

Architecture: What's Legal, What's Not

The Practice of Architecture & Use of Title "Architect"

Title VIII of the State Education Law protects the practice of architecture and requires that only licensed, registered Architects may render or offer to render architectural services (Article 147, Section 7301). New York State law also protects the use of the title "architect" and prohibits anyone who is not a licensed architect from using this title in any way (Article 147, Section 7302).

This means that if you are not a licensed architect, you may not call yourself an architect nor imply that you are. If you are not a licensed architect and not currently registered with the State Education Department, you may not provide architectural services to a customer or offer to provide architectural services, such as telling the customer that you will get an architect to do the design. This means that you cannot advertise or call yourself by such titles as "architectural draftsman" and offer services like "all phases of architectural design and drafting" or provide "architectural design services", etc.

Unauthorized Acts Are Crimes

The following unauthorized acts are crimes under New York State Law (Article 130):

- Unauthorized practice of a regulated profession (Section 6512)
- Unauthorized use of a professional title (Section 6513)
- Aiding and abetting (Sections 6512 & 6513)

Unauthorized practice, unauthorized use of a professional title, and aiding and abetting unauthorized practice or unauthorized use of a professional title are class E felonies and subject to criminal proceedings (Section 6514).

Construction or Alterations of Buildings: What's Legal, What's Not

Use of Architect's or Professional Engineer's Stamp/Seal

New York State law requires that all plans, drawing and specifications relating to the construction or alteration of buildings or structures which must be filed with a local building official must be stamped with the seal of an architect or professional engineer (Article 147, Section 7307).

Exceptions Not Requiring an Architect's or Professional Engineer's Stamp or Seal

The following exceptions do not require the stamp or seal of a licensed, registered architect or professional engineer (Article 147, Section 7307(5)):

- farm buildings and other buildings used solely and directly for agricultural purposes;
- single family residential buildings 1500 square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics;
- alterations, costing \$10,000 or less within New York City and \$20,000 or less outside of New York City, if these alterations do not involve changes affecting the structural safety or public safety of the building or structure.

"Rubber Stamping" Drawings, Plans and Specifications

The practice of certain builders, developers and contractors who attempt to have construction documents "legitimized" with a seal of a licensed professional after they have been prepared by an unlicensed individual is illegal. Such practice is known as "rubber stamping", and the licensee is guilty of professional misconduct (Sec.29.3a.3). The penalties for professional misconduct may include, but are not limited to, censure and reprimand, suspension or revocation of the license, fines, and others (Article 130, Sec.6509 & 6510). In addition, the licensee may also be guilty of aiding and abetting an unlicensed person to practice architecture or use the title "architect", both of which are class E felonies (Sec.6514).

Adopting Drawings, Plans and Specifications Furnished by a Third Party

Under certain, limited circumstances, Sec.29.3a.3 of the Regents Rules defining professional misconduct permits licensed, registered architects and professional engineers to stamp drawings, plans and specifications not prepared by the licensee or under the licensee's direct supervision. This amendment requires licensed, registered architects and professional engineers who adopt documents furnished by such third parties to prepare a thorough written evaluation documenting the professional review of that work. The amendment further requires that the evaluation performed by the licensee, as well as all preliminary and final plans, documents, computations and records prepared by licensees themselves or their employees, must be maintained for a minimum of six years.

In amending Sec.29.3, effective March 10, 1989, the Regents specifically declared in the accompanying notice to all licensees that:

In adopting plans and specifications furnished by a third party, the licensee must ascertain that the person furnishing the plans has not violated the statutory restrictions on practice. The practice of professional engineering or architecture by an unlicensed or unauthorized person or corporation is prohibited by law.

Reporting Professional Misconduct or Illegal Practice

You may verify the licensure/registration status of an architect or professional engineer by calling the State Education Department 1-800-342-3729. If you suspect illegal practice by a nonlicensed individual or business, or if you suspect that plans have been "rubber stamped", you may call 212-951-6400 to report illegal practice or professional misconduct.

A public service announcement from the New York State Association of Architects, Inc.



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