



Ohio Architects Board

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OHIO ADMINISTRATIVE CODE Effective September 2010 *Revised sections indicated in italics*

4703-1 Administration

4703-1-01 Definitions

- (A) "Architect" - a person who is registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (B) "Practice of Architecture" - providing or offering to provide those service, hereinafter described, in connection with the design and construction, enlargement, or alteration of a building or group of buildings and the space within and the site surrounding such buildings, which have as their principal purpose human occupancy or habitation, except where otherwise exempted by sections 3781.06 to 3781.18 and 3791.04 of the Revised Code. The services referred to include pre-design, programming, planning, providing designs, drawings, specifications and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting engineers; providing that the practice of architecture shall not include the practice of engineering as defined in Chapter 4733. of the Revised Code, but a registered architect may perform such engineering work as is incidental to the practice of architecture.
- (C) "Good moral character" - not having been convicted of a crime involving moral turpitude, not having made misstatements or misrepresentation in connection with an application for registration, renewal of the registration or certificate of authorization, not having willfully violated any of the sections of the code of conduct required of certificate holders and set forth in the statutes or rules, and not having practiced architecture without registration in violation of the registration laws of the jurisdiction in which the practice took place.
- (D) "Principal" - an architect who is in charge of an architectural firm's practice, either solely or with other architects, and who is legally responsible for the architectural activities of the firm and is a sole proprietor, partner, or shareholder of the organization. If the firm is a corporation, the architect is a member of the board of directors. If the firm is a business trust, the architect is trustee.
- (E) "Firm" or "architectural firm" - any legally formed business organization through which architectural services are provided.
- (F) "Emeritus architect" - an architect over the age of sixty-five, who has been licensed in the state of Ohio for at least ten years, is fully retired, and does not engage in any of the activities defined as the practice of architecture in paragraph (B) of this rule.
- (G) "Intern architect" or "architectural intern" - an individual approved by the board to sit for the architect registration exam and who holds an active record with the national council of architectural registration boards.
- (H) "Direct supervision" - means that degree of supervision by a person currently licensed in this jurisdiction, overseeing the work of another, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.
- (I) "Responsible control" - means that amount of control and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care, including but not limited to an architect's integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect

reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions when the architect has coordinated and reviewed such information.

Other review, or reviewing and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

Effective date: November 9, 2009

Five year rule review date: October 31, 2014

4703-1-02 Applications.

(A) All applications for registration must be made on forms furnished by the board. Applications for registration will be received at all times at the office of the board.

The application fee must accompany the application.

(B) Each applicant shall submit, or cause to be submitted with the application, authentic proof of the statements made therein, by attaching such documentary evidence, affidavits, registrar's statements, diplomas, employment verification forms, internship records, transcripts issued by the degree-granting authorities, published data, photographs, photocopies or other sworn or proven evidence as, in the discretion of the board, may be sufficient for the board to determine the applicant's eligibility to be admitted to the examination or for consideration of registration by reciprocity pursuant to section 4703.07 or 4703.08 of the Revised Code and rules 4703-2-05 and 4703-2-06 of the Administrative Code.

The board reserves the right to retain, as a permanent part of the application, any or all documents submitted, which shall be properly marked for identification and ownership. Original documents may be replaced by photocopies copies of such documents at the request and expense of the applicant.

(C) The board may require the personal appearance of the applicant at the time and place it designates.

(D) Failure to comply with the board's request for additional information within sixty days of such request or to appear before the board at the date and time established may be considered as just and sufficient cause for disapproval of the application.

(E) All applications shall be considered and accepted or rejected individually with the action taken on each application recorded in the minutes and an indication of the action taken placed with the application. The board reserves the right to establish or change the classification under which the applicant is claiming eligibility. A certificate of qualification shall be issued under only one classification.

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Five year review date: October 31, 2014

4703-1-03 Certificates.

(A) Certificates of qualification.

(1) A person registered by the board under section 4703.07 or 4703.08 of the Revised Code, will upon payment of the fee required in rule 4703-1-04 of the Administrative Code, receive a certificate as provided under section 4703.10 of the Revised Code.

(2) Only one certificate of qualification shall be issued to a registered architect. In the event a certificate is damaged, the board will issue a duplicate certificate upon the payment of the fee required in rule 4703-1-04 of the Administrative Code and the return of the damaged certificate.

If a certificate is lost or destroyed, the board will issue a duplicate certificate upon the filing of a notarized affidavit stating the certificate was lost or destroyed and the payment of the fee required in rule 4703-1-04 of the Administrative Code.

(B) Expired certificates of qualification.

A certificate of qualification, unless renewed, expires on the last day of December of the current renewal period.

A certificate which has expired may be renewed within the current renewal period by completing the renewal application form and returning it to the board with the renewal fee as required in rule 4703-1-04 of the Administrative Code, proof of completion of the continuing education requirement, and the required penalty fee.

An application for the restoration of a certificate, which has been expired beyond the current renewal period, shall be accompanied by a brief outline setting forth the professional activities of the applicant during the period in which the applicant was not licensed, the required fees and penalties and proof of completion of the continuing education requirement.

The applicant may be required to appear before the board in consideration of the application. If the board proposes to deny restoration of the applicant's certificate of qualification, the applicant will be given the opportunity for a hearing under the provisions of Chapter 119. of the Revised Code.

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Five year rule review date: October 31, 2014

4703-1-04 Fees.

(A) Application fee - the fee for making application for registration under section 4703.07 of the Revised Code is fifty dollars.

(B) Certificate fee - the fee for a duplicate certificate of qualification to practice architecture is twenty dollars. The fee for a duplicate renewal card is ten dollars.

(C) Renewal fee - the biennial renewal fee for a certificate of qualification is one hundred twenty-five dollars.

(D) Penalty fee – the penalty fee is twenty-five per cent per renewal period and shall be applied to late renewals and restorations, provided the maximum fee does not exceed one-thousand dollars.

(E) Fee to restore revoked certificate of qualification – the fee to restore a revoked certificate of qualification is five hundred dollars.

(F) Reciprocal registration fee - the fee for reciprocal registration under section 4703.08 of the Revised Code shall be two hundred fifty dollars.

(G) Certificate of authorization fees - the application fee for a certificate of authorization required under section 4703.18 of the Revised Code is one hundred twenty-five dollars. The annual renewal fee for the certificate of authorization is one hundred dollars.

(H) Returned check fee – the fee for checks or other instruments returned to the board by financial institutions due to insufficient funds shall be thirty-five dollars.

(I) Emeritus architect fee – the fee for an emeritus architect is one hundred twenty-five dollars per biennium.

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4703-1-11 Continuing education.

(A) Definitions. These definitions pertain only to this rule.

(1) Contact hour – a contact hour is at least fifty (50) minutes of instruction. The number of contact hours may be determined by the provider of the material or activity. For the entities listed under paragraph (A)(2) of this rule, the hours established by each organization will be accepted by the board. Where the

number of contact hours are established by others, the board may require additional evidence supporting the contact hours claimed.

(2) Qualified/certified--shall mean activities approved for credit/contact hours by any of the organizations below. (The imprimatur of these organizations in this rule shall constitute official acceptance by the board):

- (a) The American Institute of Architects
- (b) National Council of Architectural Registration Boards
- (c) The Ohio Architects Board
- (d) The Construction Specifications Institute "Construction Education Network"
- (e) Colleges and universities/other educational institutions
- (f) Other technical/professional societies or organizations
- (g) The association of licensed architects.

(A) General requirements.

Every registrant shall complete a minimum of twenty four (24) contact hours of continuing education prior to the end of each renewal period. Sixteen (16) of these hours shall be in areas directly related to health, safety and welfare as described in 4703-1-11 (D). The completion of these hours shall meet the requirements set forth in this rule.

The completion of these hours shall be a condition of renewal for the ensuing renewal period. The registrant shall not submit an application for renewal or restoration of a license unless the continuing education requirement has been completely fulfilled or the registrant has been exempted from the continuing education requirements by the board.

(B) Exemptions.

(1) An architect may be exempted from the continuing education requirements if certain conditions are met:

(1) An architect is automatically exempt in the following situations:

- (a) Architects newly licensed by examination by the state of Ohio are exempt from the continuing education requirements for the first renewal period only. This exemption does not apply to reciprocal registrants.
- (b) Emeritus architects, as defined in rule 4703-1-01 of the Administrative Code, are exempt, upon payment of the renewal fee, from the continuing education requirement.
- (c) Intern architects, architectural interns and exam candidates are exempt from the continuing education requirements.
- (d) If the architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing education requirements, which the architect has met, provided that jurisdiction accepts this jurisdiction's continuing education requirements as meeting its own.

(2) An exemption must be requested in writing, with proper documentation submitted to the board, and board approval granted, prior to submittal of the renewal application, when any of the following exemptions is sought:

- (a) Architect is on full-time duty, or temporarily called up for active duty, in the United States military service, where such activity restricts participation in continuing education activities meeting these requirements.

- (b) Architect has experienced a disability or illness that prevented the completion of the requirements in a timely manner.
- (c) Architects submit proof that the requirements were not met due to an unforeseen emergency, extreme hardship, or other similar circumstances.

(C) Content requirements.

Acceptable activities include those that increase the architect's knowledge and/or understanding of technical or professional subjects and contribute directly to the improvement of the architect's professional knowledge and competence to practice architecture.

At least sixteen (16) hours of the required continuing education activities in each registration period must pertain to technical/professional subjects the board determines are directly related to the protection of the health, safety, and welfare of the citizens of the state of Ohio.

These subjects generally include but are not limited to the following:

- (1) Building design
- (2) Land use analysis
- (3) Life safety standards
- (4) Architectural programming
- (5) Site and soil analysis
- (6) Accessibility design issues
- (7) Structural issues
- (8) Lateral forces
- (9) Building codes
- (10) Mechanical or electrical systems design and/or issues
- (11) Construction administration
- (12) Contract documents
- (13) Construction methods
- (14) Professional conduct
- (15) Material use and selection
- (16) Security and safety issues
- (17) Preservation, renovation, restoration or adaptive reuse
- (18) Sustainable design
- (19) Research in topics related to architecture
- (20) Such other subjects as the board may identify.

(D) Methods for fulfilling continuing education requirements

An architect may earn the required contact hours by any of the following methods, except that credit shall be awarded only once in a renewal period for the same program:

- (1) Attending a graduate or undergraduate level course at an accredited institution of higher learning where academic credit is granted and the content meets the requirements set forth in paragraph (D) of this rule. Credit: Twelve (12) continuing education credits for each one (1) hour of academic credit received.
- (2) Attending a course, program, seminar, conference, workshop, building tour, or similar event where it is presented, sponsored, or approved by an accredited institution of higher learning or professional organization, and has been qualified/certified as defined in paragraph (A)(2) of this rule. Credit: One (1) hour of continuing education credit for each hour of actual contact time of instruction provided.
- (3) Completing a qualified/certified monograph (such as an NCARB monograph) and passing a test on comprehension and understanding of its content. Credit: The number of hours of continuing education credit specified in the monograph.
- (4) Teaching a graduate or undergraduate course at an accredited institution of higher learning where the content meets the requirements noted above. Credit: Twelve (12) hours of continuing education credit for each one (1) hour of academic credit provided by the course except that after the first year, the maximum credit for the same course may not exceed a total of six (6) hours of continuing education credit.
- (5) Teaching a course or seminar, delivering a lecture, presenting a paper, or a program, workshop or monograph at an educational event meeting the above requirements. Credit: One (1) hour of continuing education credit for each hour of presentation plus one (1) hour of continuing education credit for each hour of preparation, except that this may be taken only once for the same program and may not exceed fifty per cent of the total required continuing education credits for the renewal period.
- (6) Publishing a book or an article in a professional journal, which meets the content requirements above, for one time credit for each book or article. Credit: One (1) hour of continuing education credit for each hour of preparation, not to exceed eight hours total of the continuing education requirements of the renewal period. Such activities may be eligible for health, safety and welfare credit.
- (7) Completing self-study program or other individualized continuing education activity that involves the use of qualified/certified materials. Credit: One (1) hour of continuing education credit for each hour of preparation, not to exceed fifty per cent of the total continuing education requirements of the renewal period. Such activities may be eligible for health, safety and welfare credit.
- (8) As a member of a national council of architectural registration boards committee. Credit: one (1) hour of continuing education credit for each hour of work where said hours are certified by the national council of architectural registration boards.
- (9) Professional service to the public, which draws upon the architect's professional expertise, on public boards and commissions such as: planning boards, building code boards, urban renewal board and other similar activities. Credit: One (1) hour of continuing education credit for each hour of work in this activity, not to exceed eight hours total of the continuing education requirements of the renewal period. Such hours may be eligible for health, safety and welfare credit.
- (10) Obtaining "LEED Professional Accreditation" by passing the "LEED AP Exam" during the current renewal period. Official documentation from the "Green Building Certification Institute (GBCI)" must be provided. Credit: a one time credit of eight hours. Such activities may be eligible for health, safety and welfare credit.

(E) Records maintained by architects.

Each architect shall, in addition to information submitted to the board, maintain a written record of all continuing education courses or programs undertaken during the current renewal period and the renewal period immediately proceeding the current renewal period.

These records shall be made available to the board at any time upon written request for review and audit.

These records may be requested at any time in connection with an investigation or enforcement proceeding.

Failure to provide this information in the time frame established by the board shall constitute cause for disciplinary action by the board and may be cause for fine, reprimand, suspension, revocation or denial of the application for renewal of the architect's registration.

Appropriate records shall consist of the following:

- (1) Certificate of attendance;
- (2) Course or activity description;
- (3) Transcripts/records of credits maintained by providers who may qualify/certify such credits and activities;
- (4) Other documentation verifying the content and time of the course or event.

(F) Architect shall attest to compliance.

Every architect shall attest, in the manner prescribed by the board, to the architect's meeting of the requirements as described herein. Said attestation shall accompany the renewal application.

(G) Falsification of records;

Any architect falsifying the records of the architect's continuing education activities shall be subject to disciplinary action by the board.

(I) Appeal.

An architect shall have the right to appeal any refusal by the board to accept continuing educational activities for credit under these requirements. This appeal shall include the presentation of evidence supporting the architect's contention that the activity meets the requirements of this rule.

(H) Make-up time for disallowed credits.

When the board disallows credit for the requirements of this rule, the architect shall be allowed up to ninety days from the date of the notification to make up the deficiencies and bring the architect into full compliance.

This provision does not apply to those who, in the opinion of the board, have willfully disregarded the requirements of this rule.

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Five Year Review Date: October 31, 2014

4703-2 Registration

4703-2-01 Examination.

(A) The "Architect Registration Examination"

(1) All applicants qualifying under section 4703.07 of the Revised Code in accordance with rules 4703-2-02, 4703-2-03 and 4703-2-04 of the Administrative Code and as required under section 4703.08 of the Revised Code shall pass the "Architect Registration Examination" as hereinafter required.

(2) The "Architect Registration Examination" shall be a single examination comprised of multiple sections as determined by the board which shall be taken and passed by all candidates for registration by examination.

(3) The scope of the "Architect Registration Examination" shall be such as to determine the qualifications of the candidate to practice architecture and shall be based on the knowledge and skills required to provide architectural services. The examination shall be of such duration to adequately test for such knowledge, skills and services in such technical, professional and practical subjects essential to the practice of architecture and in the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application and qualification for the practice of the profession of architecture.

(4) The "Architect Registration Examination" shall be conducted in accordance with instructions issued by the board or its designee.

(5) All divisions of the examination shall be graded as "pass" or "fail".

(6) Each division of the "Architect Registration Examination" stands alone and shall be passed singularly and independently of other divisions of the examination. If the candidate fails any division of the examination, the candidate will be required to retake only the divisions failed.

(B) Retaking the "Architect Registration Examination" each candidate may retake failed divisions of the examination an unlimited number of times. No failed division may be retaken within any six-month period. No failed division may be reviewed or appealed.

(C) Five year rolling clock:

Applicants who have passed all divisions of the "Architect Registration Exam" by January 1, 2006, regardless of the time taken, will have passed the examination. Applicants who have passed one or more but not all divisions of the "Architect Registration Exam" by January 1, 2006, will have five years to pass all remaining divisions.

A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if the remaining divisions have not been passed.

The five-year period shall commence after January 1, 2006, on the date when the first remaining division is passed. Any division passed prior to January 1, 2006 shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014.

Effective January 1, 2011 and thereafter, the authorization to test of any applicant shall terminate unless the applicant has passed or failed a division of the ARE within a period of five years. This includes the five-year period prior to January 1, 2011.

Any applicant whose authorization is so terminated must establish a new eligibility under the current eligibility requirements of the board.

Effective date: November 9, 2009

Five year review date: October 31, 2014

4703-2-02 Examination admission requirements.

(A) Each applicant shall be at least eighteen years of age and be of good moral character.

(B) All applicants for the examination shall have completed all education requirements at the time the examination is administered and shall have an active NCARB Council Record.

(C) Other education and experience may be substituted only insofar as the board may require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical educational and experience requirements set forth herein.

Effective date: October 31, 2009

Five year review date: October 31, 2014

4703-2-03 Educational requirements and credits.

(A) Definitions:

(1) "Professional degree" - means an architectural degree in a program which has been accredited by the "National Architectural Accrediting Board" or the Canadian architectural certification board not later than two years after the degree has been awarded.

(2) "EESA" educational evaluation services for architects, a service provided by a private organization not affiliated with NCARB or any of its member boards.

(B) Educational requirements:

(1) All candidates for registration by examination shall:

(a) Hold a professional degree in architecture; or

(b) Obtain an EESA-NCARB evaluation report stating that the applicant has met the NCARB education requirement. This clause is applicable only to applicants with a degree in the field of architecture granted by an academic institution outside of the United States and Canada.

Effective date: July 29, 2005

Five year review date: October 31, 2014

4703-2-04 Training Requirements.

Prior to registration, all candidates for registration by examination shall complete the intern development program except as permitted under paragraph (D) of this rule.

(A) The intern development program (IDP) required herein shall be in accordance with the IDP guidelines developed under the auspices of the "National Council of Architectural Registration Boards" and the "American Institute of Architects" and administered by the "National Council of Architectural Registration Boards."

(B) The board reserves the right at any time to require that an applicant produce substantiation for all or any part of the verified record of the experience which he asserts has been attained.

(C) The board may require substantiation of the quality and character of the training notwithstanding the fact that the applicant has complied with the technical training requirements set forth herein.

(D) Foreign trained applicants are exempt from the requirements listed in this rule if they have five or more years of training obtained under the direct supervision of an architect, outside the United States, practicing as a principal, and have completed one year of training in the office of an architect in the United States who is practicing as a principal.

Effective date: October 31, 2009

Five year review date: October 31, 2014

4703-2-05 Registration by reciprocity.

(A) An applicant who holds a current and valid certification issued by the national council of architectural registration boards, and submits satisfactory evidence of such certification to the board, shall be registered without

the necessity of complying with the provisions of rules 4703-2-01 and 4703-2-04 of the Administrative Code if the applicant:

- (1) Holds a current and valid registration issued by a registration authority recognized by the board, and submits satisfactory evidence of such registration to the board; and
- (2) Files an application with the board, upon a form prescribed by the board, containing such information, satisfactory to the board, concerning the applicant, as the board considers pertinent.

Effective date: October 31, 2009

Five year review date: October 31, 2014

4703-2-06 Program Providing for Reimbursement of IDP Enrollment Fees.

(A) The board shall reimburse eligible applicants for the initial cost of enrolling in the intern development program as required by section 4703.07 of the Revised Code and administered by the national council of architectural registration boards. The board shall not reimburse annual maintenance or reactivation fees, late fees or transmittal fees which are imposed by the national council of architectural registration boards.

(B) Applicants shall meet the following eligibility criteria in order to receive reimbursement of internship program enrollment fees:

- (1) Applicants must be currently enrolled and in good standing in a school of architecture in Ohio and which is approved by the board.
 - (a) Board approved schools of architecture include:
 - (i) University of Cincinnati
 - (ii) Kent State University
 - (iii) Miami University
 - (iv) Ohio State University
 - (b) The school of architecture must be accredited by the national architectural accrediting board;
 - (c) The applicant must establish a council record within the intern development program administered by the national council of architectural registration boards.
 - (d) The applicant's council record must be in active status.
- (2) Application procedures for reimbursement of the intern development program enrollment fee:
 - (a) All applications for reimbursement must be on forms furnished by the board;
 - (b) Applicants must submit to the board official verification of their council record number and active status from the national council of architectural registration boards;
 - (c) Applicants must submit official proof of payment of the internship development program enrollment fee from the national council of architectural registration boards
- (3) The maximum amount of reimbursement of internship development program fees is one hundred dollars.
- (4) The total amount of internship development program fees that may be disbursed by the board in any given fiscal year shall not exceed the total number of students eligible for participation at the eligible institutions within the state of Ohio.
- (5) The reimbursement of the internship development program fees under this rule shall not affect a student's eligibility of any other assistance, or the amount of that assistance.

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Five year review date: October 31, 2014

4703-3 Practice

4703-3-01 Seal requirements

(A) Each architect shall be authorized to use a seal as hereinafter directed in paragraphs (B) and (C) of this rule on all documents prepared by the architect or under the architect's direct supervision for use in this state for the purpose of properly imprinting the drawings, specifications, and other contract documents as required by section 4703.12 of the Revised Code.

The seal shall be circular in shape and two inches in diameter. Concentric with the outside of the seal there shall be a circle one and three eighths inches in diameter. In the annular space between the circle and the outside of the seal shall be the words "state of Ohio" at the top and "registered architect" at the bottom. The name of the architect and the architect's registration number shall be placed horizontally within the inner circle.

The seal shall be either an individual embossing seal, rubber stamp seal, electronically generated seal or other reproducible facsimile.

(B) The application of the architect's seal over the architect's ink or electronic signature, to the title or first sheet of bound sets of drawings, to the title page of bound specifications and to other drawings and contract documents required for official filing with building permit agencies shall constitute the imprinting required by section 4703.12 of the Revised Code.

The term signature as used herein shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean an electronic authentication process attached to or logically associated with the document. The digital signature must be unique to, and under the sole control of the person using it; it must also be capable of verification and linked to a document in such a manner that the digital signature is invalidated if any data on the document is altered.

(C) The architect shall imprint documents only if the architect was the author of such drawings, specifications and other contract documents or was in responsible charge of their preparation.

(D) An electronic seal and signature are permitted to be used in lieu of an original seal and signature when the following criteria, and all other requirements of this paragraph are met:

- (1) It is a unique identification of the professional;
- (2) It is verifiable;
- (3) It is under the professional's direct and sole control;
- (4) It is linked to the document in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal and signature having been affixed to the document, and
- (5) Changes to the document after affixing the electronic seal and signature shall cause the electronic seal and signature to be removed or altered in such a way as to invalidate the electronic seal and signature;
- (6) In addition, once the electronic seal and signature is applied to the document, the document shall be available in a view only format if the document is to be electronically transmitted;
- (7) The graphic image of the electronic seal and signature shall be readily available and produced in a manner acceptable to the Board. It shall contain the same wording as and shall have substantially the same graphic appearance and size as required by paragraph (A) of this rule when the image of the electronically transmitted document is viewed at the same size as the document in its original form.

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4703-3-02 Architectural firms.

(A) All architectural firms legally formed for the purpose of providing architectural services are required to obtain a certificate of authorization from the board. Each firm authorized by the board to provide such services shall meet the following requirements:

- (1) More than fifty per cent of the partners, members or shareholders and more than fifty percent of the directors, in the case of a corporation or professional association, or the trustee(s) of an employee stock ownership plan, shall be professional engineers, surveyors, architects or landscape architects or a combination thereof and who are currently licensed in any state. *A corporation is exempt from the requirements of this paragraph if the corporation was granted a charter prior to August 7, 1043, to engage in providing architectural services or was otherwise lawfully providing architectural services prior to November 15, 1982.*
- (2) More than fifty per cent of the interests or shares of the firm, partnership, association employee stock ownership plan, or corporation shall be held by professional engineers, surveyors, architects or landscape architects or a combination thereof and who are currently licensed in any state. *A corporation is exempt from the requirements of this paragraph if the corporation was granted a charter prior to August 7, 1043, to engage in providing architectural services or was otherwise lawfully providing architectural services prior to November 15, 1982.*
- (3) Each architectural firm shall designate one or more architects as being in responsible charge of the architectural activities and decisions of the firm. Each architect in responsible charge shall be currently registered in the state of Ohio.
- (4) Each architect designated as being in responsible charge of the firm's architectural activities and decisions shall file a notarized affidavit of responsibility with the board.
- (5) A professional association formed under the provisions of Chapter 1785. of the Revised Code shall meet the requirements set forth therein in addition to the requirements of these rules.

(B) Application for a certificate of authorization shall be made to the board on forms provided for that purpose and shall include the following information and documents:

- (1) Name and address of each partner, manager, officer, member, director, trustee or shareholder indicating the professional status of each, including their registration numbers, state of registration and expiration date.
- (2) Name and address of each architect designated as being in responsible charge of the firm's professional architectural activities and decisions. Each architect in responsible charge shall be currently registered in the state of Ohio. Each architect designated as being in responsible charge shall be a full time employee, working a minimum 30 hours a week, of the firm applying for the certificate of authorization.
- (3) Affidavit of responsibility for each architect designated as being in responsible charge of the firm's professional architectural activities and decisions.
- (4) In the case of a corporation or professional association, the number of shares of stock issued and the number of shares owned by each shareholder. In the case of a partnership, the per cent of ownership held by each partner, manager or member.
- (5) Copy of the firm's articles of incorporation, partnership agreement, employee stock ownership plan trust agreement, certificate of partnership or statement of limited partnership association and any amendments.
- (6) Application fee required in rule 4703-1-05 of the Administrative Code.

(C) Annual renewal. *Every* firm holding a certificate of authorization shall, during the month of June preceding the year beginning on the first day of July the holder desires to continue to provide architectural services, make application for renewal of the certificate of authorization. Renewal shall be for a period of one year. Application shall be made on forms provided by the board and shall include the following:

- (1) Name and address of each partner, manager, officer, member, director or shareholder indicating the professional status of each and the per cent of ownership or the number of shares held by each.
- (2) Name and address of each architect designated as being in responsible charge of the firm's professional architectural activities and decisions. Each architect in responsible charge shall be currently registered in the state of Ohio.
- (3) Renewal fee required in rule 4703-1-05 of the Administrative Code.

Any changes in the names and addresses of the partners, managers, officers, members, trustees, directors, or shareholders, the designated architects, or the distribution of ownership of the firm occurring between required filing intervals shall be reported to the board within thirty days following such change.

A certificate of authorization not renewed by the last day of June for the period for which it was issued is not valid after that date.

(D) New certificate of authorization. A firm, partnership, association, employee stock ownership plan trust or corporation which has been issued a certificate of authorization by this board shall be required to file an application for a new certificate of authorization in the following situations:

- (1) Upon the change of the name of the firm.
- (2) Upon the failure of the firm holding a certificate of authorization to renew the certificate in accordance with paragraph (F) (3) of this rule.

(E) A certificate of authorization issued by this board shall be displayed at the firm's principal place of business where it can be readily viewed by the public.

Effective date: September 11, 2010

Five year review date: September 11, 2015

4703-3-03 Firm names.

(A) When personal names of architects are used in the name of the sole proprietorship or firm, only names of living registrants or former registered members of the sole proprietorship or firm, now retired or deceased, may be used.

The status of a retired or deceased member must be clearly shown on the firm letterheads by the use of the words "retired" or "deceased" or the date of the years of the member's birth and death.

Any reference in the name to other persons of a firm, partnership, association, or corporation shall be permitted only when such other persons are registered architects, landscape architects, professional engineers or surveyors and their identity is made known specifically on letterheads of the firm.

(B) A sole proprietorship, firm, partnership, association or corporation otherwise qualified to practice in Ohio is permitted to practice under a name which does not include the names of registered principals.

Names which tend to deceive or confuse the public or are unreasonably similar to the name of another sole proprietorship or firm will not be permitted.

(C) Any non-resident firm legally engaged in architectural practice in the jurisdiction of its origin is granted the right to retain its identity upon obtaining a certificate of authorization to provide architectural services in Ohio.

Effective date: July 29, 2005 and October 31, 2009

Five year review date: October 31, 2014

4703-3-04 Branch offices.

An architect or architectural firm maintaining more than one place of business for the practice of architecture shall have a resident registered architect in responsible charge of the architectural activities of each office in this state.

"Resident," as used in this rule, shall mean one who spends a majority of his normal working time in said office.

A "majority of normal working time" means at least 30 hours per week. The firm shall inform the board of the name of the resident architect in charge of the professional architectural activities of each separate place of business in this state.

Effective date: November 9, 2009

Five year review date: October 31, 2014

4703-3-05 Interstate practice.

(A) A non-resident architect may practice in the state of Ohio when said architect holds current and valid Ohio registration.

(B) A non-resident architect seeking an architectural commission in this state, who qualifies under Paragraph (A) of this rule and holds a current council record issued by the "National Council of Architectural Registration Boards" and is otherwise eligible for registration in the state of Ohio shall be admitted to the state for the purpose of offering to render architectural services and only that without having first been issued a certificate of qualification to practice architecture by this board.

Effective date: December 26, 2006 and October 31, 2009

Five year review date: October 31, 2014

4703-3-06 Injunctions.

(A) The board is authorized, pursuant to section 4703.181 of the Revised Code, to apply for relief by injunction or restraining order to enjoin or restrain a person, firm, corporation, partnership, or any other group or combination of persons from the commission of any act which is prohibited by sections 4703.01 to 4703.19, inclusive, of the Revised Code or by rules governing the standards of service, conduct, and practice to be followed in the practice of the profession of architecture in the state, as adopted by the board under Chapter 4703. of the Revised Code.

(B) Upon receipt of a complaint or upon its own initiative, the board may conduct an investigation of allegations of the commission of any act which is prohibited by sections 4703.01 to 4703.19, inclusive, of the Revised Code or by rules adopted by the board under Chapter 4703. of the Revised Code.

(C) Upon making a determination that cause exists to apply for relief by injunction or restraining order as provided for by paragraph (A) of this rule and that no good cause exists for delay, the board may make such application for relief, subject to the provisions of paragraph (D) of this rule.

Effective date: November 9, 2009

Five year review date: October 31, 2014

4703-3-07 Code of conduct.

Preamble.

In order to safeguard the health, safety and welfare of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the profession of architecture, the following rules of professional

conduct, promulgated in accordance with Chapter 4703. of the Revised Code, shall be binding upon every person holding a certificate of qualification as a registered architect.

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

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

(A) Competence

(1) In practicing architecture, a registered architect shall act with reasonable care and competence and shall apply the knowledge and skill which is ordinarily applied by registered architects of good standing, practicing in the same locality.

(2) In designing a project a registered architect shall take into account all applicable state and municipal building laws and regulations. While a registered architect may rely on the advice of other professions (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registered architect shall not knowingly design a project in violation of such laws and regulations.

(3) A registered architect shall undertake to perform professional services only when he or she, together with those whom the registered architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

(4) No individual shall be permitted to practice architecture if, in the board's judgment, such individual's professional competence is substantially impaired by physical or mental disabilities.

(B) Conflict of interest

(1) A registered architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If a registered architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the registered architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest. If the client or employer objects to such association or financial interest, the registered architect will either terminate such association or interest or offer to give up the commission or employment.

(3) A registered architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, a registered architect shall render decisions impartially, favoring neither party to the contract.

(C) Full disclosure

(1) A registered architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statements.

(2) A registered architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

(3) If in the course of his or her work on a project, a registered architect becomes aware of a decision taken by his or her employer or client, against the registered architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the registered architect's judgment, materially affect adversely the safety to the public of the finished project, the registered architect shall:

(a) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;

(b) Refuse to consent to the decision and;

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

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

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

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

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

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

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

(8) If a registered architect is registered with the Ohio Civil Child Sexual Abuse Registry under section 4799.0 of the Revised Code, the registered architect shall notify the board in writing within sixty days.

(D) Compliance with laws.

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

(2) A registered architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(3) A registered architect shall comply with the registration laws and regulations governing his or her professional practice in any lawful jurisdiction.

An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect has been disciplined in any other lawful jurisdiction.

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

If a registered architect has been subject to disciplinary action in any other lawful jurisdiction, the registered architect shall notify the board in writing within thirty days.

(4) A registered architect shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of discrimination.

(5) Each registered architect shall cooperate with the board in its investigation of complaints or possible violations of Chapter 4703 of the Revised Code.

This cooperation shall include responding to written communications from the board, providing information or documents requested within thirty days of the date on which the communication was mailed, and appearing before the board or its designee upon request.

(6) An architect or architecture firm shall comply with all terms, stipulations and orders of any official judgment or decree rendered against them by a court of justice as it relates to the performance of professional architecture services and the generally accepted business practices in the practice of architecture.

(E) Professional conduct.

(1) An architect shall not sign or seal drawings, specifications, reports, or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(2) A registered architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project which the architect is interested.

(3) A registered architect shall not engage in conduct involving fraud.

(4) An architect shall not make misleading, deceptive or false statements or claims.

(5) Each architect shall keep a true and correct record of all business transactions including but not limited to contracts, invoices for architectural services, employment records, and tax records relevant to enforcement of Chapter 4703. of the Revised Code. Such records shall be available at all reasonable hours for inspection and copying or upon written request by the Board.

(6) *The "Intern Development Program" supervisor shall not fail to respond to request to verify experience hours reported to the "National Council of Architectural Registration Board's Intern Development Program" when requested by a subordinate, associate, or intern who is, or has been, supervised by the "Intern Development Program" supervisor.*

Effective Date: September 1, 2010

Five year review date: September 1, 2015

4703-3-08 Professional responsibility.

A registered architect or architectural firm shall, when providing professional design services to a public authority, have and maintain professional liability insurance or other assurance of financial responsibility as may be required by the public authority.

Effective date: October 31, 2009

Five year review date: October 31, 2014

4703-3-09 Written Contract.

(A) A registered architect or architectural firm is required to use a written contract when providing professional services. Such contract between the registered architect and the client shall be executed prior to the registered

architect commencing work on any project. The written contract shall include, but not be limited to, all of the following items:

- (1) A description and location of the site.
 - (2) A description of the services to be provided by the registered architect to the client.
 - (3) A description of the basis of compensation applicable to the contract and the method of payment agreed upon by both parties.
 - (4) The name and address of the registered architect or architectural firm and the client's name and address.
 - (5) A description of the procedure to be used by the registered architect and client or design-builder to accommodate additional services.
 - (6) A statement identifying the ownership of documents prepared by the registered architect and/or reuse of documents.
 - (7) A description of the procedure to be used by either party to terminate the contract.
- (B) This rule shall not apply to any of the following:
- (1) Professional services rendered by a registered architect for which no compensation will be paid to the registered architect.
 - (2) Professional services rendered by a registered architect to a professional engineer registered to practice engineering under Chapter 4733. of the Revised Code or to a landscape architect registered under Chapter 4703. of the Revised Code.
 - (3) When the services are of the same general kind which the registered architect has previously rendered to and received payment from the same client.

Effective date: October 31, 2009

Five year review date: October 31, 2014

4703-3-10 Authorship and control.

- (A) In order to determine whether an registered architect is the author, actual architect, or person in responsible charge of designs, drawings, plans, reports, specifications, contract documents, or other professional work or documents, the board may review evidence concerning, but not limited to the following factors:
- (1) Whether both the diagrammatic organization and the specific layout of the work produced by a registered architect are the same or substantially the same as in a design by another registered architect;
 - (2) Whether both the selection and application of structural and construction systems of the work produced by a registered architect are the same or substantially the same as in a design by another registered architect;
 - (3) Whether the appearance of the work, in its main view or views, produced by a registered architect are the same or substantially the same as to give a registered architect expert witness the idea created by the design;
 - (4) Whether the differences between the work produced by a registered architect and that produced by another registered architect are, in the opinion of a registered architect expert witness, trivial in nature and extent;
 - (5) Whether the appearance and content of the work prepared by a registered architect are so similar to the work prepared by another registered architect as to cause a registered architect expert witness to conclude that the former registered architect copied the work of the latter;

(6) Whether a registered architect had access to work prepared by another registered architect or to the embodiment of the other registered architect's work;

(7) Whether the ideas expressed in documents or work of a registered architect, and the method of expressing it or them, were the same or substantially the same as in documents or work prepared by another registered architect as to cause a registered architect expert witness to conclude that the former registered architect copied the documents or work of the latter;

(8) Whether there is substantial similarity, though not literal or exact reproduction, between the documents or work prepared by a registered architect and that prepared by another architect as to cause a registered architect expert witness to conclude that the former registered architect expressed no originality.

Effective date: October 31, 2009

Five year review date: October 31, 2014

4703-3-12: Design Build

(A) An architect may provide design services in a design-build contractual relationship provided the architect:

(1) Is an architect licensed to practice in the state of Ohio or represents an architectural firm authorized to provide architectural services in the state of Ohio, and

(2) Assures a written disclosure has been given to the client by the entity identifying the architect or architectural firm engaged by and contractually responsible to, the entity offering design-build project services, and assures the entity agrees that the architect will have direct supervision of the architectural work and that the architect's services will not be terminated on the project, without the immediate replacement by another architect.

(B) A design-build entity shall not offer to provide or provide architectural services, unless the design-build entity is, or independently contracts with, an architect practicing as a sole proprietorship, an architectural firm holding a certificate of authorization to provide architectural services as set forth in section 4703.18 of the Revised Code or employs one or more architects authorized to provide architectural services.

Offering to provide architectural services shall include, but not necessarily be limited to, any offer of architectural services by any sign, card, advertisement, or other device that might indicate to the public that the entity is entitled to provide architectural services.

An entity that is not, or does not independently contract with, an architect practicing as a sole proprietorship, an architectural firm holding a certificate of authorization to provide architectural services, or does not employ one or more architects may advertise the design-build project delivery process provided the advertisement does not identify to the public that the entity, by itself, is either entitled or qualified to offer or provide architectural services.

Effective: October 31, 2009

Five year review date: October 31, 2014

4703-3-13 Communication: prohibition of improper contacts

Prior to the filing of an application, and after final board action on an application, verbal and written communication with individual board members or any member of the board's staff shall be freely permitted; provided, however, that in no event is any member of the board or its staff authorized to give any indication of what specific action the board may take upon the merits of any application which may be filed with it.

General advice, however, may be given as to the manner of completing or submitting applications, the procedures to be followed in processing applications, and the nature of the standards applied by the board in evaluating applications.

While an application for registration or enforcement is pending before the board, no one shall initiate any written or oral communication with individual board members concerning the matter; but inquiries may be made orally or in writing to the board staff or in writing to the board.

Effective: 12/26/2006 and October 31, 2009

Five year review date: October 31, 2014

4703-4 Personal Confidential Information

4703-4-01 Definitions.

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) *“Access” as a noun means an instance of copying, viewing, or otherwise perceiving whereas “access” as a verb means to copy, view, or otherwise perceive.*

(B) *“Acquisition of a new computer system” means the purchase of a “computer system,” as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.*

(C) *“Computer system” means a “system,” as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.*

(D) *“Confidential personal information” (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.*

(E) *“Employee of the state board” means each employee of a state board regardless of whether he/she holds an elected or appointed office or position within the state board. “Employee of the state board” is limited to the specific employing state board.*

(F) *“Incidental contact” means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.*

(G) *“Individual” means a natural person or the natural person’s authorized representative, legal counsel, legal custodian, or legal guardian.*

(H) *“Information owner” means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.*

(I) *“Person” means a natural person.*

(J) *“Personal information” has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.*

(K) *“Personal information system” means a “system” that “maintains” “personal information” as those terms are defined in section 1347.01 of the Revised Code. “System” includes manual and computer systems.*

(L) *“Research” means a methodical investigation into a subject.*

(M) *“Routine” means commonplace, regular, habitual, or ordinary.*

(N) *“Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person” as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to employees and maintained by the board for internal administrative and human resource purposes.*

(O) *“System” has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.*

(P) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

(Q) "Board" means the Ohio Architects Board.

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-4-02 Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) *Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.*

(B) *Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:*

(1) *Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;*

(2) *Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and*

(3) *If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.*

(C) *Notice of invalid access.*

(1) *Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system. "Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.*

(2) *Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.*

(3) *Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.*

(D) *Appointment of a data privacy point of contact. The board's executive director shall serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.*

(E) *Completion of a privacy impact assessment. The board's executive director shall serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.*

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-4-03 Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) *Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:*

- (1) *Responding to a public records request;*
- (2) *Responding to a request from an individual for the list of CPI the board maintains on that individual;*
- (3) *Administering a constitutional provision or duty;*
- (4) *Administering a statutory provision or duty;*
- (5) *Administering an administrative rule provision or duty;*
- (6) *Complying with any state or federal program requirements;*
- (7) *Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;*
- (8) *Auditing purposes;*
- (9) *Licensure [or permit, eligibility, filing, etc.] processes;*
- (10) *Investigation or law enforcement purposes;*
- (11) *Administrative hearings;*
- (12) *Litigation, complying with an order of the court, or subpoena;*
- (13) *Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues);*
- (14) *Complying with an executive order or policy;*
- (15) *Complying with an board policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state board; or*
- (16) *Complying with a collective bargaining agreement provision.*

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

- (1) Employees of the board conducting an investigation may review CPI of individuals who are subject to investigation for alleged misconduct that may result in licensure discipline. Such employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by such employees and members of the board in professional conduct matters that become the subject of an investigation or administrative hearing.
- (2) Employees of the board may review CPI of students who apply for or participate in the board's intern development program fee reimbursement program for the purpose of carrying out those programs.
- (3) Employees of the board may review CPI of persons who hold or are applying for or renewing a license issued by the board for the purpose of carrying out the licensing program.
- (4) Employees of the board may review CPI of persons who are applying to take the "Architect Registration Exam" or who are in the process of taking the "Architect Registration Exam" for the purpose of carrying out the licensing program.

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-4-04 Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the board confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a. (2010), unless the individual was told that the number would be disclosed.
- (B) College and university transcripts received by the board are confidential per family educational rights and privacy act regulation 34 CFR 99.33 (2004) and 20 U.S.C. 1232g(b)(4)(B) (2009).

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-4-05 Restricting and logging access to confidential personal information in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

- (A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.
- (B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.
- (C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade.

Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

- (D) Logging requirements regarding confidential personal information in existing computer systems.

- (1) *The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.*
- (2) *Access to confidential information is not required to be entered into the log under the following circumstances:*
 - (a) *The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.*
 - (b) *The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.*
 - (c) *The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.*
 - (d) *The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:*
 - (i) *The individual requests confidential personal information about himself/herself.*
 - (ii) *The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.*
- (3) *For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.*

(E) *Log management. The board shall issue a policy that specifies the following:*

- (1) *Who shall maintain the log;*
- (2) *What information shall be captured in the log;*
- (3) *How the log is to be stored; and*
- (4) *How long information kept in the log is to be retained.*

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-4-06 Personal information systems.

(A) *The board shall appoint one employee to be directly responsible for each personal information system maintained by the board. Said employee shall:*

- (1) *Inform all employees who have any responsibility for the operation or maintenance of said system or the use of personal information maintained in the system of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted thereunder; and,*
- (2) *Inform all persons requested to supply personal information for a system whether or not he/she is legally required to provide such information, and,*
- (3) *Restrict the collection, maintenance and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule; and,*

- (4) Provide all persons, asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the information in the system; and,
- (5) Allow a person who is the subject of a record in a personal information system to inspect the record pursuant to section 1347.08 of the Revised Code, upon the request and verification that the person requesting access to the record is the subject of information contained in the system, the employee shall:
- (a) Inform the person of any personal information in the system of which he/she is the subject;
 - (b) Permit the person, or his/her legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which he/she is the subject, except where prohibited by law;
 - (c) Inform the person of the uses made of the personal information and identify other users who have access to the system;
 - (d) Allow a person who wishes to exercise his/her rights as provided by this rule to be accompanied by one individual of his/her choice.
 - (e) Provide, for a reasonable charge, copies of any personal information the person is authorized to inspect.
- (6) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code and paragraph (D) of this rule.
- (B) The board shall reprimand in writing any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings to the attention of appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system. A copy of the reprimand shall be entered in the employee's personal file.
- (C) The board shall monitor its personal information system by
- (1) Maintaining the personal information system with the accuracy, relevance, timeliness, and completeness necessary to assure fairness in any determination made by the board which is based on information contained in the system; and,
 - (2) Eliminating unnecessary information from the system.
- (D) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information, which is disputed by the subject of a record contained in the system, within ninety days after receipt of a request from the disputant; and,
- (1) Notify the disputant of the results of the investigation and any action the board intends to take with respect to the disputed information; and,
 - (2) Delete any information the board cannot verify or finds to be inaccurate; and,
 - (3) Permit the disputant, if he/she is not satisfied with the determination made by the board, to include within the system:
 - (a) A brief statement of his/her position on the disputed information; or
 - (b) A brief statement that he/she finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.
 - (4) The board shall maintain a copy of all statements made by the disputant.

(E) The board shall not place personal information into an interconnected and combined system, unless said system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs which are required or authorized by law.

(F) The board shall not use personal information placed into an interconnected or combined system by another state or local agency or an organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.

(G) The board shall make available, upon request, all information concerning charges made by the board for reproduction of materials contained in its personal information system.

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-5 Meeting Notice and Adoption of Rules

4703-5-01 Meeting notice.

(A) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the board by:

(1) Writing the board office, whose present address is "77 South High Street, 16th Floor, Columbus, Ohio 43215-6108."

(2) Calling the board by telephone at area code 614-466-2316 or facsimile at area code 614-644-9048 during normal business hours.

(3) Contacting the board office in person during normal business hours.

(4) Visiting the calendar page of the board's website at www.arc.ohio.gov.

(B) On payment of an annual fee of five dollars any person may have his/her name placed on a list to receive advance notices by regular mail of all meetings of the board.

(C) Any news media, so requesting in writing, will receive at least twenty-four-hour notice of the time, place and purpose of any special meetings of the board and will be notified immediately by telephone or otherwise, of the time, place and purpose of any emergency meeting of the board.

Effective date: September 1, 2010

Five year review date: September 1, 2015

4703-5-02 Adoption of rules.

(A) Prior to the adoption, amendment or rescission of any rule, this board shall give public notice thereof, as provided in section 119.03 of the Revised Code at least thirty days prior to the date set for public hearing. Notice shall be given in the register of Ohio.

This notice shall include:

(1) A statement of the board's intention to consider adoption, amendment or rescission of a rule;

(2) A synopsis of the proposed rule, amendment or rescission, or a general statement of the subject matter to which the proposed rule, amendment or rescission relates;

(3) A statement of the reason or purpose for adopting, amending or rescinding the rule.

(4) The date, time and place of the hearing on the proposed action.

(B) The board shall provide copies of the notice of public hearing or the complete text of the proposed rule, amendment or rescission to any person who requests it at a fee not to exceed the cost of copying and mailing.

Effective date: September 1, 2010

Five year review date: September 1, 2015