

MISSISSIPPI STATE BOARD OF ARCHITECTURE
ARCHITECT REGISTRATION ACT
MISSISSIPPI CODE OF 1972
TITLE 73 - PROFESSIONS AND VOCATIONS
CHAPTER 1 – ARCHITECTS

March 15, 2010

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ARCHITECT REGISTRATION ACT

§ 73-1-1. License required.

In order to safeguard life, health and property, no person shall practice architecture in this state, or use the title "architect," or any prefix, suffix or other form thereof, or any title, sign, card or device to indicate that such person is practicing architecture, or is an architect, unless such person shall have secured from the board a license as hereinafter set forth, as architect, in the manner hereinafter provided, and shall thereafter comply with the provisions of this chapter.

Sources: Codes, 1942, § 8632-01; Laws, 1954, ch. 320, § 1; Laws, 1976, ch. 363, § 1; reenacted, 1983, ch. 377, § 1, eff from and after July 1, 1983.

§ 73-1-3. Definitions.

For purposes of this chapter, the following terms shall have the meaning ascribed herein unless the context otherwise requires:

- (a) "Board" means the State Board of Architecture.
- (b) "Architect" means a person who engages in the practice of architecture as hereinafter defined.
- (c) A person engaging in the practice of architecture, within the meaning and intent of this chapter, is one who holds himself out as able to perform any professional service such as planning, design, including aesthetic and structural designs, and consultation in connection therewith, or responsible inspection of construction, in connection with (except as specifically exempted herein) any buildings, structures, or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, functional planning, and the physical sciences; provided that nothing in this definition shall be construed as encompassing or limiting the practice of engineering as that practice is provided for under the laws of this state.
- (d) "Registrant" means architect or registered architect.

Sources: Codes, 1942, §§ 8632-02, 8632-20; Laws, 1954, ch. 320, §§ 2, 20; Laws, 1976, ch. 363, § 2; reenacted, 1983, ch. 377, § 2; Laws, 1988, ch. 578, § 1, eff from and after July 1, 1988.

§ 73-1-5. Appointment of state board of architecture.

The State Board of Architecture is composed of five (5) members who are licensed architects residing in this state and who have been engaged in the practice of architecture not less than seven (7) years. It is the duty of the board to carry out the purposes of this chapter as herein provided.

The Governor shall appoint the members of the board, and each member shall serve for a term of five (5) years. The terms shall be staggered so that the term of not more than one (1) member shall expire each year on June 1.

Each member shall hold over after the expiration of his term until his successor is duly appointed and qualified. The Governor shall fill any vacancy occurring in the membership of the board for the unexpired term of such membership. The Governor may remove any of the members of said board for inefficiency, neglect of duty or dishonorable conduct.

Sources: Codes, 1930, § 3611; Laws, 1942, § 8632-03; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 3; reenacted without substantive change, 1983, ch. 377, § 3; Laws, 1988, ch. 578, § 2, eff from and after July 1, 1988.

§ 73-1-7. Organization, oath and bond of treasurer.

The members of the board shall, before entering upon the discharge of their duties, take and subscribe an oath before any officer authorized to administer oaths in the state, for the faithful performance of duty, and file same with the Secretary of State. The members of the board shall as soon as possible, after their appointment and qualification, meet and shall annually thereafter in the month of January elect from their number a president, and a secretary who shall also be treasurer. The treasurer shall file a bond in the penal sum of Three Thousand Dollars (\$3,000.00) with the Secretary of State, such bond to be accepted and approved by the Secretary of State before the treasurer shall enter upon the duties of his office.

Sources: Codes, 1930, § 3612; Laws, 1942, § 8632-04; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 4; reenacted without change, 1983, ch. 377, § 4; Laws, 1988, ch. 578, § 3, eff from and after July 1, 1988.

§ 73-1-9. Rules, records, seal, quorum of board.

The board shall adopt all necessary rules, regulations and bylaws to govern its proceedings not inconsistent with this chapter or the laws of this state. The board shall adopt a seal, and the secretary shall have the care and custody

thereof, and shall keep a record of all proceedings of the board, which shall always be open to public examination. Three members of the board shall constitute a quorum.

Sources: Codes, 1930, § 3613; Laws, 1942, § 8632-05; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 5; reenacted without substantive change, 1983, ch. 377, § 5, eff from and after July 1, 1983.

§ 73-1-11. Compensation and expense of board.

The board is hereby authorized to pay from registration and other fees provided for herein the expenses of said board and the office thereof, the examinations held by said board, the bond premium of the treasurer, the pay of clerks or assistants hired by the board in the performance of its duties, attorney's fees for services rendered in connection with the affairs of the board, and fees and necessary expenses incident to cooperation with national boards and like boards of other states, and in no case shall any of such fees or expenses be paid by the state of Mississippi or be charged against said state.

The members of the board shall be entitled to receive a per diem in such amount as shall be set by resolution of the board but not to exceed the amount provided for in Section 25-3-69, and shall be entitled to be reimbursed for their traveling expenses and hotel expenses incurred in the pursuance of their duties. The secretary and treasurer of said board shall receive such annual compensation as shall, by resolution adopted by the board, be provided by the board, subject to the approval of the state personnel board.

Sources: Codes, 1930, § 3614; Laws, 1942, § 8632-06; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 6; reenacted and amended, 1983, ch. 377, § 6, eff from and after July 1, 1983.

§ 73-1-13. Rules and regulations for examination and registration.

(1) The board shall adopt rules and regulations for the eligibility, examination and registration of applicants desiring to practice architecture in accordance with this chapter and may amend, modify or repeal such rules and regulations.

The board shall receive applications for registration as an architect only on forms prescribed and furnished by the board and upon receipt of such application may approve such applicant, providing such applicant meets the following requirements:

- (a) The applicant must have a professional degree in architecture from a school or college of architecture on the list of accredited schools of architecture issued by the National Architectural Accrediting Board;
- (b) The applicant must have been enrolled for a minimum of one (1) year in, and have completed all requirements of, a practical work internship program patterned after the National Council of Architectural Registration Boards intern-architect development program that will be prepared, adopted and approved by the board and must have received from the board a certification by the board that the applicant has met or exceeded the work requirements of the board. The internship work program shall include but not be limited to the following subjects:
 - (i) Design and construction documents;
 - (ii) Construction administration;
 - (iii) Office management; and
 - (iv) Related special activities.
- (c) The applicant must have passed the applicable National Council of Architectural Registration Board's examination;
- (d) The applicant must have satisfied the board as to the applicant's good standing in the profession and his moral character. Any of the following acts shall preclude an applicant's eligibility as a candidate for registration:
 - (i) Conviction by any court for commission of any felony or any crime involving moral turpitude;
 - (ii) Conviction by any court of a misdemeanor involving fraud, deceit or misrepresentation;
 - (iii) Misstatement or misrepresentation of fact by the applicant in connection with the applicant's application for registration in this state or another jurisdiction;
 - (iv) Violation of any of the rules of conduct required of applicants or architects as adopted by board;
 - (v) Practicing architecture, or holding himself out as capable of practicing architecture, in this state in violation of the chapter.

The board may admit an applicant otherwise precluded from consideration because of the prohibitions imposed in this paragraph (d) if the board determines that the applicant has shown clear and convincing evidence of rehabilitation and reform. Such decision is in the sole discretion of the board and upon such terms, conditions and evidence as the board may require.

Additionally, notwithstanding the provisions of paragraph (b) of this subsection, if the applicant can provide sufficient and satisfactory evidence that he is unable to obtain the intern-architect development program certification, the board may accept in lieu thereof certification by the applicant that he has completed not less than three (3) continuous years of actual engagement in architectural work in the office or offices of a licensed architect or architects. Such certification shall be on such terms, conditions and requirements as the board may establish.

(2) The board may require that the applicant appear before the board for a personal interview.

Sources: Codes, 1930, § 3615; Laws, 1942, § 8632-07; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 7; Laws, 1976, ch. 363, § 3; reenacted and amended, 1983, ch. 377, § 7; Laws, 1985, ch. 337; Laws, 1988, ch. 578, § 4, eff from and after July 1, 1988.

§ 73-1-15. Filing notice of election of officers, rules and regulations.

The board shall immediately upon the election of each officer thereof, and upon adoption, repeal or modification of its rules of government or its rules and regulations for registration of applicants, file with the secretary of state, the name and post office address of each officer, and a copy of such rules and regulations or the amendments, repeal or modifications thereof.

Sources: Codes, 1930, § 3616; Laws, 1942, § 8632-08; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 8; reenacted without change, 1983, ch. 377, § 8, eff from and after July 1, 1983.

§ 73-1-17. Architect registration examination.

Applicants for registration by examination must pass the Architect Registration Examination as provided below. The board shall administer the Architect Registration Examination, as prepared by the National Council of Architectural Registration Boards, to all candidates who have been approved by the board in accordance with the training and educational requirements pertaining to registration by examination. The examination must be administered in compliance with those methods and procedures recommended by the National Council of Architectural Registration Boards and adopted by the board. Examinations will be administered by the board to approved candidates only.

An application for examination shall be made upon forms prescribed and furnished by the board. The board shall consider such application only if the applicant has met all training and educational requirements pertaining to registration by examination, has furnished a completed council record from the National Council of Architectural Registration Boards, and has supplied any additional evidence or information required by the board. Failure to supply such additional evidence or information within a specific time set by the board may be considered just and sufficient cause for denial of the application.

The Architect Registration Examination must be graded in accordance with the methods and procedures recommended by the National Council of Architectural Registration Boards. To achieve registration, an examination candidate shall pass all sections of the examination with the minimum score specified by the National Council of Architectural Registration Boards.

Once registration is granted an applicant, all examination materials held in the applicant's file shall be destroyed. The only information retained shall be the actual test results and the date of examination. The examination materials for unsuccessful candidates shall be held until such candidates have passed all sections of the Architect Registration Examination. If a candidate fails to take three (3) consecutive examinations, then the only information retained in such candidate's file shall be the actual scores of the attempted sections along with the dates such examinations were taken. All other material must be destroyed.

The board may adopt such other rules and regulations pertaining to the administration, grading, cost and fees of the examination as the board may deem proper.

Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

Sources: Codes, 1930, § 3617; Laws, 1942, § 8632-09; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 9; Laws, 1976, ch. 363, § 4; reenacted and amended, 1983, ch. 377, § 9; Laws, 1988, ch. 578, § 5; Laws, 1997, ch. 588, § 23, eff from and after July 1, 1997.

§ 73-1-19. Practice by copartnership of architects and engineers, professional corporation, or professional limited liability company; posting certificates; persons exempt from chapter.

In the case of a copartnership of architects, or architects and engineers, or a professional corporation, or professional limited liability company, either foreign or domestic, each active member or stockholder, and each officer, director or manager, must hold a certificate to practice architecture or engineering in that member's state of residence; and, in the case of a foreign corporation or professional limited liability company doing business in this state, at least one (1) active member or stockholder must hold a certificate to practice architecture in this state. No stock company, corporation, professional corporation or professional limited liability company shall be entitled to a certificate to practice architecture. No company other than a professional corporation or a professional limited liability company shall advertise or otherwise hold itself out to be an architect or to be authorized to practice architecture in this state.

Nothing in this chapter shall be construed as prohibiting a joint enterprise, partnership, professional corporation, professional limited liability company or association between one (1) or several registered professional engineers

and/or duly registered architects; and it shall be lawful for such partnership, joint enterprise, professional corporation, professional limited liability company or association to use in its title the words architects and engineers or engineers and architects; provided, however, that all announcements, cards, stationery, printed matter and listings of such partnership, joint enterprise, professional corporation, professional limited liability company or association shall indicate as to each member whether he be a registered architect or a registered engineer; provided, further, that the name of such partnership, professional corporation, professional limited liability company or association shall contain the name of at least one (1) person who is registered as an architect in this state and that no such person be named on any announcement, card, stationery, printed matter or listing of such partnership, professional corporation, professional limited liability company or association used in this state unless there is designated thereon whether or not such person is licensed in this state. Employees of a firm who are not registered as architects, or engineers in the case of a joint enterprise, partnership, professional corporation, professional limited liability company or association between architects and engineers, may use business cards for that firm if the job title of such individual is clearly stated.

Each person holding a certificate to practice architecture in this state shall post such certificate in a prominent place in the architect's place of business. Failure to post the certificate shall be sufficient cause for revocation of such certificate.

The following persons and practices shall be exempted from the provisions of this chapter: Draftsmen, students, clerks-of-work and other employees of those lawfully practicing as registered architects under the provisions of this chapter acting under the instruction, control or supervision of their employers.

Sources: Codes, 1930, § 3618; Laws, 1942, § 8632-10; Laws, 1928, ch. 133; Laws, 1930, ch. 117; Laws, 1954, ch. 320, § 10; Laws, 1968, ch. 508, § 1; Laws, 1976, ch. 363, § 5; Laws, 1981, ch. 367, § 1; reenacted, Laws, 1983, ch. 377, § 10; Laws, 1988, ch. 578, § 6; Laws, 1994, ch. 350, § 1; Laws, 2002, ch. 331, § 1, eff from and after July 1, 2002.

§ 73-1-21. Qualifications required of architects residing outside this state.

Any architect residing outside this state may obtain a certificate to practice in the State of Mississippi by complying with Section 73-1-13, and by paying the fees prescribed by the rules of the board; provided, however, no such nonresident applicant shall receive a certificate to practice in this state unless the applicant furnishes evidence satisfactory to the board that the applicant holds a current and valid registration issued by a registration authority recognized by the board, holds a National Council of Architectural Registration Board's certificate, has never been restrained from practicing architecture, and has never had a certificate or license revoked. Each nonresident applicant shall submit, as a part of the application, a sworn affidavit stating that neither such applicant nor any person in, or agent of, the applicant's firm has practiced or is practicing architectural work in this state prior to the applicant having been licensed by the board unless such person or agent holds a license to practice architecture in this state. Failure to submit this affidavit is just cause for disapproval of the application. Every applicant for reciprocity registration shall comply fully with the requirements for resident applicants, except that nonresident applicants who met the requirements for issuance of a certificate of registration by the board prior to January 1, 1987, and who, on that date, held a current and valid registration by a registration authority recognized by the board or were qualified exam candidates in another jurisdiction recognized by the board, shall not be required to meet the degree requirements of Section 73-1-13. The board shall have the further right to exercise its discretion as to whether such nonresident architect shall be issued such certificate to practice.

Sources: Codes, 1930, § 3620; 1942, § 8632-11; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 11; Laws, 1976, ch. 363, § 6; reenacted, 1983, ch. 377, § 11; Laws, 1988, ch. 578, § 7; Laws, 2000, ch. 472, § 1, Laws, 2010, eff from and after March 15, 2010.

§ 73-1-23. Temporary licenses not to be issued.

No temporary license to practice shall be issued by the board.

Sources: Codes, 1942, § 8632-12; Laws, 1954, ch. 320, § 11; Laws, 1976, ch. 363, § 7; reenacted, 1983, ch. 377, § 12, eff from and after July 1, 1983.

§ 73-1-25. Penalty for practicing without certificate; injunctive relief.

- (a) It is unlawful and it is a misdemeanor punishable by a fine of not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment of not exceeding ninety (90) days, or both, for a person to practice architecture, as defined in this chapter, without current certificate in this state, or to advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as an architect.
- (b) If any person, firm or corporation violates any of the provisions of this chapter, the secretary of the board shall, upon direction of a majority of the board, in the name of the State of Mississippi, acting through an attorney employed by the board, apply in any chancery court of competent jurisdiction for an order enjoining such violation or for an order enforcing compliance with the provisions of this chapter. Upon the filing of a verified petition in the proper court, such court or any judge thereof, if satisfied by the sworn petition, by affidavit or otherwise, that such person has violated this chapter, may issue a temporary injunction on five (5) days' notice to

the defendant enjoining such continued violation, and such injunction shall remain in force and effect until a final hearing. If at such hearing it is established that such person has violated, or is violating this chapter, the court may enter a decree permanently enjoining such violation or enforcing compliance with this chapter and awarding all cost and expenses, including reasonable attorney's fees, to the board. If the enjoined party prevails, the board shall be liable to the enjoined party for all costs and attorney's fees. In case of violation of any decree issued in compliance with this subsection, the court may try and punish the offender for contempt of court and shall fine the offender a sum of not less than Two Hundred Fifty Dollars (\$250.00) per offense. Each day of the violation is a separate offense, and the court shall proceed as in other cases in chancery.

- (c) The proceedings in this section shall be in addition to and not in lieu of the other remedies and penalties provided in this chapter.

Sources: Codes, 1930, § 3621; Laws, 1942, § 8632-13; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 13; Laws, 1976, ch. 363, § 8; reenacted, 1983, ch. 377, § 13; Laws, 1988, ch. 578, § 8, eff from and after July 1, 1988.

§ 73-1-27. Annual certificate of renewal.

Except as provided in Section 33-1-39, every registered architect who resides in this state and desires to continue to practice his profession in this state shall, during the time he shall continue to practice, pay biennially to the secretary of said board during the month of November, a fee of not to exceed Four Hundred Dollars (\$400.00) and every registered architect residing out of this state who desires to continue to practice his profession in this state shall, during the time he shall continue to practice, pay biennially to the secretary of said board during the month of November, a fee of not to exceed Four Hundred Dollars (\$400.00), and the secretary shall thereupon issue to such registered architect a certificate of renewal of his registration for a term of two (2) years. Upon failure to have his certificate renewed during the month of November as provided by this section, the holder thereof shall have his certificate revoked, but the failure to renew said registration in ample time shall not deprive him of the right to renewal upon payment of said fee, provided his application for reinstatement is made within two (2) years after the expiration of his certificate. On all applications for reinstatement made after January 1 of the year immediately succeeding the year in which the fee is due, there shall be a late charge of Five Dollars (\$5.00) per month charged for the processing of such application.

Sources: Codes, 1930, § 3622; Laws, 1942, § 8632-14; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 14; Laws, 1964, ch. 489; Laws, 1976, ch. 363, § 9; reenacted and amended, 1983, ch. 377, § 14; Laws, 1994, ch. 350, § 2; Laws, 2007, ch. 309, § 2, eff from and after passage (approved Mar. 8, 2007.)

§ 73-1-29. Disciplinary procedures; penalties and costs; reissuance of certificate.

(1) The board, upon satisfactory proof and in accordance with this chapter and the regulations of the board, is authorized to take the disciplinary actions provided for hereinafter against any person for any of the following reasons:

- (a) Violating any of the provisions of Sections 73-1-1 through 73-1-43 or the bylaws, rules, regulations or standards of ethics or conduct duly adopted by the board pertaining to the practice of architecture;
- (b) Obtaining a certificate of registration by fraud, deceit or misrepresentation;
- (c) Gross negligence, malpractice, incompetency or misconduct in the practice of architecture;
- (d) Any professional misconduct, as defined by the board through bylaws, rules and regulations, and standards of conduct and ethics; (professional misconduct may not be defined to include bidding by architects for contracts based on price);
- (e) Practicing or offering to practice architecture on an expired certificate or while under suspension or revocation of certificate unless such suspension or revocation is abated through probation, as provided for hereinafter;
- (f) Practicing architecture under an assumed or fictitious name;
- (g) Being convicted by any court of a felony, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence;
- (h) Willfully misleading or defrauding any person employing him as an architect by any artifice or false statement; or
- (i) Having undisclosed financial or personal interests which compromise his obligation to his client.

(2) Any person may prefer charges against any other person for committing any of the acts set forth in subsection (1). Such charges need not be sworn to, may be made upon actual knowledge or upon information and belief, and must be filed with the board. If any person licensed under Sections 73-1-1 through 73-1-43 is expelled from membership in any Mississippi or national professional architectural society or association, the board shall thereafter cite such person to appear at a hearing before the board to show cause why disciplinary action should not be taken against that person.

The board shall investigate all charges filed with it and, upon finding reasonable cause to believe that the charges are not frivolous, unfounded or filed in bad faith, may cause a hearing to be held, at a time and place fixed by the board, regarding the charges and may compel the accused by subpoena to appear before the board to respond to the charges.

No disciplinary action may be taken until the accused has been furnished both a statement of the charges against him and notice of the time and place of the hearing thereof, which shall be personally served on the accused or mailed by registered or certified mail, return receipt requested, to the last known business or residence address of the accused not less than thirty (30) days prior to the date of the hearing.

(3) At any hearing held hereunder, the board, upon application and approval of the chancery court, shall have the power to subpoena witnesses and compel their attendance and may also require the production of books, papers and other documents, as provided in this chapter. The hearing shall be conducted before the full board with the president of the board serving as the presiding judge. Counsel for the board shall present all evidence relating to the charges. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of such transcriptions may be provided to any party to the proceedings at a cost fixed by the board.

All witnesses who are subpoenaed and who appear in any proceedings before the board shall receive the same fees and mileage as allowed by law in judicial civil proceedings, and all such fees shall be taxed as part of the costs in the case.

If in any proceeding before the board any witness fails or refuses to attend upon subpoena issued by the board, refuses to testify, or refuses to produce any books and papers the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

The accused shall have the right to be present at the hearing in person, by counsel or other representative, or both. The accused shall have the right to present evidence and to examine and cross-examine all witnesses. The board may continue or recess the hearing as may be necessary.

(4) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement for further deliberation. The board shall render its decision not more than forty-five (45) days after the close of the hearing and shall forward to the last known business or residence address of the accused by certified or registered mail, return receipt requested, a written statement of the decision of the board.

If a majority of the board finds the accused guilty of the charges filed, the board may:

- (a) Issue a public or private reprimand;
- (b) Suspend or revoke the certificate of the accused, if the accused is a registrant; or
- (c) In lieu of or in addition to such reprimand, suspension or revocation, assess and levy upon the guilty party a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

(5) A monetary penalty assessed and levied under this section shall be paid to the board upon the expiration of the period allowed for appeal of such penalties under this section, or may be paid sooner if the guilty party elects. Money collected by the board under this section shall be deposited to the credit of the special fund created in Section 73-1-43, Mississippi Code of 1972.

When payment of such monetary penalty assessed and levied by the board is delinquent, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county of residence of the guilty party. If the guilty party is a nonresident of the State of Mississippi, such proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(6) When the board has taken a disciplinary action under this section, the board may stay such action and place the guilty party on probation for a period not to exceed one (1) year upon condition that the guilty party shall not further violate either the laws of the State of Mississippi pertaining to the practice of architecture or the bylaws, rules and regulations, or standards of conduct and ethics promulgated by the board.

(7) The board may assess and tax any part or all of the costs of any disciplinary proceedings conducted under this section against the accused if the accused is found guilty of the charges.

(8) The power and authority of the board to assess and levy the monetary penalties provided for in this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(9) The board, for sufficient cause, may reissue a revoked certificate of registration by a majority vote of the board members; but in no event shall a revoked certificate be issued within two (2) years of the revocation. A new certificate of registration required to replace a revoked, lost, mutilated or destroyed certificate may be issued, subject to the rules of the board, for a charge not to exceed Ten Dollars (\$10.00).

(10) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the certificate of registration of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and

the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

Sources: Codes, 1930, § 3623; Laws, 1942, § 8632-15; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 15; Laws, 1976, ch. 363, § 10; Laws, 1981, ch. 367, § 2; reenacted, 1983, ch. 377, § 15; Laws, 1988, ch. 578, § 9; Laws, 1996, ch. 507, § 19, eff from and after July 1, 1996.

§ 73-1-31. Appeals from action of board.

Within thirty (30) days after any order, judgment or action of the board, any person aggrieved thereby may appeal such order, judgment or action either to the chancery court of the county wherein the appellant resides or to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon giving bond with sufficient security in the amount of Five Hundred Dollars (\$500.00), approved by the clerk of the chancery court and conditioned to pay any costs which may be adjudged against such person.

Notice of appeal shall be filed in the office of the clerk of the chancery court, who shall issue a writ of certiorari directed to the board commanding it within ten (10) days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken. The appeal shall thereupon be heard in due course by the court, and the court shall review the record and make its determination of the cause between the parties.

Any order, judgment or decision of the board shall not take effect until after the time for appeal to the court shall have expired. All appeals perfected hereunder shall act as a supersedeas of the order, judgment or action appealed from.

Actions taken by the board in suspending a certificate of registration when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

Sources: Codes, 1930, § 3623; Laws, 1942, § 8632-15; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 15; Laws, 1976, ch. 363, § 11; reenacted, 1983, ch. 377, § 16; Laws, 1988, ch. 578, § 10; Laws, 1996, ch. 507, § 20, eff from and after July 1, 1996.

§ 73-1-33. Reissuance of certificates.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been suspended or revoked, providing three (3) or more members of the board vote in favor of such reissuance. The procedure for the reissuance of a certificate that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

Sources: Codes, 1942, § 8632-16; Laws, 1954, ch. 320, § 16; reenacted, 1983, ch. 377, § 17; Laws, 1988, ch. 578, § 11; Laws, 1996, ch. 507, § 21, eff from and after July 1, 1996.

§ 73-1-35. Architects to have seal or stamp.

Each architect, upon registration, shall obtain a seal or stamp of the design authorized by the board as set forth in the rules and regulations of the board.

No architect shall affix his seal or stamp to any document which has not been prepared under his or her responsible control.

The signature of the architect and date of execution shall appear over the seal or stamp on all documents prepared by the architect for use in this state.

Sources: Codes, 1930, § 3624; Laws, 1942, § 8632-17; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 17; reenacted without change, Laws, 1983, ch. 377, § 18; Laws, 1988, ch. 578, § 12; Laws, 1994, ch. 350, § 3; Laws, 2002, ch. 331, § 2, eff from and after July 1, 2002.

§ 73-1-37. Annual report by board.

Within the second week of January annually, the secretary of the board shall make to the governor of the state a complete statement of the receipts and expenditures of said board, attested by affidavit of the president and secretary, and a complete report of the transactions of the board with such recommendations for the advancement and betterment of the profession as it may think best.

Sources: Codes, 1930, § 3625; Laws, 1942, § 8632-18; Laws, 1928, ch. 133; Laws, 1954, ch. 320, § 18; Laws, 1976, ch. 363, § 12; reenacted, 1983, ch. 377, § 19, eff from and after July 1, 1983.

§ 73-1-39. Saving clause; excepted occupations and activities.

A certificate of registration as registered architect, heretofore duly issued under the laws of this state, shall serve the same purpose as, and is hereby declared to be the license required by this chapter.

This chapter shall not apply to:

- (a) The practice of architecture solely as an officer or employee of the United States, but persons so engaged or employed shall not engage in the private practice of architecture in this state without first having a registration certificate as herein provided;
- (b) Any person, firm or corporation that prepares plans and specifications for the erection of any buildings owned by the State of Mississippi, or any of its political subdivisions, containing less than ten thousand (10,000) square feet of ground floor area, and not exceeding two (2) stories in height; or any person, firm or corporation that supervises the erection of any such buildings; or to any person, firm or corporation that prepares plans and specifications for, or that supervises repairs, alterations or additions to such existing buildings; provided further that such person, firm or corporation does not in any manner represent himself or itself to be an architect, architectural designer, or employ some other title of profession or business using some form of the word architect;
- (c) Contractors, superintendents, inspectors, foremen or building trades craftsmen while performing their customary duties;
- (d) Professional engineers licensed by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors practicing in compliance with the laws of this state;
- (e) Professional landscape architects who are engaged in the preparation of drawings for and the supervision of planting, grading, walks, paving and appurtenances related to such work;
- (f) City and regional planners or professional planners while advising, consulting, administering or performing professional work or planning services;
- (g) Golf course architects who are engaged in the preparation of drawings and specifications and responsible supervision, including related consultation, investigation, reconnaissance, research and design, where the dominant purpose of such services is the design of a golf course, in accordance with accepted professional standards of public health and safety;
- (h) Any person who prepares plans and specifications for, or supervises the erection, enlargement or alteration of:
 - (i) Any building on any farm for the use by any farmer;
 - (ii) Any one-family or two-family residence buildings, regardless of cost;
 - (iii) Any domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
 - (iv) Any other type building which contains less than five thousand (5,000) square feet and is less than three (3) stories in height.

Sources: Codes, 1942, § 8632-19; Laws, 1954, ch. 320, § 19; Laws, 1976, ch. 363, § 13; reenacted, Laws, 1983, ch. 377, § 20; Laws, 1994, ch. 558, § 22; Laws, 2002, ch. 331, § 3, eff from and after July 1, 2002.

§ 73-1-41. Venue.

The venue of action against the state board of architecture wherein said board is a defendant shall be in Hinds County.

Sources: Codes, 1942, § 8632-21; Laws, 1954, ch. 320, § 21; reenacted without change, 1983, ch. 377, § 21, eff from and after July 1, 1983.

§ 73-1-43. Payment and deposit in state treasury of funds received by state board of architecture.

All fees from examinations and licenses by the state board of architecture, as established by Section 73-1-3 et seq., and any other funds received by said board shall be paid to the state treasurer, who shall issue receipts therefor and who shall deposit such funds in the state treasury in a special fund to the credit of said board. All such funds shall be expended only pursuant to appropriation approved by the legislature and as provided by law.

Sources: Laws, 1973, ch. 381, § 7; reenacted, 1983, ch. 377, § 22; Laws, 1984, ch. 488, § 275, eff from and after July 1, 1984.

§ 73-1-45. Repealed. Repealed by Laws, 1988, ch. 578, § 13, eff from and after July 1, 1988.