

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 02 - ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Board of Architecture and Registered Interior Designers intends to readopt with substantive changes the rules cited as 21 NCAC 02 .0106, .0108, .0109, .0401- .0406, .0501, .0601, .0603- .0605, .0609, .0610, .0701- .0705, .0903, readopt without substantive changes the rules cited as 21 NCAC 02 .0101, .0107, .0201, .0203- .0206, .0210, .0213- .0215, .0217, .0302, .0303, .0306, .0901, .0904-.0910, repeal through readoption the rules cited as 21 NCAC 02 .0607, and .0608.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncbarch.org/>

Proposed Effective Date: June 1, 2026

Public Hearing:

Date: December 16, 2025

Time: 10:00 a.m.

Location: <https://us02web.zoom.us/j/85840836521?pwd=ZjgAFWMAQej8fWncW4tZYyJg51vs59.1&from=addon> / Meeting ID: 858 4083 6521 Passcode: 394893

Reason for Proposed Action: 21 NCAC 02 .0101 - Sets forth the physical address for the Board

21 NCAC 02 .0106 - Sets forth the Board's adoption of its seal, as required by GS 83A-5(c)

21 NCAC 02 .0107 - Sets forth the location at which Board forms may be found on the internet

21 NCAC 02 .0108 - Establishes fees authorized by GS 83A-4

21 NCAC 02 .0109 - Provides the definition of terms used throughout Chapter 02, Title 21 of the NC Administrative Code

21 NCAC 02 .0201 - Codifies the type of information that must be submitted to the Board related to the credential holder's contact information and legal compliance

21 NCAC 02 .0203 - Codifies the Board's standards for professional conduct, as authorized by GS 83A-6(a)

21 NCAC 02 .0204 - Codifies the manner in which different types of entities that may be registered with the Board to engage in the practice of architecture or registered interior design

21 NCAC 02 .0205 - Clarifies that licensees or registrants shall not engage in dishonest conduct by use of a misleading or deceptive business name

21 NCAC 02 .0206 - Implements GS 83A-10 regarding the standards for professional conduct when sealing work

21 NCAC 02 .0210 - Provides definition around the term "Incompetence" as used in GS 83A-15(a)(2)

21 NCAC 02 .0213 - Codifies the application process for renewals of licensure and registration

21 NCAC 02 .0214 - Codifies the application process for initial and renewal licensure for entities engaged in the practice of architecture or interior design

21 NCAC 02 .0215 - Establishes the process by which architectural and interior design firms located in other jurisdictions may practice within North Carolina

21 NCAC 02 .0217 - Codifies the process by which an architect may request status as an Architect Emeritus, as defined by GS 83A-1

21 NCAC 02 .0302 - Codifies the standards for the licensure examination in architecture as set forth in GS 83A -7

21 NCAC 02 .0303 - Codifies the process by which architects licensed in other jurisdictions may obtain licensure in North Carolina

21 NCAC 02 .0306 - Clarifies the process by which interior designers may obtain registration with the Board

21 NCAC 02 .0401 - Codifies the process by which a person may petition the Board for rulemaking

21 NCAC 02 .0402 - Codifies the process by which the Board shall conduct rulemaking hearings

21 NCAC 02 .0403 - Codifies the manner in which a person may request placement on the interested parties list for rulemaking notices

21 NCAC 02 .0404 - Codifies the manner in which a person may present information to the Board at a public hearing for rulemaking

21 NCAC 02 .0405 - Codifies the manner in which the Board's presiding officer shall conduct a public hearing for rulemaking

21 NCAC 02 .0406 - Codifies the method by which records related to rulemaking shall be maintained by the Board

21 NCAC 02 .0501 - Codifies the process by which the Board shall consider a request for declaratory ruling

21 NCAC 02 .0601 - Codifies the process by which allegations of violations of law are reviewed by the Board

21 NCAC 02 .0603 - Codifies the process by which an individual may petition the Board for an administrative hearing

21 NCAC 02 .0604 - Codifies the process by which the Board will review requests for an administrative hearing

21 NCAC 02 .0605 - Codifies the process used by the Board when issuing notices of hearing

21 NCAC 02 .0607 - Repeals the process by which a person may petition to intervene in a contested case hearing

21 NCAC 02 .0608 - Repeals the process by which a Board may consider a petition to intervene in a contested case hearing

21 NCAC 02 .0609 - Codifies the process by which the Board may accept written stipulations during a contested case proceeding or informal disposition of a contested case

21 NCAC 02 .0610 - Codifies the process by which a Board member may be recused or disqualified from participation in Board business

21 NCAC 02 .0701 - Codifies the process by which the Board may consider motions for continuance during a contested case proceeding
 21 NCAC 02 .0702 - Codifies the manner in which the Board shall take oral testimony during a contested case proceeding
 21 NCAC 02 .0703 - Codifies the manner in which the Board shall accept requests for subpoenas
 21 NCAC 02 .0704 - Codifies the process by which the Board issues a written final decision following a contested case hearing
 21 NCAC 02 .0705 - Codifies the process by which the Board will render a written final decision following receipt of a proposal for decision from the NC Office of Administrative Hearings
 21 NCAC 02 .0901 - Codifies that the scope of Section .0900 of this Chapter sets forth continuing education requirements for licensees and registrants
 21 NCAC 02 .0903 - Codifies the documentation necessary to establish continuing professional competency for licensees and registrants to renew their credential
 21 NCAC 02 .0904 - Codifies the manner in which the Board may audit records related to continuing professional competency
 21 NCAC 02 .0905 - Codifies the records that a licensee or registrant must maintain to show continuing professional competency
 21 NCAC 02 .0906 - Codifies exemptions to continuing professional competency education for certain credential holders
 21 NCAC 02 .0907 - Codifies the licensure reinstatement process for credential holders
 21 NCAC 02 .0908 - Codifies the professional competency education requirements for non-resident credential holders
 21 NCAC 02 .0909 - Codifies the certification requirements for continuing professional competency education necessary for renewal of credentials
 21 NCAC 02 .0910 - Codifies the manner in which non-compliance with professional competency education requirements will impact licensure status

Comments may be submitted to: *Cathe M. Monte Carlo, 434 Fayetteville St., Suite 2005, Raleigh, NC 27601; phone (919) 268-7293; email cathe@ncbarch.org*

Comment period ends: *January 30, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 02 - BOARD OF ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 02 .0101 AUTHORITY: NAME AND LOCATION OF BOARD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 02 .0106 SEAL OF BOARD

The official seal adopted by the Board is the Great Seal of the State of North Carolina as set forth in G.S. 147-26 with the inscription of the Board name on the perimeter.

*History Note: Authority G.S. 83-5; 83A-6;
 Eff. February 1, 1976;
 Readopted Eff. September 29, 1977;
 Amended Eff. May 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
 Temporary Amendment Eff. November 30, 2021;
 Amended Eff. June 1, ~~2022~~ 2022;
 Readopted Eff. June 1, 2026.*

21 NCAC 02 .0107 FORMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 02 .0108 FEES

The fees required by the Board are set forth below:

Initial License to Practice Architecture:	
By Exam	\$55.00
By Reciprocity	\$155.00
Architecture Firm License	\$100.00
Annual License to Practice Architecture Renewal:	
Individual	\$55.00
Firm	\$125.00
Late Renewal Penalty for Individual Architects and Firms:	
Up-to-30 days	\$55.00
30 days to 1 year	\$110.00 <u>\$100.00</u>
Reinstatement of Expired License:	
Individual Architect	\$260.00
Architecture Firm	\$300.00
Initial Registration to Practice Interior Design:	
For NCIDQ Certified Individual	\$155.00
Firm Registration	\$100.00
Addition of Interior Design Firm Registration for Currently Licensed Architecture Firms	\$50.00
Annual Registration to Practice Interior Design Renewal:	
Individual	\$55.00
Firm	\$125.00
Late Renewal Penalty for Interior Designers and Interior Design Firms:	
Up-to-30 days	\$55.00
30 days to 1 year	\$110.00 <u>\$100.00</u>
Reinstatement of Expired Registration	
Interior Designer Individual	\$260.00
Interior Design Firm	\$300.00

All fees paid to the Board are non-refundable.

*History Note: Authority G.S. 55B-10; 83A-4; 83A-11;
 Eff. February 1, 1976;
 Readopted Eff. September 29, 1977;
 Amended Eff. July 1, 2014; December 1, 2010; June 1, 1995; December 1, 1992; May 1, 1991; May 1, 1989; July 1, 1987;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
 Amended Eff. November 1, 2017;
 Temporary Amendment Eff. November 30, 2021;
 Amended Eff. April 1, 2024; June 1, ~~2022~~ 2022;
 Readopted Eff. June 1, 2026.*

21 NCAC 02 .0109 DEFINITIONS

In addition to the statutory definitions in G.S. 83A-1, as used in these Rules, the following terms shall have the following meanings:

- (1) "Delinquent" is the status of a license registration that has not been renewed in accordance with Rule .0213(b) of this Chapter for individuals and Rule .0214(c) of this Chapter for firms.
- (2) "Fictitious name" is any assumed name, style, or designation other than the proper legal name of the entity as registered with the Secretary of State. The surname of a person, standing alone or coupled with words that describe the business, is not a fictitious business name. The inclusion of words that suggest additional owners, such as "Company," "& Company," "& Sons," "& Associates," makes the name an assumed or fictitious name. For partnerships, the last name of all partners ~~must~~ shall be listed, or the fictitious name definition applies.
- (3) "Procurement" means purchasing or pricing of materials to construct a building or structure.
- (4) "Direct Supervision" as used in North Carolina G.S. 83A-15(a)(1)b means responsible control as defined in Rule .0203 of this Chapter.
- (5) "Continuing Competency" as used in G.S. 83A-6(a) means continuing education obtained post licensure or registration that enables an architect or registered interior designer to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture and interior design to safeguard the public's health, safety, and welfare.

- (6) "Health, ~~safety or~~, safety, or welfare" (HSW) as used in G.S. 83A-6(a) means technical and professional subjects that according to these rules safeguard the public and that are necessary for the proper evaluation, design, construction and utilization of buildings and the built environment.
- (7) "Architect-of-record" or "Designer-of-record" means persons or entities whose seals appear on plans, specifications, and contract documents.

*History Note: Authority G.S. 83A-6;
 Eff. November 1, 2010;
 Amended Eff. October 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
 Temporary Amendment Eff. November 30, 2021;
 Amended Eff. June 1, ~~2022~~ 2022;
 Readopted Eff. June 1, 2026.*

SECTION .0200 - PRACTICE OF ARCHITECTURE

- 21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP CONTACT INFORMATION AS ON FILE WITH THE BOARD (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0203 RULES OF PROFESSIONAL CONDUCT (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0204 FORMS OF PRACTICE (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0205 NAME OF FIRM (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL BY AN ARCHITECT OR REGISTERED INTERIOR DESIGNER (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0210 INCOMPETENCE (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0213 INDIVIDUAL LICENSES AND REGISTRATIONS (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE AND REGISTERED INTERIOR DESIGN (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0215 OUT OF STATE FIRMS (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0217 ARCHITECT EMERITUS (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - EXAMINATION PROCEDURES

- 21 NCAC 02 .0302 ARCHITECTURAL LICENSURE BY EXAMINATION (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)
- 21 NCAC 02 .0306 INTERIOR DESIGNER REGISTRATION (READOPTIOIN WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - RULES: PETITIONS: HEARINGS

21 NCAC 02 .0401 RULE-MAKING PETITIONS

A person may petition the Board to adopt a new rule or change or amend an existing rule by sending a rule-making petition in writing to the Board at the Board's address set out in Rule .0101. The petition must be titled "Petition for Rule-making" and ~~must~~ shall include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which a change or repeal is requested;
- (3) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule, amendment, or repeal is requested and the effects of the new rule, amendment, or repeal on the Board's procedure or the persons regulated by the Board;
- (5) any other information the person submitting the petition considers relevant.

~~(b) The Board must decide whether to grant or deny a petition for rule making within 120 days of receiving the petition. In making its decision, the Board will consider the information submitted with the petition and any other relevant information.~~

~~(c) When the Board denies a petition for rule making, it must send written notice of the denial to the person who submitted the request. The notice must state the reason for the denial. When the Board grants a rule making petition, it must initiate rule making proceedings and send written notice of the proceedings to the person who submitted the request.~~

History Note: Authority G.S. ~~150B-6;~~ 150B-20;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0402 NOTICE OF RULE-MAKING HEARINGS

Upon a determination to hold a rule-making proceeding, either in response to a petition or otherwise, the Board shall give notice to all interested persons pursuant to the procedure established in Article ~~3A~~ 2A of Chapter 150B of the North Carolina General Statutes.

History Note: Authority G.S. ~~83A-6;~~ ~~150B-12;~~ 150B-20; 150B-21.1; 150B-21.2
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. June 1, 1995; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0403 NOTICE MAILING LIST

Any person desiring to be placed on the mailing list for Board rule-making notices ~~may~~ shall file such request in writing, furnishing his name and mailing address to the Board. The letter of request ~~should~~ shall state those subject areas within the authority of the Board for which the person wants notice. ~~The Board may require reasonable postage and stationery cost to be paid by persons receiving such notice.~~

History Note: Authority G.S. ~~83A-6;~~ ~~150B-12;~~ 150B-20; 150B-21.1; 150B-21.2
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0404 SUBMISSION OF DATA

Any person desiring to present data, views or arguments on a proposed rule ~~must comply with the statement of procedure as contained in the Notice of Hearing for the rule~~ may do so at the public hearing conducted in accordance with Article 2A of Chapter 150B of the North Carolina General Statutes. Any person desiring to make an oral presentation to the Board prior to or at the hearing is encouraged to submit a written copy of the presentation to the Board prior to or at the hearing.

History Note: Authority G.S. ~~83A-6;~~ ~~150B-12;~~ 150B-20; 150B-21.1; 150B-21.2
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0405 PRESIDING OFFICER: POWERS AND DUTIES

The presiding officer at a rule-making hearing shall ~~have complete control of the proceedings, including recognition of the recognize speakers, time allotments allot time for presentations, the right to question speakers, direction of and direct~~ the discussion and management of the hearing. The presiding officer, ~~at all times,~~ officer shall take care ensure that each person participating in the hearing is given ~~a fair~~ an opportunity to present views, data and comments.

History Note: Authority G.S. ~~83A-6;~~ ~~150B-12;~~ 150B-20; 150B-21.1; 150B-21.2
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. June 1, 1995; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0406 RECORD OF PROCEEDINGS

A record of all rule-making proceedings will be maintained in the Board office for as long as the rule is in effect. This record shall ~~contain: the original petition (if any), the notice, all written comments submitted, statements of explanation made to any interested party, and the minutes of the proceedings.~~ contain all items required by G.S. 150B-21.2(i). The Board's Executive Director shall be the custodian of records related to rule-making by the Board.

History Note: Authority G.S. 83A-6; 150B-12; 150B-21.2;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~; 2015;
Readopted Eff. June 1, 2026.

SECTION .0500 - DECLARATORY RULINGS

21 NCAC 02 .0501 PROCEDURE FOR DECLARATORY RULING

(a) The Board shall decide whether to grant or deny a request to make a declaratory ruling on the validity of a rule or on the applicability of particular facts to a statute or to a rule or order of the Board within 60 days of receiving the petition. ~~The Board shall deny a request for a declaratory ruling when the Board deems the petition undesirable.~~ The Board will ~~ordinarily~~ shall refuse to grant a petition for a declaratory ruling when there has been a similar factual determination in a contested case or one is likely to be made in a pending contested case or investigation.

(b) The Board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence as offered in the petition for the declaratory ruling. When the Board determines that a rule is invalid, the Board shall initiate rule-making proceedings and send written notice of the proceeding to the person who submitted the request.

History Note: Authority G.S. 83A-6; ~~150B-17~~; 150B-4
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~; 2015;
Readopted Eff. June 1, 2026.

SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES

21 NCAC 02 .0601 PROFESSIONAL STANDARDS COMMITTEE

(a) The Professional Standards Committee ("Committee") shall be appointed by the President of the Board. Complaints regarding violations of the law or board rules shall be referred to the Committee.

(b) The Committee shall determine whether a complaint warrants further investigation or, if proven, constitutes probable cause and justifies contested case proceedings.

(c) If probable cause is found by the Committee, the staff and board counsel shall serve a Notice of Hearing for a contested case proceeding. ~~However, a Consent Agreement resolving the complaint may be negotiated and recommended to the Board by the Committee, either before or after service of the Notice of Hearing.~~

(d) If probable cause is not found, the Committee ~~may~~ shall dismiss such a matter with or without prejudice.

History Note: Authority G.S. 83A-6; 83A-14; 83A-15; 150B-41;
Eff. March 1, 1984;
Amended Eff. November 1, 1991; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~; 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0603 REQUEST FOR HEARING

(a) Any time an individual believes he is a person aggrieved by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual may file a ~~formal~~ request for a ~~hearing.~~ hearing, in accordance with Paragraph (c) of this Rule.

(b) ~~Before an individual may file a request,~~ filing a request for a hearing, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) ~~Subsequent to such informal action, if still dissatisfied,~~ To request a hearing the individual shall submit a written request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information:

- (1) name and address of the petitioner;
- (2) a concise statement of the action taken by the Board which is challenged;
- (3) a concise statement of the way in which the petitioner has been aggrieved; and
- (4) a clear and specific statement of request for a hearing.

~~(d) The request shall be acknowledged promptly and, if deemed appropriate by the Board in accordance with Rule .0604 of this Section, a hearing will be scheduled.~~

History Note: Authority G.S. 83A-6; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0602;
Amended Eff. June 1, 1995; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~. 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0604 GRANTING OR DENYING HEARING REQUESTS

- (a) The Board shall grant a request for a hearing if it determines that the party requesting the hearing is a "person aggrieved" within the meaning of G.S. 150B-2(6).
- (b) The denial of request for a hearing shall be issued no later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons for the denial of the request.
- ~~(c) Approval of a request for a hearing will be signified by the issuing of a notice as required by General Statutes 150B-38(b) and explained in Rule .0605 of this Section.~~

History Note: Authority G.S. 83A-6; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0603;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~. 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0605 NOTICE OF HEARING

The Board shall ~~give~~ serve the party or parties in a contested case a with written notice of hearing not less than ~~15~~ 30 days before the hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):

- (1) the name, position, address and telephone number of a person at the offices of the Board to contact for further information or discussion; and
 - (2) the date, time, and place for a pre-hearing conference, if ~~any~~; and any.
 - (3) ~~any other information deemed relevant to informing the parties as to the procedure of the hearing.~~
- ~~(b) The Board shall give notice to all parties with a notice of hearing either personally or by certified mail or, if those methods are unavailable, in accordance with G.S. 1A-1, Rule 4(j1). In the event that notice is accomplished by certified mail, the delivery date on the return receipt shall be the date of the service of notice.~~
- ~~(c) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license or registration. Upon service of the order, the licensee or registrant to whom the order is directed shall immediately cease the practice of architecture in North Carolina. The Board shall promptly give notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.~~

History Note: Authority G.S. 83A-6; 150B-3(c); 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0604;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~. 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0607 PETITION FOR INTERVENTION

History Note: Authority G.S. 83A-6; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0606;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~. 2015;
Repealed Eff. June 1, 2026.

21 NCAC 02 .0608 TYPES OF INTERVENTION

History Note: Authority G.S. 83A-6; 150B-11; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0607;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~. 2015;

21 NCAC 02 .0609 INFORMAL PROCEDURES

(a) The Board and the party or parties may agree in advance to simplify the hearing by: ~~decreasing the number of issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.~~ by entering into written stipulations that:

- (1) decrease the number of issues to be contested at the hearing;
- (2) accept the admissibility or authenticity of certain proposed evidence; and
- (3) accept findings of fact or conclusions of law.

(b) Informal disposition may be made of any contested case or any issue therein by stipulation, agreement, or consent order at any ~~time after Notice of Hearing or during the proceedings.~~ time.

History Note: Authority G.S. 83A-6; ~~150B-11;~~ 150B-22; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0608;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0610 DISQUALIFICATION OF BOARD MEMBERS

(a) Self-disqualification. If for any reason a Board member determines that personal bias or other factors render that member unable to ~~conduct the hearing and perform all duties in~~ participate in Board business in an impartial manner, or gives the appearance that the member is unable to conduct Board business in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.

(b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (name of case).

(c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.

(d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed ~~ten~~ 10 days before commencement of the hearing. Any other affidavit will be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a Board member may be disqualified under this Rule.

(e) Procedure for Determining Disqualification:

- (1) The Board will appoint a Board member to investigate the allegations of the affidavit.
- (2) The investigator will report to the Board the findings of the investigation.
- (3) The Board shall decide whether to disqualify the challenged individual.
- (4) The person whose disqualification is to be determined will not participate in the decision but may be called upon to furnish information to the other members of the Board.
- (5) A record of proceedings and the reasons for any decision reached will be maintained as part of the contested case record.
- (6) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.
- (7) If disqualification of a Board member leaves less than a majority of the Board, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).
- (8) Where a petition for disqualification is filed less than ~~ten~~ 10 days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his or her petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

History Note: Authority G.S. 83A-6; 150B-11; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0609;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015;~~ 2015;
Readopted Eff. June 1, 2026.

SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

21 NCAC 02 .0701 CONTINUANCES FAILURE TO APPEAR

(a) ~~The presiding officer may grant continuances and adjournments only in compelling circumstances.~~

~~(b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance adjournment, the hearing shall be conducted in the party's absence.~~

Motions for a continuance of a hearing shall be reviewed in accordance with the North Carolina Rules of Civil Procedure as set forth in G.S. 1A-1, Rule 40(b). The Board is not required to grant a motion to continue. All motions for continuance shall be addressed to the presiding officer. In determining whether good cause exists as set forth in G.S. 1A-1, Rule 40, the presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance. Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven calendar days before the hearing date. A motion for a continuance shall be denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained earlier.

History Note: Authority G.S. 83A-6; G.S. 1A-1, Rule 40(b); 150B-11; 150B-38; 150B-40; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. November 1, 2010; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~; 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0702 WITNESSES

Any party may be a witness and may present testimony of witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded or transcribed. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

History Note: Authority G.S. 83A-6; ~~150B-11~~; 150B-38; 150B-40; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~; 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0703 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be made in writing to the Board, shall identify any document sought with sufficient particularity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and location in which the witness is commanded to appear. The Board shall issue the requested subpoenas within five business days of its receipt of the written request.

(b) Subpoenas shall contain:

- (1) the caption of the case;
- (2) the name and address of the person subpoenaed;
- (3) the date, hour, and location of the hearing in which the witness is commanded to appear;
- (4) a particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any;
- (5) the identity of the party on whose application the subpoena was issued;
- (6) the date of issue;
- (7) the signature of one of the members of the Board or the Board's Secretary; and
- (8) a "return of service." The "return of service" form, as filled out pursuant to Paragraph (c) of this rule shall include:
 - (A) the name and capacity of the person serving the subpoena,
 - (B) the date on which service was made,
 - (C) the person on whom service was made,
 - (D) the manner in which service was made, and
 - (E) the signature of the person making service.

~~(c) The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person serving the subpoena shall fill out the "the "return of service" form, as required in Subparagraph (b)(8) of this Rule for each copy and return one copy of the subpoena, with the attached "return of service" form completed, to the Board. Subpoenas shall be served in a manner set forth in Rule 45 of the N.C. Rules of Civil Procedure.~~

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

~~(e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or other undue hardship.~~

(f) Any such objection to a subpoena ~~must~~ shall be served on the party who requested the subpoena simultaneously with the filing of the objection with the Board.

(g) The party who requested the subpoena, in such time as may be granted by the presiding officer, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(h) After receipt of the objection and response thereto, if any, the presiding officer shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties, of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(i) After the close of such hearing, ~~a majority of the Board members hearing the contested case~~ the Board shall rule on the challenge and issue a written decision. A copy of the decision shall be issued to all parties and made a part of the record.

History Note: Authority G.S. 83A-6; 150B-38; 150B-39;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. November 1, 2010; May 1, 1989;
Readopted Eff. October 1, ~~2015~~; 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0704 FINAL AGENCY DECISION

~~In all cases heard by the Board of Architecture and Registered Interior Designers, the~~ The Board will issue its written final decision within 60 days after its next regularly scheduled meeting following the close of the ~~hearing. This decision will be the prerequisite "final agency decision" for the right to judicial review.~~ contested case hearing, in accordance with G.S. 150B-42.

History Note: Authority G.S. 83A-6; ~~150B-11~~; 150B-38; 150B-42;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Amended Eff. October 1, ~~2021~~; 2021;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0705 PROPOSALS FOR DECISIONS

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered ~~within 45 days of the hearing pursuant to the Rules of~~ to the Board by the N.C. Office of Administrative Hearings. The parties may file written exceptions to this "proposal for decision" and submit to the Board their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals ~~must~~ shall be ~~received~~ submitted to the Board within ~~ten~~ 10 days after the party has ~~received~~ the "proposal for decision" as drafted by the administrative law judge. been served with the "proposal for decision."

(b) Any exceptions ~~to the procedure during the hearing, the handling of the administrative law judge, rulings on evidence, or any other matter~~ must shall be written and shall refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. ~~The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision.~~ The written exceptions ~~must~~ shall bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (name of case).

(c) Any party may present oral argument to the Board upon ~~request.~~ request, pursuant to G.S. 150B-40(e). The requests must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, ~~notice will be issued promptly~~ the Board shall issue notice to all parties designating the time and place for such oral argument.

(e) ~~Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary.~~ The Board's final decision rendered will shall be a part of the record and ~~a copy thereof given to all parties.~~ shall be served on the parties in accordance with G.S. 150B-42. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

History Note: Authority G.S. 83A-6; ~~150B-11~~; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, ~~2015~~; 2015;
Readopted Eff. June 1, 2026.

SECTION .0900 - CONTINUING EDUCATION

21 NCAC 02 .0901 SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

21 NCAC 02 .0903 REQUIREMENTS

(a) Every licensee and registrant shall obtain 12 contact hours of continuing education for each calendar year. "Contact Hour" means 50 minutes contact.

(b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in technical and professional architectural and interior design subjects & related to safeguarding public health, safety, and ~~welfare ("HSW").~~ welfare ("HSW"). "Structured educational activities" are activities in which at

least 75 percent of an activity's content and instructional time is devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under the areas identified as HSW by individuals or organizations, whether delivered by direct contact or distance learning methods.

(c) Licensees and registrants shall not carry forward any contact hours into the subsequent period.

(d) Licensees and registrants shall certify completion of the contact hours for the previous calendar year with annual renewal.

*History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11;
Eff. July 1, 1998;
Amended Eff. October 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Temporary Amendment Eff. November 30, 2021;
Amended Eff. June 1, ~~2022~~ 2022;
Readopted Eff. June 1, 2026.*

- 21 NCAC 02 .0904 DETERMINATION OF CREDIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 21 NCAC 02 .0905 RECORD KEEPING (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 21 NCAC 02 .0906 CONTINUING EDUCATION EXCEPTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 21 NCAC 02 .0907 REINSTATEMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 21 NCAC 02 .0908 CONTINUING EDUCATION RECIPROCITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 21 NCAC 02 .0909 DOCUMENTATION AND AUDITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 21 NCAC 02 .0910 NON-COMPLIANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**