination, unless the Fundamentals of Engineering examination is waived as stated under 4 MCAR S 7.010 D., applying only in the case of engineer applicants, or Land Surveyor-in-Training examination, or has been certified as a landscape architect-in-training, or has successfully completed the professional practice examination, a certificate of registration properly filled out, signed and sealed, giving the licensee proper authority to practice the profession of architecture, professional engineering, land surveying, or landscape

architecture under the Registration Act of the State of Minnesota for a period ending June 30 of the even-numbered year of the biennium in which the certificate is issued after which date the certificate will expire unless renewed. Applicants who are registered by comity from other states, having met the Minnesota registration requirements, may be issued certificates of registration in the same manner as provided in this rule.

4 MCAR S 7.019 Seal. Each registrant may, upon licensure, also obtain a seal of a design approved by the board bearing the licensee's name and the legend, "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Landscape Architect." Plans, specifications, plats, reports, and other documents prepared by a licensee may be stamped with the seal during the life of a licensee's certificate if the certificate remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under 4 MCAR S 7.018.

4 MCAR S 7.021 Professional corporations. Professional corporations and foreign professional corporations are required to file periodic reports with the board in accordance with Minn. Stat. S 319A.21.

Repealer. 4 MCAR S 7.013 is repealed.

Effective date. 4 MCAR S 7.004 applies to all applications submitted to the board after the effective date of that rule.

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on July 27, 1981 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on July 9, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as relating to the increase of certain licensing and examination fees (4MCAR Sect. 7.004C-G); the examination of architect applicant to add a provision for a voluntary Intern Development Program (4MCAR Sect. 7.009A2) and a requirement that all applicants must pass the Qualifying Test (4MCAR Sect. 7.009C); examination of engineer applicant to make permissive the mandatory requirement for oral examinations (4MCAR Sect. 7.010B); Rules of Professional Conduct to repeal the section prohibiting one professional from supplanting another, modifying the section on advertising, and repealing the section on moonlighting (4MCAR Sect. 7.012C2, 4, and 6); the formation of partnerships to repeal the rule prohibing one professional from forming a partnership with an unlicensed person (4MCAR Sect. 7.013); registration by adding Landscape Architects and making minor changes clarifying existing language (4MCAR Sect. 7.014); responsible charge by redefining the term "responsible charge" and adding a definition of the term "direct supervision", also adds a provision authorizing Minnesota licensees to review plans prepared by out-of-state professionals under certain conditions (4MCAR Sect. 7.015); certificates by adding Landscape Architects and adding minor clarifying language (4MCAR Sect. 7.017); requirements for use of a seal by adding Landscape Architects and certain minor clarifying language (4MCAR Sect. 7.019); and by the adding of a new rule providing for the filing of initial and annual reports with a fee by professional corporations (4MCAR Sect. 7.021) are adopted this 1st day of October, 1981 pursuant to authority vested in the Board by Minnesota Statutes section 326.06, 1980.

G. Leigh Morrow, P.E.
Chairman

On April 10, 1981 the board must make its decision to approve, reject or delay consideration of the proposed CST. Prior to that date, the board continues to seek written comments from parties interested in the proposed CST—not only from the municipalities included in the original proposal and those who may wish to be, but also from other interested municipalities, organizations, agencies, school districts, other units of government and individuals.

The board will set aside a portion of its March 13, 1981 meeting in order to hear public comments on the proposed cable service territory.

Comments may be addressed to the Minnesota Cable Communications Board at 500 Rice Street, Saint Paul, Minnesota 55103, (612) 296-2545.

Invitation to Comment on Proposed Cable Service Territory for the Municipality of Wayzata

On December 23, 1980, the City of Wayzata proposed a cable service territory (CST) consisting of the corporate limits of the city of Wayzata.

On April 10, 1981 the board must make its decision to approve, reject or delay consideration of the proposed CST. Prior to that date, the board continues to seek written comments from parties interested in the proposed CST—not only from the municipality included in the original proposal and those who may wish to be, but also from other interested municipalities, organizations, agencies, school districts, other units of government and individuals.

The board will set aside a portion of its March 13, 1981 meeting in order to hear public comments on the proposed cable service territory.

Comments may be addressed to the Minnesota Cable Communications Board at 500 Rice Street, Saint Paul, Minnesota 55103, (612) 296-2545.

Invitation to Observe Oral Argument in the Minneapolis Cable Communications Franchise Contested Case

On March 6, 1981 the Minnesota Cable Communications Board will meet in special session to consider the Hearing Examiner Report concerning the Minneapolis Cable Communications Franchise Contested Case. The six parties involved will present oral arguments for board consideration.

The board invites interested persons and members of the public to observe the proceedings at 7:00 p.m., March 6, 1981 in Room 83 of the State Office Building at 435 Park Street in the Capitol Complex. For information call (612) 296-2545.

Department of Commerce
Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Opinion Concerning the Revision of Current Rules and the Adoption of New Rules Governing Regulation of Architects, Engineers, Land Surveyors and Landscape Architects

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information, opinions or advice from interested persons or groups in preparing proposed amendments to the rules governing the operation of the board. Amendments under consideration include:

1. 4 MCAR § 7.004 Fees. Proposal to increase license fees by $4.00 per biennium per profession, to increase examination fees to cover cost of examination; and to increase the late license renewal fee to a maximum of $15.00 in addition to the stated renewal fee. Increased fees would be effective upon adoption of this rule.

2. 4 MCAR § 7.009 Examination of architect applicants. The board proposes the adoption of voluntary Intern Development Program which sets forth certain areas where experience is desired. Also proposes enabling candidates to be admitted to the Site Planning and Design Test upon receipt of their first professional degree or completion of 10 years of combined education and experience as approved by the board. Would require all persons applying for examination after June 30, 1981 to take the Qualifying Test in addition to the Site Planning and Design Test. Would further require persons to

successfully complete the Qualifying Test prior to being admitted to the Section B, Professional Examination (Mark Series). To be effective upon adoption.

3. 4 MCAR § 7.010 Examination of engineer applicants. Oral examination. The board proposes to delete the mandatory requirements for oral examination by changing will to may. The board may then require the oral examination for those persons found to have marginal experience qualifications upon review of experience data submitted with applications. To be effective upon adoption.

4. 4 MCAR § 7.012 G. Rules of professional conduct. Improper solicitation of employment. The board proposes to repeal section C.2. which implies a prohibition against one professional supplanting another. Section C.4. governing advertising would be revised to clarify acceptable advertising. Section C.6. concerning moonlighting would be repealed. To be effective upon adoption.

5. 4 MCAR § 7.013 Partnership. The board proposes the repeal of this rule with this section being replaced by a new rule governing the filing of annual reports by professional corporations. To be effective upon adoption.

6. 4 MCAR § 7.014 Registration. The board proposes that Landscape Architects be added to the provisions of this rule. Minor clarifying language is also proposed. To be effective upon adoption.

7. 4 MCAR § 7.015 Responsible charge. The board proposes to clarify the definition of the term responsible charge and to add a new definition of the term direct supervision. Also proposed is a provision that would permit the review of plans prepared out of state by a person not licensed in Minnesota under certain conditions. To be effective upon adoption.

8. 4 MCAR § 7.017 Certificates. The board proposes adding Landscape Architects to the provisions of this rule and adding minor clarifying language. To be effective upon adoption.

9. 4 MCAR § 7.018 Seal. The board proposes adding Landscape Architects to the provisions of this rule and adding minor clarifying language. To be effective upon adoption.

Interested persons may submit data or views on these subjects in writing or orally to:

Lowell E. Torseth
Executive Secretary
Board of AELS&LA
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 296-2388

Any written material received by the board shall become part of the hearing record, if a hearing is required.

Department of Commerce
Banking Division

Bulletin No. 2346: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of March 1981

Notice is hereby given that pursuant to § 47.20, subd. 4a, Minnesota Statutes, the maximum lawful rate of interest for conventional home mortgages for the month of March, 1981, is fifteen and one half (15.50) percentage points.

Further, pursuant to Senate File No. 273, Chapter 373, 1980 Session Laws, as it amended § 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of March, 1981, is fifteen and one half (15.50) percentage points.

February 19, 1981

Michael J. Pint
Commissioner of Banks

Office of the Governor

Notice of Appointment of Department Head

In accordance with Minn. Stat. § 15.06, subd. 2, notice is hereby given of the appointment of Louis J. Breimhurst as Director of the Minnesota Pollution Control Agency, on February 2, 1981.

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, G. Leigh Morrow, do hereby certify that I am a member and the Chairman of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture duly and properly called and held on the 15th day of May, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Lowell E. Torseth, Executive Secretary of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture be and he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing: the increase of certain licensing and examination fees (4MCAR Sect. 7.004C-G); the examination of architect applicant to add a provision for a voluntary Intern Development Program (4MCAR Sect. 7.009A2) and a requirement that all applicants must pass the Qualifying Test (4MCAR Sect. 7.009C); examination of engineer applicant to make permissive the mandatory requirement for oral examinations (4MCAR Sect. 7.010B); Rules of Professional Conduct to repeal the section prohibiting one professional from supplanting another, modifying the section on advertising, and repealing the section on moonlighting (4MCAR Sect. 7.012C2, 4, and 6); the formation of partnerships to repeal the rule prohibiting one professional from forming a partnership with an unlicensed person (4MCAR Sect. 7.013); registration by adding Landscape Architects and making minor changes clarifying existing language (4MCAR Sect. 7.014); responsible charge by redefining the term "responsible charge" and adding a definition of the term "direct supervision", also adds a provision authorizing Minnesota licensees to review plans prepared by out-of-state professionals under certain conditions (4MCAR Sect. 7.015); certificates by adding Landscape Architects and adding minor clarifying language (4MCAR Sect. 7.017); requirements for

use of a seal by adding Landscape Architects and certain minor clarifying language (4MCAR Sect. 7.019); and by the adding of a new rule providing for the filing of initial and annual reports with a fee by professional corporations (4MCAR Sect. 7.021).

BE IT FURTHER RESOLVED, the Executive Secretary is also authorized to sign the notice and the proceedings hereof, to perform any and all acts incidental thereto and in the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of May, 1981.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

Elaine M. Fink

Attest: Elaine M. Fink
Public Member

STATE OF MINNESOTA

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed
Adoption of Rules of the State
Board of Architecture, Engineering,
Land Surveying, and Landscape
Architecture

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this 15th day of May, 1981 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Lawrence Forsith

EXECUTIVE SECRETARY OF THE
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING,
AND LANDSCAPE ARCHITECTURE

3. The council is authorized to solicit, receive and disburse, on behalf of the Governor, funds made available for health promotion and wellness.

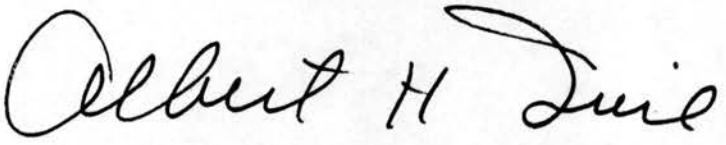
4. The chairperson may appoint, subject to approval by the council, advisory committees composed of individuals who have interest and/or expertise in various health promotion and wellness fields.

5. The council may, subject to the availability of funds, hire staff to assist in its work and contract with such individuals and organizations as may assist in carrying out the duties of the council.

6. Related state agencies shall, subject to resource limitations, cooperate with and assist the council in its work.

Pursuant to Minnesota Statutes, § 4.035 (1980), this order shall become effective fifteen (15) days after the publication in the *State Register* and filing with the Secretary of State and shall expire in accordance with the provisions of Minnesota Statutes, § 4.035, subd. 3 (1980).

IN TESTIMONY WHEREOF, I have hereunto set my hand this 8th day of July, 1981.



PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Proposed Rules Amending Licensing, Examination, Certification and Reporting Requirements

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of

these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the board will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4 to 4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering, Land Surveying and Landscape Architecture
500 Metro Square
Saint Paul, Minnesota 55101
(612) 296-2388

Authority for the adoption of these rules is contained in Minn. Stat. §§ 214.06 and 326.06. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Torseth upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General who will review the rule as to its legality, including the issue of substantial change, and its form as it relates to legality. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Torseth.

A copy of the proposed rules is attached to this notice. Additional copies of this notice and the proposed rules are available and may be obtained by contacting Mr. Torseth.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Lowell E. Torseth
Executive Secretary

Rules as Proposed

4 MCAR § 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure ~~(or~~, including renewal of licensure~~)~~, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for ~~herein~~ in this rule. The fee for examination for certification as land surveyor-in-training shall be paid ~~in the amount provided for herein~~ upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall

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be valid~~, only,~~ for a period of one ~~(1)~~ year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from ~~such~~ the requirement~~, provided, however, that~~. Any application which is still pending three ~~(3)~~ years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect ~~shall be $15~~ is $17 per year. The initial license fee ~~shall be~~ is prorated at six month intervals during each biennium. The fee for months 24 to 18 ~~shall be $30,~~ is $34; for months 18 to 12 ~~shall be $22.50~~, $25.50; for months 12 to 6 ~~shall be $15~~, $17; and for months 6 to 0 ~~shall be $7.50~~, $8.50. The renewal fee ~~for Fiscal Year 1978~~ shall be paid ~~on or before June 30, 1977 and~~ biennially on or before June 30 of each ~~even numbered~~ even-numbered year ~~thereafter, as required by Minn. Stat. § 326.10, subd. 4~~. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal ~~or if such~~. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of ~~the~~ each even-numbered year ~~specified herein~~.

D. Delayed renewal fee. A renewal fee ~~shall be deemed to be~~ is a "delayed renewal fee"~~,~~ within the meaning of Minn. Stat. § 326.10, subd. 5 if it is not postmarked on or before June 30 of the year specified ~~herein~~ in C. The delayed renewal fee ~~shall be Three (3) Dollars for each profession~~ is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided ~~for herein~~ in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect ~~shall be One Hundred ($100) Dollars.~~ is as follows:

1. Architect

a. Application for admission to examination	$25.00
b. Qualifying Test in 1981	$40.00
c. Qualifying Test in 1982 and thereafter	$60.00
d. Section A, Professional Examination in 1981	$45.00
e. Section A, Professional Examination in 1982 and thereafter	$50.00
f. Section B, Professional Examination in 1981	$65.00
g. Section B, Professional Examination in 1982 and thereafter	$75.00

2. Professional engineer

a. Fundamentals of Engineering Examination	$30.00
b. Principles and Practice of Engineering Examination	$100.00

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each ~~such~~ additional branch of engineering for which ~~such~~ the applicant has applied for examination.

3. Land surveyor

a. Fundamentals of Land Surveying Examination	$30.00
b. Principles and Practice of Land Surveying Examination	$100.00

4. Landscape architect

a. Application for admission to examination	$25.00
b. Uniform National Examination in 1981	$135.00
c. Uniform National Examination in 1982 and 1983	$150.00
d. Uniform National Examination in 1984 and 1985	$165.00

~~F. The examination fee for certification as an Engineer-in-Training, Land Surveyor-in-Training, or Landscape Architect in Traning shall be Thirty ($30) Dollars. Such fee shall be applied in payment of the One Hundred ($100) Dollars examination fee for licensure as provided in paragraph E. hereof, provided that the applicant for licensure shall have completed all examinations required by the Board for licensure within ten (10) years from the date of certification as an Engineer-in-Training, Land Surveyor-in-Training, or Landscape Architect-in-Training. In the event that the applicant for~~

licensure has not completed all examinations for licensure within the ten-year period provided for herein, the examination fee for licensure shall be One Hundred ($100) Dollars.

G F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration shall be Fifteen ($15) Dollars is as follows each time such the examination, or any part thereof of it, is retaken.:

1. Architect.	
a. Qualifying Test per part retaken.	$15.00
b. Section A, Professional Examination in 1981.	$45.00
c. Section A, Professional Examination in 1982 and thereafter.	$50.00
d. Section B, Professional Examination in 1981.	$65.00
e. Section B, Professional Examination in 1982 and thereafter.	$75.00
2. Professional engineer.	
a. Fundamentals of Engineering.	$20.00
b. Principles and Practice of Engineering.	$20.00
3. Land surveyor.	
a. Fundamentals of Land Surveying.	$20.00
b. Principles and Practice of Land Surveying.	
(1) Part III.	$15.00
(2) Part IV.	$30.00
(3) Parts III and IV.	$45.00
4. Landscape architect.	
a. Subject A—History.	$15.00
b. Subject B—Professional Practice.	$15.00
c. Subject C—Design.	$60.00
d. Subject D—Design Implementation.	$60.00

H G. Additional fees. In addition to all other fees for examination or registration, as provided in these Rules this rule or Minn. Stat. § 326.10, subd. 1, the following schedule of fees shall be is applicable:

1. for examination for certification by the National Council of Architectural Registration Boards (NCARB), Ten ($10) Dollars;

2 1. For each application for registration by comity under the provisions of Minn. Stat. § 326.10, subd. 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of One Hundred ($100) Dollars;

3 2. For reissuance of a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, One ($1) Dollar $5;

4. for evaluation of transcripts to determine an applicant's educational qualifications for examination for Licensure or certification as an Engineer-in-Training, Land Surveyor-in-Training, or Landscape Architect-in-Training, the fee may be not more than Ten ($10) Dollars, provided, however, that in the case of transcripts of foreign universities which, shall require translation, the fee may be not more than Thirty ($30) Dollars;

5 3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing such the document, as the board shall determine determines.

a. The schedule of examination fees provided for herein shall be applicable with respect to all applications for examinations filed on or after the effective date of these amendments to 4 MCAR § 7.004.

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4 MCAR § 7.009 Examination of architect applicants.

A. Education and experience. An applicant for licensure as an architect shall be required to pass a written examination as provided ~~herein~~ in C. and may be required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. To qualify for admission to ~~such~~ the written examination, applicants shall present satisfactory evidence that they have:

1. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board ~~(NAAB)~~ at the time of their graduation or within two years subsequent to that graduation; and

**2. Completed at least three ~~(3)~~ years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience ~~shall be~~ is credited as provided in Table III. In lieu of meeting the experience requirements set forth in Table III, an applicant may participate in the Intern Development Program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the Intern Development Program experience criteria may be obtained from the board office. An Intern Development Program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the Intern Development Program. The board shall notify the Intern Development Program participant when the Intern Development Program experience requirements have been completed to the satisfaction of the board.

C. Written examination.

~~1. NCARB mark series professional examination. Administered once annually during the month of December in the format provided by the National Council of Architectural Registration Boards to those applicants approved by the Board for admission to the examination at a time and place as determined by the Board. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural Accrediting Board, at least three years of diversified, qualifying architectural experience and/or successful completion of the NCARB Qualifying Examination. Any person failing one or more parts of the Professional Examination must retake the entire examination.~~

~~2.a.~~ 1. ~~NCARB~~ Qualifying ~~Examination~~ Test. The Qualifying Test shall be administered once annually ~~during the month of June in the format provided by the National Council of Architectural Registration Boards~~ at a time and place determined by the board to those applicants approved by the board for admission to the examination ~~at a time and place as determined by the Board~~. Qualification requirements for admission to the Qualifying ~~Examination~~ Test include ~~12~~ ten years of combined architectural education and experience as provided in Tables I, II, and III, ~~herein~~ or a degree from an architectural curriculum accredited by the National Architectural Accreditation Board. All persons applying for registration as architect by examination after June 30, 1981 will be required to take and pass the Qualifying Test before being admitted to a Section B, Professional Examination. Any person failing one or more parts of the Qualifying ~~Examination~~ Test must retake the failed parts.

2. Section A, Professional Examination; Site Planning and Design Test. The Section A, Professional Examination; Site Planning and Design Test shall be administered once annually at a time and place as determined by the board to those applicants approved for admission to the examination. The qualification requirements for admission include a degree from an architectural curriculum accredited by the National Architectural Accreditation Board or ten years of board approved combined education and experience as provided in Tables I, II, and III.

3. Section B, Professional Examination. The Section B, Professional Examination shall be administered once annually at a time and place as determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural Accreditation Board, a minimum of three years of diversified qualifying architectural experience and successful completion of the Qualifying Test. Any person making original application for admission to registration examinations after June 30, 1981 shall take the Qualifying Test. Any person who fails only one part of this examination may retake that part during a subsequent examination. A person who fails more than one part of the examination shall retake the entire examination.

~~b~~ 4. Effective January 1, 1991 only those persons holding a degree from an architectural curriculum accredited by the National Architectural Accreditation Board ~~(NAAB)~~, or an equivalent architectural degree acceptable to the board, will qualify for admission to the Professional Examination~~,~~ and for registration and licensure to practice architecture in the State of Minnesota.

~~3~~ 5. Handbooks, tables, reference books and ~~handheld~~ hand-held, battery-operated electronic calculators may be used only when authorized by the board.

4 MCAR § 7.010 Examination of engineer applicants.

B. Oral examination~~:~~. An applicant ~~will~~ may be required to appear before the board for oral examination and submit two exhibits of engineering work ~~he~~ the applicant has performed ~~unless he is registered under 4 MCAR § 7.007 E. or F. He~~ The applicant may be given the option~~,~~ by the board~~,~~ to submit one exhibit of the applicant's engineering work ~~he has performed~~ with a written critique of that exhibit in lieu of appearing before the board for an oral examination.

4 MCAR § 7.012 ~~Rules~~ Rule of professional conduct. ~~The Rules~~ This rule of professional conduct ~~hereinafter set forth are~~ is adopted for the purpose of implementing the laws and ~~regulations~~ rules governing the practice of architecture, engineering, land surveying and landscape architecture including~~,~~ ~~but not limited to,~~ Minn. Stat. § 326.11. ~~These rules shall be~~ This rule is applicable to and binding upon each person, corporation or partnership subject to the regulatory jurisdiction of the board ~~(hereinafter referred to as licensee)~~ and each person subject to the control of the licensee.

Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of ~~the Rules of Professional Conduct hereinafter set forth or as such Rules may be amended from time to time~~ this rule. In the exercise of the privileges and rights granted by ~~such~~ the certificate of licensure, the licensee shall conform his professional conduct to the public and to the board in accordance with the provisions of ~~these Rules~~ this rule, and shall, as a condition of ~~his~~ licensure, subscribe to and agree that he will conduct his practice in accordance with the provisions ~~thereof~~ of this rule.

C. Improper solicitation of employment.

1. A licensee shall seek and engage in only ~~such~~ the professional work or employment ~~as such~~ the professional is competent and qualified to perform by reason of education, training or experience.

~~2. A licensee shall not accept employment to replace another professional except with his express knowledge, or unless the employment of such other professional by the client has been terminated.~~

~~3~~ 2. A licensee shall not falsify or misrepresent the extent of his education, training, experience or qualifications to any person or to the public; nor shall he misrepresent the extent of his responsibility in connection with any prior employment.

~~4. A licensee may prepare a brochure for the purpose of informing the public or any prospective employer of his qualifications, training or experience, provided that such brochure shall not contain any false or misleading information concerning the professional or his employer, employees, associates, or joint ventures.~~

3. A licensee shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding his own qualifications, training, or experience or that of his employer, employees, associates, or joint venturers.

~~5~~ 4. A licensee shall not tender any gift, pay, or offer to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment~~;~~ ~~provided, that this rule shall not prohibit the professional~~. A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

~~6. A licensee who is a regular full-time employee and who accepts other part-time employment shall not, without the express consent of his regular employer, use his employer's.~~

~~a. equipment,~~

~~b. time, or~~

~~c. office, to seek or accept part-time work.~~

4 MCAR § 7.014 Registration. No corporation, partnership ~~formed to~~, or other firm engaged in the practice of architecture, engineering, ~~or~~ land surveying, or landscape architecture, or ~~all of said~~ two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, ~~or~~ land surveying, or landscape architectural character as defined ~~by the Act~~ in Minn. Stat. §§ 326.02-326.15 unless a member or employee of the corporation, partnership ~~or the employee of the partnership~~, or other firm, in responsible charge of the work is registered and licensed under the ~~Act~~ provisions of Minn. Stat. §§ 326.02-326.15 to practice the profession called for by ~~such~~ the employment.

4 MCAR § 7.015 Responsible charge and direct supervision. A person in responsible charge of ~~Architecture~~ architectural, engineering, ~~or~~ land surveying, or landscape architectural work as used in Minn. Stat. § 326.14 ~~(1953) is hereby construed to~~

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~~mean~~ means the person ~~or persons~~ who determines design policy, including technical questions ~~of design and policy~~, advises with the client, superintends ~~the work of~~ subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the state building code adopted by the Department of Administration.

~~In order to implement Minn. Stat. § 326.14 and 4 MCAR § 7.015, the Executive Secretary shall cause to be sent to all Corporations and Partnerships offering their services to the public for performing Architecture, Professional Engineering or Land Surveying, a certificate by December 1st of each year requiring all of said Corporations and Partnerships to submit to the Board office, no later than the second Monday in January, of each year, a certification showing the names of the registered persons in their employ in responsible charge of their professional services offered to the public~~ A person in direct supervision of work as referred to in Minn. Stat. § 326.12, subd. 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of technical architectural, engineering, land surveying, or landscape architectural work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, or clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

4 MCAR § 7.017 Certificates.

A. Certificates of Record. The board may issue to each applicant who ~~takes and passes~~ successfully completes the ~~Engineering~~ Fundamentals ~~(EIT)~~ of Engineering Examination, or land surveyor-in-training examination, a certificate indicating that ~~his~~ the applicant's name has been recorded as such in the office of the board. The board may issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board. The certificates of record as engineer-in-training ~~or~~, land surveyor-in-training ~~shall be~~, or landscape architect-in-training are permanent, subject only to suspension or revocation for cause in the manner provided by law.

B. Certificate of registration. The board may issue to each applicant who has ~~taken and passed~~ successfully completed the ~~Engineering~~ Fundamentals ~~(EIT)~~ of Engineering examination ~~,~~ unless the ~~Engineering~~ Fundamentals of Engineering examination is waived as stated under 4 MCAR § 7.010 D., applying only in the case of ~~engineering~~ engineer applicants~~)~~, or Land Surveyor-in-Training examination, ~~and~~ or has been certified as a landscape architect-in-training, or has ~~taken and passed~~ successfully completed the professional practice examination, a certificate of registration properly filled out, signed and sealed, giving the ~~registrant~~ licensee proper authority to practice the profession of architecture, professional engineering, ~~or~~ land surveying, or landscape architecture under the Registration Act of the State of Minnesota for a period ending ~~December 31~~ June 30 of the even-numbered year of the biennium in which the certificate is issued after which date the certificate will expire unless renewed. Applicants who are registered by comity from other states, having met the Minnesota registration requirements, may be issued certificates of registration in the same manner as ~~stated above~~ provided in this rule.

4 MCAR § 7.019 Seal. Each registrant may, upon ~~registration~~ licensure, also obtain a seal of a design approved by the board bearing the ~~registrant's~~ licensee's name and the legend, "Registered Architect," "Registered Professional Engineer," ~~or~~ "Registered Land Surveyor," or "Registered Landscape Architect." Plans, specifications, plats, reports and other documents prepared by a ~~registrant~~ licensee may be stamped with the seal during the life of a ~~registrant's~~ licensee's certificate ~~provided that such~~ if the certificate remains unrevoked ~~or~~, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under 4 MCAR § 7.018.

4 MCAR § 7.021 Professional corporations. Professional corporations and foreign professional corporations are required to file periodic reports with the board in accordance with Minn. Stat. § 319A.21.

Repealer. 4 MCAR § 7.013 is repealed.

Effective date. 4 MCAR § 7.004 applies to all applications submitted to the board after the effective date of that rule.

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, G. Leigh Morrow, do hereby certify that I am a member and the Chairman of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, duly and properly called and held on the 1st day of October, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to the increase of certain licensing and examination fees (4MCAR Sect. 7.004C-G); the examination of architect applicant to add a provision for a voluntary Intern Development Program (4MCAR Sect. 7.009A2) and a requirement that all applicants must pass the Qualifying Test (4MCAR Sect. 7.009C); examination of engineer applicant to make permissive the mandatory requirement for oral examinations (4MCAR Sect. 7.010B); Rules of Professional Conduct to repeal the section prohibiting one professional from supplanting another, modifying the section on advertising, and repealing the section on moonlighting (4MCAR Sect. 7.012C2, 4, and 6); the formation of partnerships to repeal the rule prohibiting one professional from forming a partnership with an unlicensed person (4MCAR Sect. 7.013); registration by adding Landscape Architects and making minor changes clarifying existing language (4MCAR Sect. 7.014); responsible charge by redefining the term "responsible charge" and adding a definition of the term "direct supervision", also adds a provision authorizing Minnesota licensees to review plans prepared by out-of-state professionals under certain conditions (4MCAR Sect. 7.015); certificates by adding Landscape Architects and adding minor clarifying language (4MCAR Sect. 7.017); requirements for use of a seal by adding Landscape Architects and certain minor clarifying language (4MCAR Sect. 7.019); and by the adding of a new rule providing for the filing of initial and annual reports with a fee by professional corporations (4MCAR Sect. 7.021) be and they hereby

are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 326.06 and that G. Leigh Morrow, the Chairman of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of October, 1981.

H. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

Lois E. Anderson

Attest:

Public Member

Notice

Board of Architecture, Engineering,
Land Surveying and Landscape Architecture

Proposed Rules Amending Licensing, Examination,
Certification and Reporting Requirements

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. S 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the board will proceed according to

the provisions of Minn. Stat. S 15.0412, Subds. 4 to 4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering, Land Surveying and Landscape Architecture
500 Metro Square
Saint Paul, Minnesota 55101
(612) 296-2388

Authority for the adoption of these rules is contained in Minn. Stat. SS 214.06 and 326.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Mr. Torseth upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to a designee of the Attorney General who will review the rule as to its legality, including the issue of substantial change, and its form as it relates to legality. Persons who wish to be advised of the submission of these rules for approval, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Torseth.

A copy of the proposed rules is attached to this Notice. Additional copies of this Notice and the proposed rules are available and may be obtained by contacting Mr. Torseth.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. S 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends

more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

State of Minnesota

Lowell E. Torseth

Executive Secretary

Rules as Proposed

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure ~~(or~~, including renewal of licensure~~)~~, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for ~~herein~~ in this rule. The fee for examination for certification as land surveyor-in-training shall be paid ~~in the amount provided for herein~~ upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid~~, only,~~ for a period of one ~~(1)~~ year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from ~~such~~ the requirement~~, provided, however, that~~. Any application which is still pending three ~~(3)~~ years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or

renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect ~~shall be $15~~ is $17 per year. The initial license fee ~~shall be~~ is prorated at six month intervals during each biennium. The fee for months 24 to 18 ~~shall be $30, is $34~~; for months 18 to 12 ~~shall be $22.50,~~ $25.50; for months 12 to 6 ~~shall be $15~~, $17; and for months 6 to 0 ~~shall be $7.50~~, $8.50. The renewal fee ~~for Fiscal Year 1978~~ shall be paid ~~on or before June 30, 1977~~ and biennially on or before June 30 of each ~~even numbered~~ even-numbered year ~~thereafter, as required by Minn. Stat. S 326.10, subd. 4~~. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee ~~or if such~~. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of ~~the~~ each even-numbered year ~~specified herein~~.

D. Delayed renewal fee. A renewal fee ~~shall be deemed to be~~ is a "delayed renewal fee", within the meaning of Minn. Stat. S 326.10, subd. 5 if it is not postmarked on or before June 30 of the year specified ~~herein~~ in C. The delayed renewal fee ~~shall be Three (3) Dollars for each profession~~ is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided ~~for herein~~ in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect ~~shall be One Hundred ($100) Dollars.~~ is as follows:

1. Architect

a. Application for admission to examination	$25.00
b. Qualifying Test in 1981	$40.00
c. Qualifying Test in 1982 and thereafter	$60.00
d. Section A, Professional Examination in 1981	$45.00
e. Section A, Professional Examination in 1982 and thereafter	$50.00

f. Section B, Professional Examination in 1981 $65.00

g. Section B, Professional Examination in 1982 and thereafter $75.00

2. Professional engineer

a. Fundamentals of Engineering Examination $30.00

b. Principles and Practice of Engineering Examination $100.00

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each ~~such~~ additional branch of engineering for which ~~such~~ the applicant has applied for examination.

3. Land surveyor

a. Fundamentals of Land Surveying Examination $30.00

b. Principles and Practice of Land Surveying Examination $100.00

4. Landscape architect

a. Application for admission to examination $25.00

b. Uniform National Examination in 1981 $135.00

c. Uniform National Examination in 1982 and 1983 $150.00

d. Uniform National Examination in 1984 and 1985 $165.00

~~F. The examination fee for certification as an Engineer-in-Training, Land Surveyor-in-Training, or Landscape Architect-in-Training shall be Thirty ($30) Dollars. Such fee shall be applied in payment of the One Hundred ($100) Dollars examination fee for licensure as provided in paragraph E. hereof, provided that the applicant for licensure shall have completed all examinations required by the Board for licensure within ten (10) years from the date of certification as an Engineer-in-Training, Land Surveyor-in-Training, or Landscape~~

~~Architect-in-Training. In the event that the applicant for licensure has not completed all examinations for licensure within the ten-year period provided for herein, the examination fee for licensure shall be One Hundred ($100) Dollars.~~

~~G~~ F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration ~~shall be Fifteen ($15) Dollars~~ is as follows each time ~~such~~ the examination, or any part ~~thereof~~ of it, is retaken.:

1. Architect	
a. Qualifying Test per part retaken	$15.00
b. Section A, Professional Examination in 1981	$45.00
c. Section A, Professional Examination in 1982 and thereafter	$50.00
d. Section B, Professional Examination in 1981	$65.00
e. Section B, Professional Examination in 1982 and thereafter	$75.00
2. Professional engineer	
a. Fundamentals of Engineering	$20.00
b. Principles and Practice of Engineering	$20.00
3. Land surveyor	
a. Fundamentals of Land Surveying	$20.00
b. Principles and Practice of Land Surveying	
(1) Part III	$15.00
(2) Part IV	$30.00
(3) Parts III and IV	$45.00
4. Landscape architect	
a. Subject A - History	$15.00
b. Subject B - Professional Practice	$15.00
c. Subject C - Design	$60.00
d. Subject D - Design Implementation	$60.00

~~H~~ G. Additional fees. In addition to all other fees for examination or registration, as provided in ~~these Rules~~ this rule or Minn. Stat. S 326.10, subd. 1, the following schedule of fees ~~shall be~~ is applicable:

~~1. for examination for certification by the National Council of Architectural Registration Boards (NCARB), Ten ($10) Dollars;~~

~~2~~ 1. For each application for registration by comity under the provisions of Minn. Stat. S 326.10, subd. 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of ~~One Hundred ($100)~~ Dollars;

~~3~~ 2. For reissuance of a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, ~~One ($1)~~ Dollar $5;

~~4. for evaluation of transcripts to determine an applicant's educational qualifications for examination for licensure or certification an as Engineer-in-Training, Land Surveyor-in-Training, or Landscape Architect-in-Training, the fee may be not more than Ten ($10) Dollars, provided, however, that in the case of transcripts of foreign universities which shall require translation, the fee may be not more than Thirty ($30) Dollars;~~

~~5~~ 3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing ~~such~~ the document, as the board ~~shall determine~~ determines.

~~a. The schedule of examination fees provided for herein shall be applicable with respect to all applications for examinations filed on or after the effective date of these amendments to 4 MCAR S 7.004.~~

4 MCAR S 7.009 Examination of architect applicants.

A. Education and experience. An applicant for licensure as an architect shall be required to pass a written examination as provided ~~herein~~ in C. and may be required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. To qualify for admission to ~~such~~ the written examination, applicants shall present

satisfactory evidence that they have:

1. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board ~~(NAAB)~~ at the time of their graduation or within two years subsequent to that graduation; and

** 2. Completed at least three ~~(3)~~ years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience ~~shall be~~ is credited as provided in Table III. In lieu of meeting the experience requirements set forth in Table III, an applicant may participate in the Intern Development Program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the Intern Development Program experience criteria may be obtained from the board office. An Intern Development Program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the Intern Development Program. The board shall notify the Intern Develoment Program participant when the Intern Development Program experience requirements have been completed to the satisfaction of the board.

C. Written examination.

~~1. NCARB mark series professional examination. Administered once annually during the month of December in the format provided by the National Council of Architectural Registration Boards to those applicants approved by the Board for admission to the examination at a time and place as determined by the Board. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural Accrediting Board, at least three years of diversified, qualifying architectural experience and/or successful completion of the NCARB Qualifying Examination. Any person failing one or more parts of the Professional Examination must retake the entire examination.~~

~~2. a.~~ 1. NCARB Qualifying ~~Examination~~ Test. The Qualifying Test shall be administered once annually ~~during the month of June in the format provided by the National Council of Architectural Registration Boards~~ at a time and place determined by the board to those applicants approved by the board for admission to the examination ~~at a time and place as determined by the Board~~. Qualification requirements for admission to the Qualifying ~~Examination~~ Test include ~~12~~ ten years of combined architectural education and experience as provided in Tables I, II, and III, ~~herein~~ or a degree from an architectural curriculum accredited by the National Architectural Accreditation Board. All persons applying for registration as architect by examination after June 30, 1981 will be required to take and pass the Qualifying Test before being admitted to a Section B, Professional Examination. Any person failing one or more parts of the Qualifying ~~Examination~~ Test must retake the failed parts.

2. Section A, Professional Examination; Site Planning and Design Test. The Section A, Professional Examination; Site Planning and Design Test shall be administered once annually at a time and place as determined by the board to those applicants approved for admission to the examination. The qualification requirements for admission include a degree from an architectural curriculum accredited by the National Architectural Accreditation Board or ten years of board approved combined education and experience as provided in Tables I, II, and III.

3. Section B, Professional Examination. The Section B, Professional Examination shall be administered once annually at a time and place as determined by the board to those applicants approved by the board for admission to the examination. Qualification requirements for admission to the Professional Examination include a degree from an architectural curriculum accredited by the National Architectural Accreditation Board, a minimum of three years of diversified qualifying architectural experience and successful completion of the Qualifying Test. Any person making original application for admission to registration

examinations after June 30, 1981 shall take the Qualifying Test. Any person who fails only one part of this examination may retake that part during a subsequent examination. A person who fails more than one part of the examination shall retake the entire examination.

~~b~~ 4. Effective January 1, 1991 only those persons holding a degree from an architectural curriculum accredited by the National Architectural Accreditation Board ~~(~~NAAB~~)~~, or an equivalent architectural degree acceptable to the board, will qualify for admission to the Professional Examination, and for registration and licensure to practice architecture in the State of Minnesota.

~~3~~ 5. Handbooks, tables, reference books and ~~handheld~~ hand-held, battery-operated electronic calculators may be used only when authorized by the board.

4 MCAR S 7.010 Examination of engineer applicants.

B. Oral examination~~.~~. An applicant ~~will~~ may be required to appear before the board for oral examination and submit two exhibits of engineering work ~~he~~ the applicant has performed ~~unless he is registered under 4 MCAR S 7.007 E. or F.~~ He The applicant may be given the option, by the board, to submit one exhibit of the applicant's engineering work ~~he has performed~~ with a written critique of that exhibit in lieu of appearing before the board for an oral examination.

4 MCAR S 7.012 ~~Rules~~ Rule of professional conduct. ~~The Rules~~ This rule of professional conduct ~~hereinafter set forth~~ are is adopted for the purpose of implementing the laws and ~~regulations~~ rules governing the practice of architecture, engineering, land surveying and landscape architecture including, ~~but not limited to,~~ Minn. Stat. S 326.11. ~~These rules shall be~~ This rule is applicable to and binding upon each person, corporation or partnership subject to the regulatory jurisdiction of the board ~~(hereinafter referred to as licensee)~~ and each person subject to the control of the licensee.

Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of ~~the Rules of Professional Conduct hereinafter set forth or as such Rules may be amended from time to time~~ this rule. In the exercise of the privileges and rights granted by ~~such~~ the certificate of licensure, the licensee shall conform his professional conduct to the public and to the board in accordance with the provisions of ~~these Rules~~ this rule, and shall, as a condition of ~~his~~ licensure, subscribe to and agree that he will conduct his practice in accordance with the provisions ~~thereof~~ of this rule.

C. Improper solicitation of employment.

1. A licensee shall seek and engage in only ~~such~~ the professional work or employment as ~~such~~ the professional is competent and qualified to perform by reason of education, training or experience.

~~2. A licensee shall not accept employment to replace another professional except with his express knowledge, or unless the employment of such other professional by the client has been terminated.~~

~~3~~ 2. A licensee shall not falsify or misrepresent the extent of his education, training, experience or qualifications to any person or to the public; nor shall he misrepresent the extent of his responsiblity in connection with any prior employment.

~~4. A licensee may prepare a brochure for the purpose of informing the public or any prospective employer of his qualifications, training or experience, provided that such brochure shall not contain any false or misleading information concerning the professional or his employer, employees, associates, or joint venturers.~~

3. A licensee shall not transmit, distribute, or publish or allow to be transmitted, distributed, or published, any false or misleading information regarding his own qualifications, training, or experience or that of his employer, employees, associates, or joint venturers.

~~5~~ 4. A licensee shall not tender any gift, pay, or offer

to pay, directly or indirectly, anything of substantial value, whether in the form of a commission or otherwise, as an inducement to secure employment; ~~provided, that this Rule shall not prohibit the professional.~~ A licensee is not prohibited from paying a commission to a licensed employment agency for securing a salaried position.

~~6. A licensee who is a regular full-time employee and who accepts other part-time employment shall not, without the express consent of his regular employer, use his employer's:~~

~~a. equipment,~~

~~b. time, or~~

~~c. office, to seek or accept part-time work.~~

4 MCAR S 7.014 Registration. No corporation, partnership ~~formed to~~, or other firm engaged in the practice of architecture, engineering, ~~or~~ land surveying, or landscape architecture, or ~~all of said~~ two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, ~~or~~ land surveying, or landscape architectural character as defined ~~by the Act~~ in Minn. Stat. SS 326.02-326.15 unless a member or employee of the corporation, partnership ~~or the employee of the partnership~~, or other firm, in responsible charge of the work is registered and licensed under the ~~Act~~ provisions of Minn. Stat. SS 326.02-326.15 to practice the profession called for by ~~such~~ the employment.

4 MCAR S 7.015 Responsible charge and direct supervision. A person in responsible charge of ~~Architecture~~ architectural, engineering, ~~or~~ land surveying, or landscape architectural work as used in Minn. Stat. S 326.14 ~~(1953)~~ is hereby ~~construed to~~ mean means the person ~~or persons~~ who determines design policy, including technical questions ~~of design and policy~~, advises with the client, superintends the work ~~of~~ subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs and advice involved in the work. Plans and

specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the state building code adopted by the Department of Administration.

~~In order to implement Minn. Stat. S 326.14 and 4 MCAR S 7.015, the Executive Secretary shall cause to be sent to all Corporations and Partnerships offering their services to the public for performing Architecture, Professional Engineering or Land Surveying, a certificate by December 1st of each year, requiring all of said Corporations and Partnerships to submit to the Board office, no later than the second Monday in January, of each year, a certification showing the names of the registered persons in their employ in responsible charge of their professional services offered to the public~~ A person in direct supervision of work as referred to in Minn. Stat. S 326.12, subd. 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of technical architectural, engineering, land surveying, or landscape architectural work in progress, whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, or clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

4 MCAR S 7.017 Certificates.

A. Certificates of record. The board may issue to each applicant who ~~takes and passes~~ successfully completes the ~~Engineering~~ Fundamentals ~~(EIT)~~ of Engineering Examination, or

land surveyor-in-training examination, a certificate indicating that ~~his~~ the applicant's name has been recorded as such in the office of the board. The board may issue to each applicant who holds a degree from a landscape architectural curriculum approved by the board a certificate indicating that the applicant's name has been recorded as a landscape architect-in-training in the office of the board. The certificates of record as engineer-in-training ~~or~~, land surveyor-in-training ~~shall~~ be, or landscape architect-in-training are permanent, subject only to suspension or revocation for cause in the manner provided by law.

B. Certificate of registration. The board may issue to each applicant who ~~has taken and passed~~ successfully completed the ~~Engineering~~ Fundamentals ~~(EIT)~~ of Engineering examination ~~,~~ unless the ~~Engineering~~ Fundamentals of Engineering examination is waived as stated under 4 MCAR S 7.010 D., applying only in the case of ~~engineering~~ engineer applicants~~)~~, or Land Surveyor-in-Training examination, ~~and~~ or has been certified as a landscape architect-in-training, or has ~~taken and passed~~ successfully completed the professional practice examination, a certificate of registration properly filled out, signed and sealed, giving the ~~registrant~~ licensee proper authority to practice the profession of architecture, professional engineering, ~~or~~ land surveying, or landscape architecture under the Registration Act of the State of Minnesota for a period ending ~~December 31~~ June 30 of the even-numbered year of the biennium in which the certificate is issued after which date the certificate will expire unless renewed. Applicants who are registered by comity from other states, having met the Minnesota registration requirements, may be issued certificates of registration in the same manner as ~~stated above~~ provided in this rule.

4 MCAR S 7.019 Seal. Each registrant may, upon ~~registration~~ licensure, also obtain a seal of a design approved by the board bearing the ~~registrant's~~ licensee's name and the legend,

"Registered Architect," "Registered Professional Engineer," or "Registered Land Surveyor," or "Registered Landscape Architect." Plans, specifications, plats, reports, and other documents prepared by a ~~registrant~~ licensee may be stamped with the seal during the life of a ~~registrant's~~ licensee's certificate ~~provided that such~~ if the certificate remains unrevoked ~~or~~, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate required under 4 MCAR S 7.018.

4 MCAR S 7.021 Professional corporations. Professional corporations and foreign professional corporations are required to file periodic reports with the board in accordance with Minn. Stat. S 319A.21.

Repealer. 4 MCAR S 7.013 is repealed.

Effective date. 4 MCAR S 7.004 applies to all applications submitted to the board after the effective date of that rule.

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Division

Agency Contact Lowell E. Torseth Phone Number 6-5615

Title: Proposed Rules Amending Licensing, Examination, and Certification Requirements

Type of Rules: Permanent X Temporary ____

Incorporations by References:

Rule Number	Material Incorporated
4 MCAR 7.015	Author
	Title The state building code
	Place
	Publisher
	Date
	Cost
	Places Available

See Additional references on back Yes ____ No X

Duplication of Statutory Language: NONE

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marinac

Title: Assistant Revisor

Phone: 6-0948

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Lowell E. Torseth, being first duly sworn deposes and says:

That on the 9th day of July, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture for the purpose of receiving notice of the proposed adoption of rules by this Board.

Lowell Torseth

Subscribed and sworn to before me
this 9th day of July, 1981.

Carol A. Andersen

Carol A. Andersen
Notary Public, Dakota County, Minnesota
My Commission Expires February 5, 1983

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. Sect. 15.0412, Subd. 4, that their names be placed on file with and maintained by the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 8:00 A M., this 9th day of July, 1981.

Lawrence Torseth

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STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture.

STATEMENT OF NEED AND REASONABLENESS OF PROPOSED RULES

STATEMENT OF NEED AND AUTHORITY

Minnesota Statutes Sections 326.02 - 326.15 (1980) provide for the regulation of architects, engineers, land surveyors, and landscape architects. This statute was originally enacted as Minnesota Laws 1921, Chapter 523. Chapter 523, Section 9, permitted the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture to subject applicants to an examination which would test qualifications and fix standards for determining the qualifications of applicants for registration.

Subsequent to the original enactment in 1921 granting the Board authority over architects, engineers, and land surveyors, the Legislature added the Board's regulation of landscape architects in Minnesota Laws 1975, Chapter 329. Presently, the Board exercises regulatory authority through its rulemaking power which is found in Minnesota Statutes Section 326.06 (1980).

Minnesota Statutes Section 214.06 (1980) provides that the board may by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by the board will as closely as possible equal anticipated expenditures during the fiscal biennium. It further provides that examination fees shall be set by rule so that the total amount of annual examination fee income approximately meets the anticipated cost of administering the examinations during the fiscal biennium.

FACTS ESTABLISHING REASONABLENESS

The fact that Board fee-generated revenues for the Fiscal Year 1980-81 Biennium are projected to fall short of disbursement requirements by approximately $14,100 requires that a fee increase be made in accordance with Minnesota Statutes Section 214.06, Subdivision 1 (1980). Laws of 1981, Chapter 357 permits the Board to adjust fees without public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium.

Board fee generated income is deposited in the State General Fund with Board expenses paid from an appropriation made by the Legislature on a biennial basis.

The Board has received notification that license production costs will increase from twenty-six cents to eighty cents per license for a total increase of $4,968 for license issuance alone. The National Council of Architectural Registration Boards (NCARB) has notified its member Boards that annual membership dues will be increased from the present $350.00 to $500.00 in 1982 and $750.00 in 1983. The National Council of Engineering Examiners (NCEE) and the Council of Landscape Architectural Registration Boards (CLARB) have informed the Board that their annual membership dues will be raised an unspecified amount. It is anticipated that the NCEE will raise its membership dues from the current annual fee of $1,250.00 to as much as $1,800.00 to cover inflationary rises in costs to that organization. CLARB may raise its current annual membership dues of $400.00 to $500.00 in 1982 and to $750.00 in 1983. CLARB, NCARB, and NCEE are national service organizations comprised of the licensing boards of the 50 states plus the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. These organizations assist member boards by providing defensible written examinations, model laws, and similar type services that may be used by member boards. It is necessary for the board to belong to these national councils in order to purchase examinations. Additional increases in salary costs, examination costs, enforcement costs, and other costs associated with Board operation necessitate increasing the several Board fees to amounts as explained below.

The proposed change to 4 MCAR Section 7.004 C. will increase the biennial license fee from the current $30.00 to $34.00. This increase is expected to generate $36,000 in additional funds which are designed to offset increased operating expenses not to include examination costs. License fees for new licensees are prorated over six month periods over each biennium as in the current rule. References to "Fiscal Year 1978", the phrase "on or before June 30, 1977" and the word "thereafter" have been stricken because the stricken terminology is no longer appropriate to this section.

The proposed changes to 4 MCAR Section 7.004 D. will increase the current delayed renewal fee from a flat rate of $3.00 to $5.00 per month not to exceed a total of $15.00 per delayed renewal. More than 600 licensees have filed late renewals since July 1, 1980. Servicing these late renewals costs the Board in excess of $3.00 for each such renewal. The increase is proposed to cover the costs of this activity and to further act as the penalty as was originally intended under the current rule. This increase is expected to generate additional funds of up to $6,000 per biennium. These additional funds will be used to offset costs of this activity and other operational costs. The added phrase "commencing with July 1 of any even numbered year" is proposed to clarify the effective date of the delayed renewal fee requirement.

The proposed changes to 4 MCAR Section 7.004 E. include the addition of the words "certification or" to clarify the fact that certification as an engineer-in-training or land surveyor-in-training does not license such a person to practice. The term "certification" indicates that a person has completed the first step in the licensing examination process. The current fee for examination for licensure as an architect, professional engineer, land surveyor or landscape architect is $100.00. The Board proposes to increase certain of these fees so that the fee paid by the applicant covers the approximate cost of the examinations as required by Minnesota Statutes Section 214.06, Subdivision 1 (1980). The Board purchases all architect examinations from the National Council of Architectural Registration Boards (NCARB). The Board proposes to initiate an application fee of $25.00 in 4 MCAR Section 7.004 E.1. to cover administrative costs for processing applications for three separate examinations. These are the Qualifying Test which consists of a two-hour section covering Architectural Theory and History, a three-hour section on Structural Technology, a two-hour section on Materials and Methods of Construction, and a two-hour section on Environmental Control Systems and a twelve-hour Section A, Professional Examination, Site Planning and Design Test, both of which are currently given during the third week of June each year. The third examination in this series is the sixteen-hour, interrelated four-part Section B, Professional Examination.

The Board proposes a fee of $40.00 for the Qualifying Test for 1981 and $60.00 in 1982 and thereafter. These amounts reflect the costs to the Board for this test in each of those years. The fee proposed for Section A, Professional Examination - Site Planning and Design Test is $45.00 for 1981 and $50.00 for 1982 and thereafter. The proposed fee for the Section B, Professional Examination is $65.00 for 1981 and $75.00 for 1982. Again, these proposed fees reflect the cost to the Board of the examinations in the years indicated.

The change proposed in 4 MCAR Section 7.004 E.2. for engineer examinations merely combines language from the current Clauses E. and F. to show that the fee for the Fundamentals of Engineer (EIT) Examination is $30.00 and $100.00 for the Principles and Practice of Engineering (P.E.) Examination. A person who has taken and passed the EIT Examination in Minnesota is credited with the amount of the EIT application fee paid to the $100.00 application fee provided that no more than ten (10) years have passed since the date of the EIT examination. There is no change in the amount of these fees over current fees because current fees adequately cover administration and examination costs for engineering examinations.

The change in 4 MCAR Section 7.004 E.3. for land surveyor examinations is similar to the engineering examination except that no fee credit is given toward the $100.00 professional practice examination fee for an applicant having passed the Fundamentals of Land Surveying (LSIT) Examination. The credit provision is proposed for deletion because of the additional costs involved in the preparation and grading of the locally-prepared Part IV, Professional Practice Examination.

The Board proposes to initiate an application fee of $25.00 in 4 MCAR Section 7.004 E.4. to cover administrative costs for processing applications for the four subject Uniform National Examination for landscape architects. The Uniform National Examination materials are purchased from the Council of Landscape Architectural Registration Boards (CLARB). The Uniform National Examination consists of Subject A - History; Subject B - Professional Practice; Subject C - Design; and Subject D - Design Implementation. The Board proposes a fee of $135.00 for 1981, $150.00 for 1982 and 1983, and $165.00 for 1984 and 1985. These fees will cover costs to the Board for this examination.

4 MCAR Section 7.004 F. is proposed for deletion because its provisions are covered in Sections 7.004 E.2. and 3. The provision for a Landscape Architect-in-Training Examination fee is being deleted because there is no Landscape Architect-in-Training Examination available for use by the Board.

The Board proposes to renumber the current 4 MCAR Section 7.004 G. as Section 7.004 F. to account for the repeal of the current Section 7.004 F. The fees proposed are significantly increased over the current retake fee of $15.00. The $15.00 fee does not cover the cost of the examinations as required by Minnesota Statutes Section 214.06, Subdivision 1 (1980). Therefore, the phrase "Fifteen ($15) Dollars" in the proposed 4 MCAR Section 7.004 F. is proposed to be stricken and replaced with the phrase "as indicated" to show the retake fee required as explained below. The retake fees in the proposed 4 MCAR Section 7.004 F.1. for each part of the Qualifying Test will be $15.00 which represents the cost of this examination to the Board. The retake fee for Section A, Professional Examination - Site Planning and Design Test will be $45.00 in 1981 and $50.00 in 1982. The retake fee for Section B, Professional Examination will be $65.00 for 1981 and $75.00 for 1982. These fees are set equal to the costs to the Board for these examinations.

The Board proposes to increase the retake fee for engineering examinations as shown in the proposed 4 MCAR Section 7.004 F.2. to $20.00 for both the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination from the current $15.00. The National Council of Engineering Examiners is increasing the cost of these examinations from $15.00 to $20.00 effective with the October 31, 1981 examination administration.

The Board proposes to increase the retake fee for land surveying examinations as shown in the proposed 4 MCAR Section 7.004 F.3. from the current $15.00 to $20.00 for the Fundamentals of Land Surveying (LSIT) Examination; the retake fee for Part III of the Principles and Practice of Land Surveying Examination will remain at $15.00 while the retake fee for Part IV of the Principles and Practice of Land Surveying Examination is proposed to be increased to $30.00 and the retake fee for the combined Parts III and IV increased from the current fee of $15.00 to

$45.00. These fees are equal to the cost of these exams to the Board effective with the October 1981 examination administration. The increase for Part IV will cover the increased costs for that locally prepared examination.

The Board proposes to increase the retake fee for the landscape architect examination as shown in 4 MCAR Section 7.004 F.4. from the current $15.00 for one or more parts of the examination to $15.00 each for Subject A - History and Subject B - Professional Practice. The retake fee for Subject C - Design and Subject D - Design Implementation will be increased to $60.00 each. These fees will cover the cost of the examination materials to the Board.

The Board proposes to renumber the current 4 MCAR Section 7.004 H. as Section G. Also proposed is the repeal of 4 MCAR Section 7.004 G.1. The examination for certification by the National Council of Architectural Registration Boards is no longer offered nor required. 4 MCAR Sections 7.004 G.2. and 3. are renumbered as G.1. and 2. 4 MCAR Section 7.004 G.2.proposes the increase in the fee for replacement of a revoked, lost, destroyed or mutilated certificate from $1.00 to $5.00. This increase is necessitated to cover the cost of the certificate, engrossment, and handling of the request. The current 4 MCAR Section 7.004 G.4. is proposed to be repealed. Instructional staff at the University of Minnesota Departments of Engineering no longer charge the Board for the evaluation of transcripts. 4 MCAR Section 7.004 G.5. is renumbered as Section 7.004 G.3. The final change proposed in this section is updating the reference to Rule AE&LS 4 as 4 MCAR Sect. 7.004.

The Board projects that these fee increases will generate a total of about $70,000 in new funds during the FY 1982-83 biennium. This amount will be sufficient to cover expected increases in costs for the biennium.

The proposed changes to 4 MCAR Section 7.009, Examination of Architect Applicant, are designed first, to add a provision for a voluntary Intern Development Program; second, to add requirements that each applicant pass the Qualifying Test and Section A, Professional Examination; and third, to update the rule and clarify existing language.

The proposed amendment to 4 MCAR Section 7.009A.2. provides for an alternate method of completing qualifying experience requirements for registration as an Architect through voluntary participation in the Intern Development Program (hereinafter IDP). The IDP is a program developed to provide Architect Interns with a structured internship which provides work experience in all areas in which an Architect may be expected to practice. The program consists of 720 Value Units which cover the several aspects of architecture. A Value Unit equates to 8 hours of

working time. The Architect employer of the Intern serves as the sponsor for the Intern and is responsible for assisting the Intern in obtaining the training specified in the IDP syllabus. Another licensed Architect serves as an Advisor to several Interns on matters concerning the meeting of IDP criteria. If a Sponsor does not or cannot provide an Intern an opportunity to work in certain specified areas of the program, the Advisor will offer the Intern alternatives which he may follow in reaching his goal of completing the IDP. A review of examination statistics for 1980 reveals that persons who have completed the IDP, in other states, had a success rate of 80% in passing the national licensing examination while non-participants achieved a pass rate of 55% nationally. Any person who holds a professional degree from a school of architecture or who has combined education and experience of ten years qualifies for entry to the IDP. The Board believes that the experience received through completion of the IDP to be far superior to the unstructured training received in an Architect's office over the same three-year time period. The adoption of this voluntary provision will be in the public interest in that persons completing the IDP are better qualified for practice as Architects than are the persons who do not complete the Program.

The proposed amendment to 4 MCAR Section 7.009 C.1. would seem to repeal that section in its entirety. The stricken language, however, becomes a portion of 4 MCAR Section 7.009 C.2.b. This change is being made to reflect the order in which examinations are given.

The proposed amendment to 4 MCAR Section 7.009C.2.a. changes the numbering of this section to C.1. because the Qualifying Test is the first examination that an applicant must take. The Board proposes to delete all references to the National Council of Architectural Registration Boards (hereinafter NCARB) in order to show that this examination is approved by the Board for use as a step in determining qualifications of architect applicants for registration. The NCARB appellation is not needed to identify this examination. The Board further proposes to lower the requirements for admission to this examination from twelve (12) years to ten (10) years of combined education and experience. One of the intents of the Qualifying Test is to test non-graduate architects on subjects which are learned by graduates through education. Its purpose is to determine whether the non-graduate has achieved knowledge through experience alone or through a combination of approved architectural education and experience knowledge that a graduate has theoretically learned in five (5) or more years of professional education. The Board also proposes to require, effective for applicants filing initially for admission to examination after June 30, 1981, that all applicants must successfully complete the four-part Qualifying Test before being admitted to Section B of the Professional Examination. The Board does not believe that the Professional Examination properly tests the knowledge of graduates in Architectural Theory and History, Structural Technology, Materials and Methods of Construction and Environmental Control Systems which

comprise the four parts of the Qualifying Test. It is common knowledge in the architectural profession that an architect must understand structural, mechanical and electrical building systems. The Qualifying Test examines the scope of understanding that an applicant has of those systems. If, as a result of this examination, applicants are found lacking in knowledge and understanding of these building systems, the Board will seek alterations in the architectural program at the University of Minnesota to place greater emphasis on the understanding of building systems so that future graduates will have a better understanding of capacity, placement and use of structural, mechanical and electrical systems in buildings and structures. The Board believes that while this requirement will place additional demands on applicants in terms of expenditure of time and energy in preparing for examinations, the requirement will better serve the public interest by providing licensed architects with a proven understanding of building systems. This benefit will accrue through the specification, purchase and installation of systems that are cost effective and designed to carry the specific loads intended in the design.

The Board proposes a change to 4 MCAR Section 7.009 C. by adding a new section 2.a. entitled Section A. Professional Examination - Site Planning and Design Test. The Board proposes to add the requirement that all applicants successfully complete the Site Planning and Design Test before they may be registered to practice architecture in Minnesota. Site planning and design form the basis for the practice of architecture. The Mark Series Professional Examination does not provide for a graphic type of examination that will test the ability of the applicant to graphically present his ideas as to aesthetics, knowledge of life safety codes, circulation, or the function of the building to be designed. The Site Planning and Design Test provides a means not only to test the candidate's ability to graphically present these ideas but also his/her solutions to problems of exterior circulation, parking, siting of a building on a parcel of land and the like. Design is, perhaps, the singular most significant aspect of the practice of architecture that impacts on the public life, health and property as well as the public welfare.

The proposed change made for Section B, Professional Examination in 4 MCAR Section 7.009 C.2.b. restates the language in the current 4 MCAR Section 7.009 C.1. Certain modifications have been made to reflect changes authorized by the Board. Added language includes the requirement for taking the Qualifying Test as noted in the explanation for the proposed 4 MCAR Section 7.009 C.1. The current requirement is that a person failing one part of this examination must retake the entire examination. This requirement is being relaxed to permit a person failing one part of the Section B, Professional Examination to retake only the failed part. Persons failing two or more parts of this examination must retake the entire examination.

The proposed change to 4 MCAR Section 7.010, Examination of Engineer Applicant, is designed to make permissive the current requirement that the Board administer oral examinations to each applicant for registration as a Professional Engineer. The Board also has the authority to require an applicant to submit one exhibit of his or her engineering work along with a written critique of that exhibit in lieu of appearing before the Board for oral examination. The option of submitting an exhibit of engineering work is frequently offered to those applicants who would have to travel long distances in order to appear before the Board for an oral examination.

The proposed amendment to 4 MCAR Section 7.010 B. provides that the Board may require an applicant to appear before the Board for the purpose of an oral examination or to submit an exhibit of engineering work along with a critique of that exhibit. The Board finds that an increasing number of persons having extensive and comprehensive engineering education and experience are submitting applications for registration as Professional Engineer. The Board believes it can review the experience record of applicants and determine whether an applicant has the requisite four years of qualifying, diversified engineering experience for registration. If the Board finds that an applicant meets experience requirements, that applicant would be notified his application was approved without further action by the applicant. If the Board found that the experience of an applicant was marginal at the time of the review of the application, the applicant would be required to appear for an oral examination. The oral examination is used to verify the scope and quality of engineering experience gained as of the date of the oral examination. The ability of the Board to qualify applicants for registration as Professional Engineer without an oral examination would save those applicants the time and money required in appearing for the oral examination. Adoption of the proposed amendment would also save time and money for the Board. The Board anticipates that the number of oral examinations required would be reduced by as much as 75%. There would be no negative effect on the public life, health and property as a result of the adoption of this amendment.

Other changes proposed include the deletion of sexist language and the phrase "unless he is registered under 4 MCAR Section 7.007 E. or F." The later phrase is repealed because it is no longer appropriate to retain the language of the rule due to making permissive the requirement for an oral examination.

The proposed change to 4 MCAR Section 7.012, Rules of Professional Conduct would delete the phrase "hereinafter referred to as licensee" because it is out of place in the rule and is confusing to persons interpreting the rule. The proposed changes to 4 MCAR Section 7.012 C. would repeal Clause 2 relating to one licensee accepting employment to replace another licensee and Clause 6 relating to moonlighting, redefines acceptable advertising by licensees, and renumbers the remaining clauses necessitated by the repeal of Clause 2. The Board proposes to repeal Clause

2 because it prohibits one licensee from accepting employment to replace another professional without that professional's express knowledge. Although this language does not specifically prohibit one licensee from supplanting another, it may be construed to do so. The U.S. Department of Justice has queried this Board, along with several other U.S. licensing boards, concerning the issue of the prohibition of supplanting. The U.S. Supreme Court has found that clauses prohibiting supplanting contained in the canons of ethics of the several professional societies, to be a restraint of trade and consequently ordered that such prohibitions be repealed and no longer enforced. The repeal of 4 MCAR Section 7.012 C.2. will remove any doubt that a supplanting prohibition is included in the Board Rules of Professional Conduct.

The current 4 MCAR Section 7.012 C.4. will be renumbered 4 MCAR Section 7.012 C.3. as a result of the repeal of Clause 2. The Board proposes to redefine advertising that is appropriate for licensees. Current language restricts advertising to the use of brochures. This restrictive language will be repealed in favor of more relaxed language that will permit any advertising that is factual and not false or misleading information regarding the qualifications of the licensee or his employer, employees, associates, or joint venturers. While the new language is somewhat permissive, it does not permit a licensee to advertise in other than a truthful and factual manner.

The current 4 MCAR Section 7.012 C.6. governing the actions of persons accepting part time employment while employed by another firm on a fulltime basis is proposed to be repealed. It is very difficult to enforce the current rule. The Board believes that problems involving so-called "moonlighters" are best handled in a court of law since such problems ultimately are taken to the courts for resolution. Courts have, in the past, found the full-time employer liable for design errors made by an employee working part time for another employer.

The Board proposes to repeal 4 MCAR Section 7.013, Partnership. The current rule discriminates against licensees who wish to form a partnership with a person who is not licensed. The licensee and the nonlicensed person who are currently prohibited from forming a partnership for the purpose of offering professional services may form a corporation to offer those same professional services. The repeal of this section will permit such persons to establish the form of business entity which best suits their needs. The Board believes that the repeal of this section is in the public interest.

The Board proposes to change 4 MCAR Section 7.014, Registration, by including, in addition to partnerships, corporations and other firms engaged in professional practice as specified in Minnesota Statutes Section 326.14 (1980). The current rule specifies only partnerships which again discriminates against that form of business organization. Also added is language to include landscape architects

and other language intended to clarify the need for registration of persons in responsible charge of professional services offered. These changes are being proposed to update the language of this section to conform to the requirements of Minnesota Statutes Sections 326.02 - 326.15 (1980).

The Board proposes to amend 4 MCAR Section 7.015, Responsible Charge, by adding the phrase "and direct supervision" to the section title, including landscape architects under the provisions of the rule, modifying or otherwise adding to the definition of the term "responsible charge", repealing the provision requiring corporations and partnerships to file an annual certificate listing the names of licensees in their employ, and the adding of a definition of the term "direct supervision". The phrase "and direct supervision" is added to the section title to describe better the content of the rule. This is appropriate since a definition of the term "direct supervision" is proposed for addition to this section. The letters "al" are added to the word "architecture" to make it read "architectural" so that it reads in the same context as the names of the other professions. The word "or" is removed from between the words "Engineering" and "Land Surveying" to immediately following the words "Land Surveying" and before the new words "Landscape Architectural" so that this section is in conformance with the provisions of Minnesota Statutes Sections 326.02 - 326.15 (1980). The parenthetical notation of the numeral "1953" following the term "Minn. Stat. Sect. 326.14" is proposed for deletion as a housekeeping matter. The phrase "or persons" is proposed for deletion since Minnesota Statutes Section 645.08(2) (1980) provides that "the singular includes plural; and the plural, the singular..." The inclusion of the phrase "design policy, including" is proposed to be added to clarify duties performed by a person in responsible charge. This language permits the deletion of the phrase "of design and policy" later in the same sentence. The phrase "the work of" between the words "superintends" and "subordinates" is proposed for deletion in favor of the addition of the phrase "during the course of the work" following the word "subordinates".

New language requiring the review of plans and specifications prepared out of state by design professionals not licensed to practice in Minnesota is proposed for addition to the definition of the term "responsible charge". This language is necessary because there is no current provision that will allow Minnesota licensees to certify plans prepared by design professionals who are not licensed to practice in this state. A Minnesota licensee who certifies the work of others may be found guilty of "plan stamping", an offense which, if a person is found guilty, could result in license revocation or suspension. The new language will permit a qualified Minnesota licensee to review plans and specifications to include technical calculation in order to ensure that the design and equipment and materials specified are appropriate for use in this state. The only way a Minnesota licensee may currently certify such documents is to redraw the design plans and retype the specification. This, the Board believes, is begging the issue in regard to the illegal practice of "plan stamping".

The Board proposes to repeal the second paragraph of the current 4 MCAR Section 7.015. This paragraph provides that the Board Executive Secretary send annually a certificate to each partnership or corporation offering professional services regulated by the Board. The partnerships and corporations must list thereon the names and license number of each licensed design professional employed by the firm. This information is provided to the Board on roster cards filed by each licensee along with the license renewal fee. The repeal of the requirement for the annual filing of certificates will result in a significant cost savings for the Board as well as for the firms required to file the certificates listing the names and license numbers of design professionals in their employ. Information submitted on the certificates is seldom, if ever, used and the Board believes it to be unnecessary to continue this filing requirement.

A definition of the term "direct supervision" is proposed for addition to 4 MCAR Section 7.015. The Board has experienced difficulty in prosecuting complaints because of the lack of an appropriate definition of this term. The proposed language is intended to specify who may be considered a person in direct supervision of work. The Board believes that the inclusion of the persons who serve in the capacity of employer, an employee of the same firm, or a person who is under contract to or from another firm properly sets forth the identity of a person in direct supervision. Board requirements for preparation and certification of plans, specifications, reports, plats, or other documents specify that the person who prepared the document or who directly supervised the preparation of the document is the person that must certify that document. The new language also sets forth the types of persons that a person in direct supervision directs. The Board believes that this definition will assist licensees in meeting their certification responsibilities and that the requirement for direct supervision of work is in the public interest.

The Board proposes to amend 4 MCAR Section 7.017A. by modifying existing language to clarify the intent of the rule. This includes the proper name of examinations, adding the phrase "or her" to denote the fact that male and female persons apply for, and pass, examinations, and the addition of a provision for Landscape Architect-in-Training. There is no written examination available for this category. The Board proposes to issue a Landscape Architect-in-Training certificate to those persons who hold a degree from a Board-approved landscape architectural education program. The Board wishes to identify persons who will qualify for admission to the landscape architect professional practice examination for planning purposes. This procedure will also permit the Board to inform these graduates of the requirement for licensure to practice their profession. The Board proposes to make housekeeping amendments to 4 MCAR Section 7.017 B. for the purpose of clarifying existing language and to include landscape architects in its provisions. No other new requirements are imposed on licensees or the public as a result of these amendments.

The Board proposes to amend 4 MCAR Section 7.019, Seal, by clarifying existing language in accordance with the Registration Act. The law refers to registration as licensure and registrant as licensee. The proposed amendment uses the corresponding language for such terms. A new sentence is added to clarify the fact that use of the seal is optional and that the seal may not be used in lieu of the certification stamp provided for in 4 MCAR Section 7.018. These amendments are intended only to clarify existing language and impose no new requirements on licensees or the public.

The Board proposes to adopt new 4 MCAR Section 7.021, Professional Corporations. Minnesota Statutes Section 319A.21 (1980) require that professional corporations file corporate documents initially accompanied by a fee of $100.00 and that professional corporations subsequently file annual reports with the Board along with a $25.00 fee. The sole purpose of this rule is to comply with the cited statute.

General Mills, Inc.
General Offices

Post Office Box 1113
Minneapolis, Minnesota 55440

Engineering Policy

RECEIVED
JUL 20 1981

July 16, 1981

Mr. Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
500 Metro Square
St. Paul, MN 55101

Dear Mr. Torseth:

Responding to the Notice of Intent to Adopt Rules Without a Public Hearing relating to Proposed Rules Amending Licensing, Examination, Certification, and Reporting Requirements:

1. The Notice is not dated, thus the 30-day comment period is not defined.

2. The proposed revised language of 4MCAR 7-015 Responsible Charge and Direct Supervision is not clear. In particular, the next-to-the-last sentence, beginning on line 35, p. 10, and ending on line 4, p. 11, does not define the term "buildings, structures, or projects of standard design," nor can any definition be found elsewhere in the Rules, either existing or proposed. Therefore, it is substantially impossible to determine what, if any, work is covered by this requirement.

3. In the next sentence, beginning on line 4, p. 11, and ending on line 9, p. 11, it seems worth pointing out the fact that the State building code has been rejected by referendum in many jurisdictions in the State. Is it the intent of the Board to hold professionals responsible for compliance with the State code even where another building code applies?

In view of these problems with the Proposed Rules, it seems imperative that the Board issue clarification on these and other points which may have been raised.

In the absence of any clarification of the two points made in these comments, I have no option but to object to the adoption of the Proposed Rules and request a public hearing at which clarification can be sought.

Very truly yours,

J. William Haun, P.E.
Minnesota 8654

JWH/ms

This is recycled paper

July 20, 1981

Mr. J. William Haun, P.E.
General Mills, Inc.
General Offices
P. O. Box 1113
Minneapolis, Minnesota 55440

Dear Mr. Haun,

This will acknowledge receipt of your letter of July 16, 1981 in which you expressed some concerns relative to proposed changes to Board Rule 4 MCAR Section 7.015 Responsible Charge and Direct Supervision. First, please accept my apologies for the undated Notice of Intent to Adopt Rules Without a Public Hearing that you received. The 30-day comment period will commence with the publication of the Notice of Intent and the Proposed Rule Changes in the State Register. We expect the date of publication will be July 27, 1981.

The major item of concern to you apparently was the new language in 4 MCAR Section 7.015 which reads "Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, or landscape architect shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the state building code adopted by the Department of Administration." This language was added to address those projects such as pre-engineered buildings, fast food (chain) outlets, and other small chain commercial outlets. Under existing rules a Minnesota licensed design professional would be required to redraw the plans and redo the specifications as well which, in reality, is begging the "plan stamping" issue. The Board believes the current requirement poses an unnecessary expense to the owner. The ability to check the design, perform independent calculations, and review the specifications for appropriateness would, in the judgment of the Board, satisfy the verification of safety to the public. Inadequate plans and specifications would be returned to the original design professional for redesign in conformance with our requirements. An example might be a building designed to withstand a 20-pound snow load where a 40-pound load design is

required. The same process would apply where footings were designed for placement to a less-than-required depth to account for the anticipated frost line. Similarly, the air handling system might be designed in a manner so as not to take into consideration the wide temperature differentials encountered in our climate.

Even though the State Building Code has been rejected by a large number of rural area counties, the Board believes that it is necessary for the Minnesota licensed design professional to design projects using the State Building Code as the minimum standard. The Registration Act requires that Minnesota licensed design professionals exercise reasonable care in complying with applicable laws, ordinances, and building codes relating to design. In preparing this rule change, we were permitted to cite only the State Building Code since it is a part of the Minnesota Code of Agency Rules. Appropriate laws and ordinances could not be referenced without incorporating the complete language of those laws and ordinances into the rule.

I hope I have explained the above points to your satisfaction. If you have any questions relative to my explanation, please call me at 296-2388. Enclosed is a copy of our Statement of Need and Reasonableness for your information. Thank you for your concern in this matter.

Sincerely,

LET:ca
Encl.

Lowell E. Torseth
Executive Secretary

cc: P. C. Haglin, P.E.
M. W. Peterson

General Mills, Inc.
General Offices

Post Office Box 1113
Minneapolis, Minnesota 55440

Engineering Policy

RECEIVED
JUL 31 1981

July 29, 1981

Mr. Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
500 Metro Square
St. Paul, MN 55101

Dear Mr. Torseth:

Thank you for your letter of July 20 replying to my comments on the Proposed Changes to Board Rule 4 MCAR Section 7.015.

Unfortunately, I find the reply unresponsive to my first comment. I understand in a "conversational" way the intent of the revised rule on Responsible Charge and certainly support the concepts of limiting the professional responsibility of the Minnesota professional reviewing plans provided by others. Further, I agree fully that "selling stamps" is an unacceptable practice in most instances, especially if not delineated as to the division of responsibilities.

My problem with this part of the proposal is more basic: A precise definition of "repetitive" as applied to buildings, projects, etc., is needed. At some level of detail, no project is an exact duplicate of another, although it may appear so to a layman. Physical adaptation to a site is one example of inevitable uniqueness. Remember, many issues of plans adequacy and approval occur with local building officials, and consistent definition is essential.

In a similar vein, I find it incredible that the Board should by rule attempt to impose on the people of the State a Building Code which the Legislature has, by affirmative action, decided not to require. Surely, any qualified professional knows that Building Codes are minimal requirements and that mere compliance does not discharge the professional's responsibility to provide safe and suitable design.

Indeed, I believe that this requirement in actual practice will encourage public reluctance to pay professional fees if it is perceived that a registered designer might be held to a higher standard of design than one not so bound. Those outstate counties which have by referendum rejected the State Building Code will certainly object to a licensing Board overruling their referendum!

In sum, I think the Board's intervention in the Building Code controversy will simply make the Board appear a bit ridiculous and non-responsive to the public will, without any significant benefit to the people being protected.

This is recycled paper

Since I will be away from the State until after the close of the comment period, I suppose I have no option but to object to the Proposed Rules and request that formal rulemaking procedures be followed so that these issues can be publicly discussed in appropriate hearings.

Regretfully yours,

J. W. Haun, P.E.
Minnesota 8654

JWH/ms

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Merwin W. Peterson, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Merwin Peterson

~~Special~~ Assistant Attorney General

Dated: Oct 19, 1981

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Lowell E. Torseth, being first duly sworn, deposes and says:

That on the 9th day of October, 1981, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above entitled matter have been submitted to the Attorney General.

Lowell E Torseth

Subscribed and sworn to before me
this 9th day of October, 1981.

Carol A. Andersen
Carol A. Andersen
Notary Public, Dakota County, Minnesota
My Commission Expires February 5, 1983

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture	NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, October 9, 1981, for review as to form and legality. Pursuant to 1 MCAR Sect. 1.206B., the Attorney General will not approve the rules for at least 8 calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, 500 Metro Square, Saint Paul, Minnesota 55101, telephone (612) 296-2388.

Lowell E. Torseth

Lowell E. Torseth
Executive Secretary

RULEMAKING NOTICE LIST

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St. Paul, Minnesota 55101

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