

North Carolina Board of Architect
SUCCESSOR ARCHITECT POLICY

This policy is intended as guidance in situations in which the architect in responsible control of a project has either left the project, left a firm, has been taken ill or has died, or for some other reason is no longer associated or in responsible control of the project. In special circumstances, specifically where the original architect, for whatever reason, is no longer associated with the project, a successor architect may perform work on a set of plans originally prepared by that first registrant.

A successor architect is prohibited from sealing incomplete plans originally begun or prepared under the original architect's responsible control. If the plans are incomplete, which is defined as having plans that are at a stage prior to submittal for use in this state, the successor architect may not seal the set of drawings prepared by the original architect. Rather, the successor architect must take all steps necessary to ensure that the drawings are prepared under his or her responsible control and make it his or her work product.

If the plans are complete and have been sealed for use in this state, the successor architect may prepare and seal addenda sheets or cloud revisions or changes if they are necessary. The successor architect may also use a disclaimer indicating that he or she is the 'successor architect' and is only responsible for the indicated work done under their seal.

This policy may not be applicable when there are copyright disputes or contractual issues.

Pertinent Sections of the Rules

21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL

(a) An architect shall seal his or her work whether or not the work is for an exempt project as defined in G.S. 83A-13. An architect shall not sign nor seal drawings, specifications, reports, or other professional work that were not prepared by the architect or under his or her responsible control. Documents shall be sealed as follows:

- (1) An architect may seal those portions of the professional work that:
 - (A) were prepared by or under the responsible control of persons who are registered architects in this State if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work; and
 - (B) are not required by law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work.
- (2) Individual Seal Design shall be as follows:
 - (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to original drawings or sets of specifications for use in

this State. For the purposes of this Rule, the term "for use in this State" means drawings and sets of specifications prepared for bidding, procurement, permitting, or for construction. For purposes of this Rule, "original" means the version of drawings and sets of specifications from which all copies can be made.

- (5) Architects shall affix their seal on one original of all their drawings and sets of specifications prepared by them for use in this State as follows:
 - (A) on the cover sheet of each design and on each drawing prepared by the architect for the design;
 - (B) on the index page identifying each set of specifications; and
 - (C) on the index page of all other technical submissions. For the purposes of this Rule, "technical submissions" refer to plans, drawings, specifications, studies, addenda, and other technical reports prepared in the course of practicing architecture.
- (6) Presentation documents, such as renderings used to communicate conceptual information, shall not be sealed or signed.
- (7) Documents considered incomplete by the architect may be released for interim review without the architect's seal or signature affixed, but shall be dated, bear the architect's name, and be marked to indicate the documents are for interim review and not intended for bidding, procurement, permit, or construction purposes.
- (10) The use of the prescribed seal is an individual act whereby the architect must personally sign over the imprint of the seal. By sealing documents for use in this State, an architect is representing that he or she is in responsible control over the content of such documents and has applied the required professional standard of care. The architect is responsible for security of the seal when not in use.

(d) Responsible Control. No architect shall affix his or her seal and signature to contract documents developed by others not under the architect's responsible control. "Responsible control" means that amount of control over and professional knowledge of the content of technical submissions during their preparation as is exercised by an architect applying the required professional standard of care, including:

- (1) Dissemination of programmatic requirements;
- (2) Ongoing coordination and correlation of services with other aspects of the total design of the project;
- (3) Verification with consultant that owner's requirements are being met;
- (4) Authority over the services of those who assisted in the preparation of the documents;
- (5) Assumption of responsibility for the services;
- (6) Incorporation of services and technical submissions into design documents to be issued for permitting purposes; and
- (7) Incorporation and integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information.

21 NCAC 02 .0209 UNPROFESSIONAL CONDUCT

- (8) Misrepresentation Regarding Prior Experience. An architect shall represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit. Misrepresentation shall be found if the following is not complied with:
 - (a) Each architect shall state his or her prior professional experience and the firm the architect is representing while presenting qualifications to all prospective clients. If an architect uses visual representations of prior projects or experience, all architects-of-record must be identified. "Architect-of-record" means persons or entities whose seals appear on plans, specifications, and contract documents.
- (11) Copyright Infringement. It is unprofessional conduct for an architect to be found by a court to have infringed upon the copyrighted works of other architects or design professionals.

Approved by the Board of Architecture on April 13, 2018.