

**Board of Architecture, Engineering, Land Surveying, Landscape Architecture,  
Geoscience, and Interior Design**

**Proposed Permanent Rules Relating to Professional Conduct**

**1805.0100 PROFESSIONAL CONDUCT.**

Subpart 1. **Purpose.** This ~~rule of~~ chapter on professional conduct is adopted for the purpose of implementing the laws and rules governing the practice of architecture, engineering, land surveying, landscape architecture, and geoscience ~~including Minnesota Statutes, section 326.11,~~ and the title use of certified interior design.

Subp. 2. **Scope.** This ~~rule~~ chapter is applicable to and binding upon each person, corporation, or partnership subject to the regulatory jurisdiction of the board ~~and each person subject to the control of the licensee.~~

Subp. 3. **~~Imputed knowledge of Professional responsibility.~~** ~~Each licensee who holds a certificate of licensure issued by the board is charged with knowledge of this rule. In the exercise of the privileges and rights granted by the certificate of licensure, the licensee shall conform professional conduct to the public and to the board in accordance with the provisions of this rule, and shall, as a condition of licensure, subscribe to and agree to conduct the practice in accordance with the provisions of this rule.~~

A. The professional conduct of a licensee or certificate holder must accord with this chapter.

B. When providing professional services, the licensee's or certificate holder's primary responsibility is the protection of the public's health, safety, and welfare.

**1805.0200 PERSONAL CONDUCT OBLIGATION TO PROVIDE FULL DISCLOSURE.**

Subpart 1. **Public confidence and personal integrity statements.**

A. A licensee or certificate holder shall avoid any act which that may diminish public confidence in the profession and shall, at all times, conduct himself or herself, in all relations with clients and the public, so as to maintain its reputation for professional integrity.

B. A licensee or certificate holder shall be objective and truthful in all professional plans, reports, statements, testimony, or other documents. The licensee or certificate holder shall include all relevant and pertinent information in such documents or testimony and express professional opinions publicly only when they are founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

Subp. 1a. **Credit.** A licensee or certificate holder shall accurately represent the qualifications, education, training, or experience and the scope of responsibility in connection with work for which the licensee or certificate holder is claiming credit, as well as that of an employer, employees, or associates.

Subp. 2. **False statements and nondisclosure.** A licensee or certificate holder shall not ~~submit~~ make a ~~materially~~ false statement or fail to disclose a material fact requested in connection with ~~the~~ an application for certification ~~or~~ licensure, or renewal in this state or any other state.

Subp. 3. **Knowledge of unqualified applicants.**

A. A licensee or certificate holder shall not further the endorse an application for certification or licensure of another person known by the licensee or certificate holder to be unqualified in respect to character, education, experience, or other relevant factor.

B. A licensee or certificate holder possessing knowledge of an applicant's qualifications for examination, licensure, or certification shall cooperate with the applicant

and the board by responding regarding those qualifications when requested to do so. A licensee or certificate holder shall provide verification of employment and experience earned by an applicant under supervision if there is reasonable assurance that the facts to be verified are accurate. A licensee or certificate holder shall not knowingly sign a verification document that contains false or misleading information.

Subp. 3a. **Knowledge of improper conduct by others.** A licensee or certificate holder possessing knowledge of any acts prohibited by this chapter, chapter 1800, or Minnesota Statutes, sections 326.02 to 326.15, by another licensee, certificate holder, or unlicensed individual shall report such knowledge to the board.

Upon questioning by the board or its representative during an official inquiry into an alleged act, a licensee or certificate holder shall disclose any knowledge the licensee or certificate holder may have in the matter.

Subp. 4. **General prohibitions.** A licensee or certificate holder shall not:

- A. circumvent a rule of professional conduct through actions of another;
- B. engage in illegal conduct involving moral turpitude;
- C. engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- D. engage in conduct that adversely reflects on the licensee's fitness to practice the profession; or
- E. permit the licensee's or certificate holder's name or seal to be affixed to plans, specifications, or other documents ~~which~~ that were not prepared by or under the direct supervision of the licensee or certificate holder.

### **1805.0300 CONFLICT OF INTEREST.**

Subpart 1. **Employment.** A licensee or certificate holder shall ~~avoid accepting~~ not accept a commission project where duty to the client or the public would conflict with the

personal interest of the licensee or certificate holder or the interest of another client. Prior to accepting ~~such employment~~ a project, the licensee or certificate holder shall disclose to a prospective client such facts as may give rise to a conflict of interest.

Subp. 2. **Compensation.** A licensee or certificate holder shall not accept compensation for services relating or pertaining to the same project from more than one party unless there is a unity of interest between or among the parties to the project and unless the licensee or certificate holder makes full disclosure and obtains the express consent of all parties from whom compensation will be received.

Subp. 3. **Gifts.**

A. A licensee or certificate holder shall not, directly or indirectly, solicit or accept any compensation, gratuity, or item of value from contractors, their agents, material or equipment suppliers, or other persons dealing with the client or employer in connection with the work for which the licensee or certificate holder has been retained without the knowledge and approval of the client or the employer.

B. A licensee or certificate holder 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 licensee or certificate holder is interested or involved.

Subp. 4. **Interpretations.** When acting as the interpreter of project contract documents or as the judge of contract performance, a licensee or certificate holder shall render decisions impartially, using the professional judgment of their licensed or certified discipline.

**1805.0400 IMPROPER SOLICITATION OF EMPLOYMENT.**

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

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

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

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

#### **1805.0500 FALSE OR MALICIOUS STATEMENTS.**

A licensee or certificate holder shall not make ~~no~~ false or malicious statements ~~which~~ that may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

#### **1805.0650 COMPETENCE.**

Subpart 1. Standards of competence. In practicing architecture, engineering, land surveying, landscape architecture, geoscience, or when using the title of certified interior designer, each licensee or certificate holder shall act with reasonable care and competence and shall apply the knowledge and skill that is ordinarily applied by such professionals.

Subp. 2. Conformance with state and local laws and regulations. In providing professional services, a licensee or certificate holder shall take into account applicable state and local laws and regulations. While a licensee or certificate holder may rely on the advice

of other professionals as to the intent and meaning of such regulations, once having obtained the advice, the licensee or certificate holder shall not violate such laws and regulations.

Subp. 3. **Qualifications for performing professional services.** A licensee or certificate holder shall perform professional services only when the licensee or certificate holder, together with those whom the licensee or certificate holder may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

#### **1805.0700 ~~ACTION BY OTHER JURISDICTION~~ COMPLIANCE WITH LAWS.**

Subpart 1. **Violation of laws.** Convictions of a felony without restoration of civil rights, or the revocation or suspension of the certificate of licensure or disciplinary action taken against a licensee or certificate holder by another jurisdiction, if for cause which in the state of Minnesota would constitute a violation of law or of these rules, shall be deemed to be a violation of these rules of professional conduct.

Subp. 2. **Incompetence.** ~~Any~~ A licensee or certificate holder adjudged mentally incompetent by a court of competent jurisdiction shall, until restored to mental competency, be deemed to be incompetent to practice the profession within the meaning of Minnesota Statutes, section 326.11, subdivision 2.

#### **1805.0800 ~~EMPLOYMENT ON THE BASIS OF MERIT~~ PRACTICES.**

A licensee or certificate holder, as an employer, shall refrain from engaging in any discriminatory employment practice prohibited by law and shall, in the conduct of the business, employ professional personnel solely upon the basis of merit.

#### **1805.0900 PROFESSIONAL MISCONDUCT.**

Misconduct within the meaning of Minnesota Statutes, section 326.11, subdivision 1<sub>2</sub> shall include any act or practice in violation of the rules of professional conduct as set forth in parts 1805.0100 to 1805.0800 this chapter. A licensee or certificate holder shall not engage in conduct involving bribery, collusion, corruption, fraud, or malice.

**1805.1500 REGISTRATION.**

No corporation, partnership, or other firm engaged in the practice of architecture, engineering, land surveying, landscape architecture, or geoscience, or two or more of these professions, shall contract with or accept employment for professional services of an architectural, engineering, land surveying, landscape architectural, or geoscience character as defined in Minnesota Statutes, sections 326.02 to 326.15<sub>2</sub>, unless a member or employee of the corporation, partnership, or other firm in responsible charge of the work is registered and licensed under the provisions of Minnesota Statutes, sections 326.02 to 326.15<sub>2</sub> to practice the profession called for by the employment.

**1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.**

Subpart 1. **Responsible charge; defined.** A person in responsible charge of architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work as used in Minnesota Statutes, section 326.14<sub>2</sub>, means the person who determines and reviews design policy criteria, including technical aspects, advises with the client, ~~superintends~~ has direct supervisions of subordinates during the course of the work and, in general, the person whose professional skill and judgment are embodied in the plans, designs, and advice involved in the work. ~~Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the State Building Code adopted by the Department of Administration where the building code is in effect.~~

Subp. 2. **Direct supervision; defined.** A person in "direct supervision" of work as referred to in Minnesota Statutes, section 326.12, subdivision 3, means that person who is

the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of the technical aspects of the architectural, engineering, land surveying, landscape architectural, geoscience, or certified interior design work in progress, and whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, ~~interns, draftspersons~~ unlicensed professionals, technicians, and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

**REPEALER.** Minnesota Rules, part 1805.0600, is repealed.